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NORTHERN IRELAND ASSEMBLY

Monday 2 November 2009

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

Members observed two minutes' silence.

COMMITTEE BUSINESS

Water and Sewerage Services (Amendment) Bill: Extension of Committee Stage

Mr Speaker: The first item of business is the motion on the extension of the Committee Stage of the Water and Sewerage Services (Amendment) Bill.

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

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 19 January 2010, in relation to the Committee Stage of the Water and Sewerage Services (Amendment) Bill [NIA Bill 03/09].

The Committee Stage of the Water and Sewerage Services (Amendment) Bill began on 30 September 2009. Members will be aware that the Bill aims to ensure the continued provision of customer subsidy for Northern Ireland Water in the absence of funding through payments by customers. 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 discount provided to customers in the initial period.

The Order defines the initial period as three years from the coming into operation of the Order. The initial three-year period is the period during which the direct rule Administration intended to phase in charges for water and sewerage services, and it runs out on 31 March 2010. DRD states that it has no means to make grants to Northern Ireland Water after that date.

The Committee for Regional Development has taken evidence from the Consumer Council and Northern Ireland Water, both of which stated that they are content with the Bill. On 21 October 2009, the Minister for Regional Development and supporting officials gave evidence to the Committee on the principle of the Bill and the financial aspects of the deferral of water and sewerage charges. Although there is a fair degree of

uncertainty about the cost of further deferring water charges, the Minister estimated that it would be about £1 billion over the next three years, should the Executive decide to defer charges for that period. Therefore, significant financial implications for Northern Ireland arise from the deferral of water and sewerage charges, and the Bill creates the mechanism to implement any decision by the Executive to continue to defer such charges.

To date, DRD officials have been unable to provide further clarity on the cost of continual deferral, including the costs associated with the reclassification of Northern Ireland Water for public expenditure purposes, the basis for evaluating Northern Ireland Water's assets and the ongoing ability of Northern Ireland Water to reclaim its input VAT. The Committee was informed by DRD that the Department of Finance and Personnel had responsibility for negotiating with the Treasury on those issues, and DFP officials are to give evidence to the Committee on 11 November 2009. At that meeting, the Committee will seek clarity on what potential financial impacts ongoing deferral may have on the Northern Ireland block as a whole, DRD's budget and the budgets of other Departments.

I have stated before that, in approaching any Bill, the Committee is mindful of the need to progress business efficiently and effectively, while discharging its scrutiny responsibilities to the Assembly in a thorough and conscientious manner. As is common practice, the Committee published a public notice inviting written submissions on the Bill's clauses, and the Committee agreed to a two-week deadline for submissions to ensure that the Bill could pass through the Assembly and be in place by April 2010. The deadline for submissions was 23 October 2009, and one submission was received from NIPSA. The Committee will meet again this Wednesday, 4 November 2009, to consider NIPSA's submission on the way forward.

At the Committee meeting on 7 October 2009, members signed a motion seeking an extension to the Committee Stage until 19 January 2010. The Committee has stated its support for the principles of the Bill and will endeavour to report to the Assembly on the Bill as soon as possible. In the interim, I commend the motion to the House.

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 19 January 2010, in relation to the Committee Stage of the Water and Sewerage Services (Amendment) Bill [NIA Bill 03/09].

Town Centre Regeneration

Mr Speaker: Before we move to the next item on the Order Paper, which is the motion on the Committee for Social Development's report on the inquiry into town centre regeneration, I advise Members that certain matters relating to the draft Planning Policy Statement 5 are subject to judicial review. I understand that those matters concern the decision-making process under which draft PPS 5 was developed and adopted. Although the subject of the motion itself is not sub judice, I warn Members that sub judice rules apply to the matters related to the draft PPS 5 that are under review. Any reference to them should be avoided.

The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 15 minutes to propose and 15 minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

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

That this Assembly approves the report of the Committee for Social Development on its inquiry into town centre regeneration; and calls on the Minister for Social Development to implement the recommendations.

The Committee for Social Development began its inquiry into town centre regeneration around two years ago. It has been a significant undertaking, during which the Committee received and reviewed a great deal of evidence from councils, regeneration bodies and the Department. The Committee also made fact-finding visits to examples of regeneration best practice. Informed by those visits and by the evidence, the Committee deliberated at some length on its conclusions.

I thank the witnesses for their evidence and patience. I thank also the current and previous Committee staff for their assiduous hard work on the report and the current and previous members of the Committee for Social Development for their contribution to the inquiry. I am a bit of a johnny-come-lately to the inquiry: I waited for others to do the hard work, and I came along at the end and poached the goal.

Urban regeneration is a responsibility of the urban regeneration and community development group in the Department for Social Development, and it accounts for annual capital expenditure of tens of millions of pounds. The larger parts of that spend go to Belfast and Londonderry, and the remainder goes to the regeneration of our hub towns and smaller cities. Those towns and smaller cities form the heartland of Northern Ireland. They combine some of the most beautiful, historic and vibrant places with important economic, retail and population centres. Their regeneration, following historic underinvestment, and, in some cases, decline, is central to Northern Ireland's future well-being.

The Committee's inquiry into town centre regeneration cuts across a few Departments' responsibilities, but the Committee's recommendations are very clearly focused on the Department for Social Development. I therefore welcome the Minister for Social Development's presence in the Chamber.

Rather than listing all the recommendations in the Committee's report, I will highlight a few key elements of the inquiry. Just after the inquiry commenced, the Committee sought information from the Department on its overarching strategy for town centre regeneration. The Department advised the Committee of the difficulties that it had experienced in the development of that strategy, including the division of responsibilities across Departments, the disruptive impact of the suspension of the Assembly and the review of public administration.

Around 18 months after the original questions were posed, officials gave evidence to the Committee on the Department's internal stocktake on urban regeneration. They indicated that no strategic framework currently exists to determine the direction of the urban regeneration and community development group's policies and programmes. The Committee was surprised by that, and it was also surprised to learn that urban regeneration policymaking is not always evidence-based and that strong monitoring and evaluation structures were absent from policy development.

If there is no strategic framework, if policy is not always based on evidence and if monitoring and evaluation is weak or mediocre, is it surprising that stakeholders report dissatisfaction with town centre regeneration? Numerous witnesses to the inquiry indicated that town centre regeneration was haphazard and driven by issues. On the basis of careful consideration of evidence from stakeholders and the Department, the Committee formed the opinion that a characterisation of town centre regeneration as somewhat unco-ordinated appears somewhat accurate. The House will not be surprised that the Committee's key recommendations centre on that fact.

The Committee recommends that, before public administration is reformed, the Department should develop an overarching town centre regeneration strategy and that ways must be found to work with other Departments with overlapping responsibilities to implement that strategy. The Committee was recently encouraged by interdepartmental working led by DSD on the Including the Homeless strategy. It hopes that the same can-do attitude and approach will be applied by the Department to town centre regeneration and that the Minister will explore improved co-operative arrangements with other Departments or will consider alternative governance arrangements.

Like all Committees, the Committee for Social Development believes that monitoring and evaluation

must accompany all important policy objectives. Therefore, the Committee recommends that the Department bring forward its monitoring and evaluation framework, which it is understood to be developing. Committee members believe that town centre regeneration must be monitored to provide a guide for the implementation of policy and evaluated to identify good practice, waste and error. The Committee believes that town centre regeneration should be evaluated through a range of key performance indicators, including economic benefit, community cohesion, poverty, and improved access for disadvantaged and disabled groups.

In selecting organisations to deliver better town centre regeneration, witnesses said — the Committee agrees — that the post-RPA councils would be best placed and appropriately motivated to undertake that role, even if they are somewhat under-resourced. The Committee also feels that the councils' allocation of time and resources to town centre management bodies represents shrewd investment that will stimulate economic growth in our towns. Therefore, the Committee strongly recommends that councils take a lead role in the delivery of town centre regeneration and receive commensurate funding. It also recommends that that long-term support and seed funding should be provided for town centre management bodies, which might, in order to ensure good value for money, be required to cover more than one town.

The Committee spent some time considering the benefits of business improvement districts (BIDs), which already operate informally in Northern Ireland and could complement the town centre management bodies that I have mentioned. The Committee commends the Minister for her support of BIDs, and it urges her to bring forward proposals for their statutory introduction. Members have witnessed how run-down districts of urban neighbourhoods have been transformed by the efforts of BIDs or other town centre management bodies. The support that those bodies provide is practical and includes highly visible measures such as co-ordinated district-wide shopfront improvement schemes and evening economy promotions. The Committee believes that the delivery of such practical measures, with their tangible benefits for ordinary ratepayers, is how the Department will and should be judged.

12.15 pm

I anticipate that during the debate we will hear about many town centre regeneration projects undertaken by the Department; there have been many good projects. It may even be suggested that much of the evidence given to the Committee was based on a poorly informed perception of town centre regeneration. Perception, though not everything, is important. Recognising that and the difficult budgetary position that the Department and the Executive face, the Committee recommends the development of a town centre regeneration fund.

The Committee proposes not to boost expenditure on town centre regeneration — or, at least, not necessarily — but rather to provide a more transparent delivery mechanism for existing funds.

A town centre regeneration fund operates in Scotland and allows town centre stakeholders to bid for resources for capital projects. Projects must fit in with local development plans and be delivered by credible locally based organisations — usually councils but voluntary organisations can also apply. The projects are assessed by an independent panel, and allocations are spread so as to ensure that a fair share of development money goes to smaller towns. Crucially, the projects are rated, and the ratings are published. The Committee believes that a Northern Ireland town centre regeneration fund run along those lines could provide transparent engagement between the Department and key stakeholders and dispel the perception that town centre regeneration can be unco-ordinated and subject to geographical bias.

The inquiry was long, and it involved hard work; yet it has been informative. The Committee feels that town centre regeneration is important for the future of Northern Ireland and deserves an overarching strategy, monitoring, evaluation, appropriate resourcing and a delivery structure involving town centre management bodies that will sit well in large councils.

The inquiry was wide-ranging and touched on other important issues. I am sure that Committee members will want to discuss those issues during the debate. As Chairperson of the Committee for Social Development, I commend the report on the inquiry into town centre regeneration to the House.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. I commend and thank the Chairperson, the Committee and its staff, past and present, for their hard work and commitment in producing the report. I also thank all those who gave evidence to the Committee.

The development of an overarching policy for town centre regeneration is essential, and revised governance arrangements are necessary to ensure the effective delivery of such a policy. The review of public administration presents an opportunity for the Department to develop policy. Large post-RPA councils with properly constituted town centre management bodies can be the appropriate organisations to manage town centre regeneration. Some of the funding for town centre regeneration should be made through a town centre regeneration fund similar to that operating in Scotland.

Town centre regeneration policy and related planning controls act together to favour the facilitation of town centre or edge-of-centre developments. That should also apply to the important practical issues, such as pedestrianisation and parking facilities. The report identifies the terms of reference for town centre regeneration, which include the identification of

areas where the application of regeneration funding has failed to address disadvantage and poverty. The nature and effectiveness of engagement with local communities and other key stakeholders must be considered when developing and taking forward regeneration initiatives.

The lack of a town centre regeneration framework in the North has tended to leave room for opportunist development, rather than planned and researched regeneration. The Committee believes that it is important for an appropriate policy framework to be put in place prior to the advent of the review of public administration. Properly financed post-RPA councils, with the support of appropriate town centre bodies, could be the most effective delivery channels for town centre regeneration. The Committee believes that an overarching strategic framework for town centre regeneration should be developed and put in place before RPA. Control of town centre regeneration should be delegated to the enlarged councils and appropriately constituted town centre partnership bodies. Ring-fenced financial support must also be secured. The Assembly should also consider the provision of appropriate advisory support and liaison for councils.

The Department should publish key performance indicators and implement actions relating to those. Town centre regeneration key performance indicators should include indicators relating to economic activity, community cohesion, poverty, disadvantage and disability access.

The Department should clarify roles and responsibilities in relation to the provision of car-parking capacity and the control of parking charges. That is increasingly an issue in Newry, as the largest shopping centre there recently introduced parking charges. I have had a number of meetings about that issue over the last week. It is impacting on the local community, because that area, which already experienced gridlock, is becoming even more gridlocked. Unfortunately, that will get worse in the lead-up to Christmas. That is an issue that definitely needs to be looked at.

The Department should clarify roles in relation to the pedestrianisation of town centres and how that will impact on all stakeholders, including the visually impaired and the elderly. Another recommendation is that regeneration strategies should include access to decent and affordable housing.

As the Chairperson has stated, the report by the Committee for Social Development is very comprehensive. If implemented, it will be only beneficial and positive for all sections of our community. Therefore, I commend the report to the Assembly for approval.

Mr Armstrong: I am genuinely pleased to speak in support of the report. It is not so long ago that urban regeneration in Northern Ireland referred to little more

than the rebuilding of the latest town or city centre to have been the recipient of an IRA bomb aimed at a so-called economic target in a deliberate attempt to destroy the local economy. The past years have seen a welcome change, and policymakers have been able to shift their focus to ensuring that our much-neglected towns and cities receive the care and attention that they badly need to ensure that they are fit for purpose in the early twenty-first century.

The review of public administration offers a once-in-a-generation opportunity to radically change the public policy landscape of Northern Ireland. Much of the focus has understandably been on new arrangements for local government, and I fully support the view of the Committee for Social Development that the new, so-called super-councils are appropriate organisations to manage town centre regeneration.

One of the weaknesses of the current arrangements is that functions are spread across Departments, most notably DSD, DRD and DOE. That does not make for quick decision-making. The more powers that are transferred to new councils, the better it will be. I am a long-standing supporter of devolution and believe that government is best delivered and at its most responsive when it is as close to the people as possible. It follows that local councillors, whether in Cookstown, Coleraine or Carrickfergus, are better placed to know the needs and wants of the communities that they serve than unelected civil servants who sit in offices in Belfast.

I have been amazed by some of the decisions that have been taken over the years regarding town centres in my constituency and elsewhere, particularly with the growth of out-of-town developments, which have a detrimental effect on town centres. To that end, I encourage the Minister of the Environment to publish Planning Policy Statement 5 as soon as possible, to give new councils the confidence to introduce and implement regeneration plans without fear of being faced with more new, damaging out-of-town developments.

The new councils will not only need the legal powers to make a difference; they will require sufficient funding to enable them to carry out town centre regeneration functions. That is a key point, because past experience tells us that bureaucracy's first instinct is to centralise power, not to give it up. One means of centralised Departments retaining power is for them to be seen to hand over powers to local councils but to then starve those councils of the funds necessary to deliver anything meaningful.

The Assembly has received a great deal of criticism from the media and the general public for not being responsive to the needs of the people of Northern Ireland and for being isolated "up there", remote and cushioned from the problems that ordinary people face in their daily lives. The report will bring practical

benefits to the shopping and working environment of our fellow citizens and will restore local accountability. I welcome the report, and I commend it to the House.

Mr Speaker: I remind Members not to stray into the area of decision-making under PPS 5, as far as that is possible.

Mr Burns: I speak as a member of the Committee for Social Development, and I declare that I am a member of Antrim Borough Council. I support the motion. I largely agree with the Chairperson of the Committee, and I thank him for providing the Assembly with a summary of the report. It is a lengthy document, and some Members may not yet be familiar with its contents.

Town centre regeneration is an important issue, and it has already been given a high priority by DSD and the local councils. We want to make our towns and villages better places in which to live and work and to visit. In my constituency of South Antrim, much work has been done on town centre regeneration. Master plans for places such as Crumlin and Randalstown have already been produced, and, a few weeks ago, I accompanied the Minister to the launch of the consultation on the plans for Antrim town.

The report makes 17 recommendations. I do not have time to comment on all of them, but I shall speak about the recommendations that I feel are most important. Other Members have already spoken on those matters, and I shall try not to repeat their contributions. The key recommendation is to introduce a better strategy framework to manage town centre regeneration. I agree 100% with that recommendation; it is an important step that must be taken. The phrase “joined-up government” is used for many issues, but it must become a reality in town centre regeneration. In the past, urban regeneration was not managed well. It is hard to carry it out when DOE, DRD, DSD and local councils are all doing different bits and pieces here and there.

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

The second recommendation is that the new super-councils must have greater responsibility. That goes hand in hand with the first recommendation. The framework must be put in place soon, before the transfer of responsibilities to the new super-councils under the RPA.

The Committee also recommends that the Department provide long-term core funding for town centre management partnerships; I strongly support that. Town centre management is funded from a variety of sources, but that does not provide the stability that is needed to plan ahead.

Undoubtedly, effective partnership management is vital for successful town centre regeneration. Money must be made available for that, and, to keep costs down, consideration should be given to giving partnership

teams responsibility for more than one town in each council area.

The report covers the issue of waste ground and vacant properties. Many villages and town centres have terrible blots on the landscape, and DSD should be able to vest land more quickly and more easily. Some of those sites would be ideal to kick off regeneration instead of sitting empty for years. I will not go into much detail, but anyone who knows Antrim town will know the Ulster Bar corner site, which was an eyesore for years. It is a superb development opportunity, and, in the near future, it will be turned into a library. That should have happened years ago.

12.30 pm

Secondly, I will say a few words on social and affordable housing. Decent affordable and social housing should be part of every town centre regeneration plan. Recently, housing has been debated in the Chamber many times in various forms. I want to make the point, once again, that town centre regeneration strategies must include social housing. Redevelopment of brownfield sites and the living over the shop (LOTS) scheme offer great opportunities to drive forward the new housing agenda.

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

Mr Burns: The recommendations will go a long way towards making towns and villages much more vital and vibrant.

Ms Lo: I support the motion. I also want to thank the staff and all those people who took part in the inquiry for their efforts. I very much endorse all the report's recommendations and findings. I want to highlight a few of those recommendations.

Other Members have mentioned recommendation 1, which relates to the need for an overarching strategic framework for town centre regeneration to be developed and put in place before the transfer of responsibilities under RPA. Its importance must be reiterated. The report also recommends further that the Department develop proposals for either improved cross-departmental co-operation or alternative governance arrangements for town centre regeneration.

The Association of Town Centre Management informed the Committee that intervention in town centre regeneration has previously been driven by single issues, rather than an overarching strategic framework. I agree with the association that the lack of policy must, to a large extent, have hindered the growth of town centres. It appears that not only is an overall strategic framework absent, but there is a lack of interdepartmental co-operation, which has resulted in an ad hoc, piecemeal style of working.

Furthermore, the Department, in its evidence to the Committee, admitted that it has no strategic framework to steer its town centre regeneration policies and programmes. It also indicated that the division of responsibility for town centre regeneration between different Departments has caused problems and difficulties.

The Committee also heard from councils that town centre regeneration funding criteria and time frames were unclear. At times, funding is made available at the last minute before the end of the financial year. Having come from the voluntary sector, I certainly know what it is like when calls come from different Departments in February asking for bids to be made in order to use up departmental underspend. Often, projects are rushed through so that the funding that suddenly becomes available can be used. That is not good planning or value for money for the public purse. Without strategic and co-ordinated planning, monitoring of set targets and evaluation of outcome, town centre regeneration will not be effective.

The Committee saw examples of projects at Ballymun and the Dublin docklands in the South. Those huge and impressive projects have a vision to revitalise their entire areas and are supported by strategic planning and proper resources.

I also support the recommendation that the Department delegate control of town centre regeneration programmes to the enlarged councils and appropriately constituted town centre partnership bodies, so that they can focus on regenerating their own town centres.

The energy coming from the Dublin docklands regeneration project was inspirational. The relevant Departments and planners worked together, and that is how joined-up working should be.

Town centre regeneration must not be just an economic matter. I support the recommendation that the Department should set out a menu of town centre regeneration interventions designed to actively address inequality and exclusion and that that be delivered by a range of agencies working in concert.

I refer to the comments of Down District Council.

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

Ms Lo: It said that towns are segregated not only on a sectarian basis but on a social class basis as demarcated by housing. Many people from low-income families who live in housing estates in which there is poor public transport suffer not only economic disadvantage but physical isolation.

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

Mr Easton: I broadly welcome the recommendations of the inquiry into town centre regeneration. If the

report is effectively actioned, it has the potential to make real, positive change to town centres. In the time allocated, it is impossible to do justice to the report, which deserves to be comprehensively analysed. I will, therefore, highlight the critical matters of importance to today's debate from the five principal areas and 17 recommendations in the report. However, this is by no means an exhaustive examination of the critical matters before us.

We must look to the establishment of key performance indicators that afford us the opportunity to appraise our overall approach and to effectively invigorate and breathe new life into town centres. In that respect, we will look at markers of disadvantage, social debarment, and business and commercial interests in an equitable fashion to gauge and identify our progress.

We can utilise the window of opportunity that exists with the review of public administration to address governance and organisational procedures. Identified clearly is what has been termed joined-up government, which amounts to genuine cross-departmental engagement and buy-in that will roll back the barriers to policy development. It is now time to move from rhetoric to reality.

The Committee applied itself to looking at which organisations are best positioned to maximise the benefits of town centre regeneration. Its conclusion that enlarged councils are best placed to do that should be looked on favourably. The transfer of functions to the councils will require that comparable and adequate financial resources are provided to get the enhanced job done.

It is always beneficial to look at best practice elsewhere to examine what actually works. In that respect, the Scottish model of a town centre regeneration fund has many attractive features and has much to commend it. Specifically, it affords the opportunity to have short-term capital investment, in addition to ensuring openness and transparency in investment allocation.

Ring-fencing of financial support for councils to develop town centre regeneration gives the best financial arrangements for councils. Of course, additional services to councils in the form of advisory and liaison roles would complement that arrangement and should be advocated.

The Department has much to offer in respect of linking planning from the regional development plans with operational planning and master planning processes. I encourage the Department to use some blue-sky thinking to produce a vision of how natural assets such as rivers can be included in strategic planning processes.

Continuing in the vein of there being an imaginative and creative response from the Department, the Department should apply itself to the issue of decent and affordable social housing and should focus on how brownfield mixed developments can be best utilised to that end.

The issue of car parking is of the utmost importance, and the provision of adequate spaces is vital. The Department and other relevant Departments should explain their roles and responsibilities in a plain manner that can be easily understood. The issues of car park charges and car park capacity must be taken forward in a sympathetic manner that allows the potential of town centres to be maximised.

In conclusion, we all recognise the positive aspects of business improvement districts; much excellent work has been done in that regard, but there is much more to do. Recommendation 10 speaks specifically to the business improvement districts and includes a request for the Department to bring forward legislation to introduce statutory business improvement districts. I strongly support that approach. It is imperative that that recommendation is given due regard.

I welcome the proposal for the Department to provide the long-term financial resource for town centre management partnerships. In recognition of the fact that enlarged councils will have many town centres within their remit, the Department and the councils must take a joined-up approach with the aim of establishing a value-for-money town centre structure that can deliver for the towns in the council areas.

There are many other important aspects in the report that I have not mentioned, not least the promotion of the night-time economy, the vesting of derelict property and vacant lots, pedestrianisation, and the improvement of shopfronts, all of which are commendable in their own right. It is important that the report on the inquiry is read and reread. There is much to gain, given the review of public administration and the window of opportunity that that affords. I commend the inquiry's findings to the House.

Mr F McCann: Go raibh maith agat, a LeasCheann Comhairle. I thank the Committee Clerk and other Committee staff for providing the Committee with valuable backup during the course of the inquiry.

Although I understand that Belfast and Derry were excluded from the inquiry's terms of reference, as a city person, I believe that a separate inquiry is required to deal with the particular problems that exist in those cities, not least the sequential policy that was operated in Belfast by previous Social Development Ministers and that has been carried on by the current Minister. That policy has serious consequences for people living in north and west Belfast.

If the inquiry and the publication of the report do anything, I hope that they will lead to the proper resourcing and co-ordination of town centres. Many individuals and organisations that appeared before the Committee had, to the point of frustration, been promoting a more joined-up approach to the regeneration of town centres. Almost as one, they spoke of the difficulties

that they experienced in trying to hold together town centre structures and in lobbying for assistance — not always financial — and of how they came up against a wall of bureaucracy in the different Departments that they had to deal with. That is not a criticism of those individuals within Departments who tried to make a difference but who found it difficult to do so. We came across people who work locally, within DSD, and who have done sterling work, but, in many ways, they found it difficult working inside a box that did not exist.

I thank my colleague Claire McGill, who constantly reminded us of the plight of Strabane and the surrounding area. Perhaps those of us from the city are too focused on the many problems that we face to understand the wider problems faced by towns, and I learned from this inquiry that those problems are many. I believe that, if adopted by the Department and acted on, the report's 17 recommendations will go a long way towards overcoming many of the problems faced by town centres. The report gives some pointers on what the problems are and how they should be approached.

I believe that true partnership, which garners all opinions, is the only way forward. However, it has to be a meaningful partnership in which all Departments play a key role with other stakeholders. The partnership should not be built on a "them and us" basis, but on the basis of equality for each element of the partnership. Such a partnership needs to be properly resourced, and Departments must be upfront in allocating resources to town centre management partnerships.

The problem of derelict land in our towns must be tackled, which can help in the repopulating of town centres. Where it was piloted, the LOTS scheme played a part in that, but that has ground to a halt because of a lack of funding. New housing should be planned on derelict land or land that is owned by Departments, should promote mixed tenure housing and should be planned with new shopping developments. I do not believe that any Minister should announce proposed developments if they know that the money for them does not exist. Such announcements may gain column inches in the local press, but they do nothing for the morale and well-being of local towns, especially when towns are building those developments into their master plans.

We need to look again at the impact that out-of-town shopping centres have on town centres. It is wrong to say that they do not have a negative impact; the evidence is there for everyone to see.

12.45 pm

For generations, town centres were the hubs of community life, where everyone from miles around came to shop and socialise. The suggestion that the new councils will control town centre regeneration post-RPA may be a blessing, because that will put

responsibility into local hands. However, that can only be achieved if Departments commit to a proper funding mechanism that will ensure that plans, post-RPA, are successful.

In Committee, I raised the issue of Departments and utility companies carrying out work soon after public-realm work has been completed. In cities and towns throughout the North, there is a patchwork to be seen due to digging. There was a recent example in Commarket, Belfast, where public-realm work, which cost the Department for Social Development millions of pounds, was dug up by the Department for Regional Development days after completion. Such instances are serious problems and must be considered. Those responsible must have an idea of the work that needs to be carried out and should be able to include it in restructuring plans.

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

Mr F McCann: The vesting of derelict land should also be considered, because that can add to any future development of town centres. Go raibh maith agat, a LeasCheann Comhairle.

Mr Craig: Some of the remarks about Belfast and Londonderry have been interesting. The Committee began its inquiry into town centre regeneration on 11 October 2007. There were specific reasons for ensuring that the inquiry did not cover Belfast and Londonderry. Indeed, there was a belief that the two cities received the bulk of all funding for regeneration. The Committee set about its work and conducted extensive consultations with towns, many of which were well outside the two main cities. A common theme became apparent to all Committee members, and it was that there was no joined-up thinking or co-ordination by the Department in dealing with towns on a one-to-one basis.

I can speak from experience in my own town centre. Over the past 20 years, when Lisburn representatives sought assistance for town centre regeneration from the Department, they were told not to waste their time applying. We all recognise that during that time, the two main cities faced huge difficulties with regeneration. However, life has moved on, and I am glad that the report highlights a more co-ordinated and productive way forward for town centre regeneration throughout the Province. Many towns have draft plans in operation: Lisburn has issued its draft master plan for consultation. It is good to see the Department and the Minister driving forward those ideas.

I hope that the Minister will take on board the report's recommendations for moving towards a more formalised process for town centre regeneration. I can only plead with her to ensure that there is a more equitable way of distributing funding for town centre regeneration. The Committee has discussed how that can be done, and,

undoubtedly, the Minister has taken some of those ideas on board and will also have some ideas of her own on the issue.

It is good to see that the Committee, after almost two years, has finally produced its report. It contains many recommendations that will aid the development of proper strategies for all town centres in Northern Ireland.

Some town centres' master plans are further ahead than others. It will be interesting to see each town centre's master plan, but it will be much more interesting to see the extent to which the plans are implemented in the coming years. The proof of the pudding will be in how we move the strategy forward.

A long list of town centres in Northern Ireland has been neglected for many years; a lot of them for historical reasons. We all know about the need to regenerate the two main cities because of the destruction that was caused there in the past. However, destruction was caused in other town centres, including my own, which is in need of regeneration. The Minister has visited Lisburn and has witnessed those issues. I have no doubt that she will sympathise with the report's recommendations.

I commend the report.

Mr A Maginness: Like other colleagues, I welcome the report and congratulate the Committee, of which I am no longer a member, on its work.

The report is a timely and substantial piece of work that highlights the fact that, for many years, we have had an ad hoc approach to town centre development and regeneration. Evidence that was brought to the Committee's attention, particularly by the Association of Town Centre Management, showed that, in the past, intervention in town centre regeneration had been driven by single issues, as opposed to being the result of an overarching strategic framework. Other colleagues mentioned the lack of an overarching strategic framework. It is vital to put that in place; otherwise, we will not progress. Any ad hoc approach will get things wrong and waste scarce resources.

Belfast Chamber of Trade and Commerce said that the lack of a town centre regeneration framework in Northern Ireland had left room for opportunistic development.

We want co-ordinated development that is in the interests of the business community, the public, consumers and town centre dwellers. It is important to get that right. Therefore, the Committee is correct to put emphasis on that basic guiding principle. I hope that the Department is cognisant of that.

Hitherto, much emphasis has been on Belfast and Derry. It is time to concentrate on smaller towns throughout Northern Ireland. When I listen to 'The Flower of Sweet Strabane', I immediately think of our

colleague, my good friend Claire McGill, who represents West Tyrone and, in particular, the town of Strabane. She is right to emphasise the importance of such a friendly and interesting town, which I had the pleasure of visiting with the Committee. She is right to put emphasis on the development of the town centre; it is right that people with local interests emphasise the importance of local development. It is good for business and for local people, who will have a sense of identity and ownership. We should encourage that continually.

The report makes several practical suggestions. Recommendation 12 deals with car parking and car park charging, for which it is important to have a co-ordinated policy. There is no point in three Departments looking after all those issues; the new councils should do so, or DSD should do so in conjunction with the new councils.

Mr Storey: The report has attempted to reflect some of the issues that are linked to that point. Although the Member speaks of lovely Strabane, I have a prime interest in Ballymoney and Ballycastle, which have suffered as a result of pressure having been put on them by very successful town centres such as Ballymena. However, the issue is about who takes the lead, and that is a fundamental problem. It is all well and good to say that there should be collaboration, but efforts to regenerate town centres fall down because no one is prepared to take the lead responsibility for putting such co-ordination in place. That is the fundamental issue that must be resolved, and I hope that the report will stimulate debate on that point.

Mr A Maginness: I welcome the Member's remarks. I believe that the Department for Social Development should exercise leadership, but others may believe that local councils should take the lead. Although that is a matter for political debate, we need leadership and co-ordination nonetheless. It is crazy to have the Department of the Environment, DRD and DSD fighting the bit out or being reluctant to cede something to one another.

Pedestrianisation must be reviewed carefully to conform to the real needs of shoppers and others who use town centres. It is also important to identify —

Mrs Long: Will the Member give way?

Mr A Maginness: I am running out of time, so I must proceed.

It is also important to identify derelict sites and to have brownfield development. It is vital to have affordable mixed housing development in town centres so that we enliven them and put life back into them.

My colleague Mr Burns talked about flats over shops —

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

Mr A Maginness: That is a good idea, and it is one that we should develop. I have more to say, but my time has run out.

Mrs McGill: Go raibh maith agat, a LeasCheann Comhairle. I was a member of the Committee for Social Development for part of 2007. I am no longer a member of that Committee, but I commend everyone who was involved in producing the report, which is substantial, running to approximately 500 pages.

We have, perhaps, been here before. In 1999, a report was commissioned that had 27 recommendations. I have identified a theme running through the Committee's new report, which Members referred to. That report contains 17 recommendations, but what will happen to them? The evidence in the report shows that when Committee members mentioned the previous document, Department for Social Development officials told them that a number of those 27 recommendations had been implemented. The point is that if the Committee members did not know that those recommendations had been implemented, perhaps there was something wrong with the way in which that happened. The new report provides us with an opportunity to implement all 17 recommendations. I have doubts about whether that will be possible, but the goodwill exists in the Department to do it.

Recommendation 1 of the report ties in with what I said about the 1999 report. Several Members mentioned an overarching strategy, and that recommendation asks that such a strategy be implemented before the RPA changes are made. Having looked at some of the evidence — not all of it, because, as I said, the report is a 500-page document — I wonder whether there should be a focus on and a priority given to a number of recommendations. My colleague Mickey Brady mentioned car parking, and that is definitely an issue in town centres; it is certainly the case in Strabane. There has been some liaison with car parking attendants, which has borne fruit.

1.00 pm

Mrs Long: I declare an interest as a member of Belfast City Council. The issues of car parking and pedestrianisation have been raised, but one of the issues for town centre management is that of accessibility. One of the difficulties of pedestrianisation is that those who hold blue badges often find city and town centres more difficult to access after that work has been done. Does the Member agree that that would have to be looked at carefully to ensure that everyone has access to the city centre in the fullest possible way?

Mrs McGill: Go raibh maith agat. I thank the Member for her intervention, and I agree. I will return to my previous point: it is important that some of the key recommendations are taken forward.

Recommendations 7 and 8 of the Committee's report address the issues of poverty, disadvantage and inequality. I was interested to hear from some of the witnesses who appeared before the Committee that DSD officials carry out a form of assessment and evaluation of new jobs being created in town centres. That was in reference to a number of new jobs in Lisburn city centre and how they would have a positive effect in the Collin Glen ward. Plenty of work can be done to examine the effect on areas of disadvantage if jobs are created in the town centre.

Victoria Square was also referenced during the inquiry. I know that there was a different economic climate in 2007, but one witness, Mr McGrillen, said that a major initiative was being embarked on to link the jobs in Victoria Square to all the disadvantaged communities in the greater Belfast area. If that sort of work is being done, it is very helpful, and should be carried out in towns as well as cities.

I thank the DSD officials and members of the Committee for Social Development for having representation from Strabane at the Committee, and also for visiting Strabane to find out what has happened there. The Minister visited Strabane last week, and that was a good community engagement.

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

Mrs McGill: An opportunity may have been missed to deal, in an informal setting, with the master plan that Strabane has in place. Go raibh maith agat, a LeasCheann Comhairle.

Dr Farry: It is a pleasure to have the opportunity to speak about the Committee's report as a non-member of that Committee. I take a strong interest in these matters. I declare an interest as a member of North Down Borough Council and as a board member of Bangor and Holywood Town Centre Management.

It is important that we acknowledge the challenges facing town centres in Northern Ireland. We are all aware of the change in shopping patterns with the trend being towards out-of-town or edge-of-town shopping. That type of retail holds major attractions for people, including the ease of parking and the fact that they are able to shop in an enclosed framework away from the elements. That trend will remain in the future. The challenge is how we respond to that and revitalise our town centres.

It is unrealistic to try to turn the clock back to protect what we had in the past, or to try to restore that. We need to look at moving forward and doing things differently in our town centres.

I will highlight three elements. First, there must be a different type of retail that appeals to a different type of shopper. Secondly, there is the issue of bringing

people back into town centres to reside. That would bring a critical mass of people who would use those shops and other leisure facilities, therefore helping to sustain new economic activity.

There is also the issue of office development and how we can encourage businesses to relocate in town centres where there used to be shops. Leaving aside Planning Policy Statement 5, which we should not delve into at this stage, there are problems with planning. Planning policy often militates against town centres being competitive in office development and steers large developments towards Belfast and Derry. We are losing out on opportunities for back-office development. Brighton has redefined itself from being a seaside resort to a place where much back-office work for the City of London is conducted. Many towns on the edge of Belfast could follow that example.

I want to highlight a number of challenges. I welcome the commitment to the various master plans across Northern Ireland, but there is an issue about how those will be followed up. Given the tight budgetary conditions, will the money be available to address the various recommendations that come forward? We must also recognise that much of the responsibility for delivering on the ideas and master plans will fall on Departments other than DSD, which raises the issue of joined-up government once again.

Mrs Long: Will the Member give way?

Mrs D Kelly: Will the Member give way?

Dr Farry: I will give way to my party colleague and then to Mrs Kelly.

Mrs Long: Does the Member agree that one point of concern is the master plans' standing in relation to planning in various areas? Much public money is expended on the master-planning exercise, but the Planning Service often considers applications on their individual merits rather than in the context of a master plan.

Dr Farry: That is a well-made point. It is important that the Planning Service engages fully in the development of the master plans. I will now give way to Mrs Kelly.

Mrs D Kelly: Given the limited window of opportunity for European Union funding, does the Member agree that all opportunities must be maximised? We must enable town centre management committees and councils to get help in drawing up applications, and the Department should help to set out where funding opportunities lie.

Dr Farry: That is another well-made point. I have been disappointed and concerned by the piecemeal approach to European funding over the past number of years. We have missed opportunities to create a lasting legacy on infrastructural improvement.

I also have concerns about the nature of the split of responsibilities among Departments. DSD has the lead role in overall urban regeneration policy, and I commend the Minister and her officials for the leadership that they have shown. However, the Planning Service, Roads Service and other Departments such as DETI and DARD also have responsibilities in this area, and it is sometimes difficult to tie things together. For example, in my constituency, the “front” development in Holywood has encountered problems in the transfer of ownership of a car park that involves DSD and DRD. That should have been a simple process, but it has been held up for years without meaningful explanation and has been a source of great frustration in the community.

Timescales are important to town centre regeneration. In Northern Ireland, bureaucracy sometimes stifles initiatives and discourages people from coming forward with ideas and bringing those ideas to fruition. We must streamline our bureaucracy as much as possible without throwing away any important scrutiny measures. We must ensure that decisions can be taken quickly and effectively and that we can seize the opportunities for regeneration in towns across Northern Ireland.

I went through almost my entire speech without mentioning Queen’s Parade in Bangor, but I commend the Minister for her actions on that project.

The Minister for Social Development (Ms Ritchie):

I thank the Committee for Social Development for the substantial work that it has done in preparing the work on town centre regeneration and for the opportunity that that affords us to have a wider discussion on an important topic. Assembly colleagues will appreciate that, although I have read the report — I did so yesterday — I have not yet had time to consider fully the Committee’s recommendations. Therefore, I do not intend to comment on those in detail today. I will provide the Committee with a more detailed response in the coming weeks.

I will, however, take this opportunity to comment briefly on the main thrust of the report and on some of the comments made by Members during the debate.

My Department is leading a substantial process of change that will see the delivery of urban regeneration transfer to the 11 new councils in 2011. To help that process, I have tasked officials with creating a new overarching policy and strategy framework for urban regeneration that will be fit for purpose for that new world. That will take some time, but the framework will be ready for use by new councils in 2011. However, time does not permit any legislative changes that may flow from it to be built into DSD’s transfer of functions Bill, which will shortly make its way through the Assembly; future legislation will be required for any such changes.

My Department’s work is aimed at supporting our towns and cities, and the people who work, live and socialise in them. I want that work to continue to be as successful after 2011 as it has been over the past few years. I am mindful of the recent PricewaterhouseCoopers report, which was published on 12 October 2009, into the review of public administration. In that respect, I will do all that I can to ensure that proper resourcing transfers with the functions to the 11 new councils. It will be also vital to create suitable financial and governance arrangements and shared frameworks — much reference was made to the need for strategic frameworks — to underpin the future partnership working arrangements between DSD and post-RPA councils. As Members are only too well aware, although the operational delivery will reside with the councils, the strategy and policy will remain with the Department.

As the House will know, I have been one of the Ministers who is most enthusiastic about transferring central government functions to local government. I fully support a model of enhanced local government, whereby joined-up government can take place at a more local level. That will be challenging work in a period of significant change. However, I am satisfied that we can continue to deliver and also improve the effectiveness of future delivery.

I remain committed to ensuring that all that work will be taken forward with full public consultation and further engagement with the Committee for Social Development. I want the House to be aware and Members to fully appreciate that I am drawn to many of the Committee’s recommendations, such as the need to evaluate properly the impact of our interventions and the need to support councils in town centre management initiatives, perhaps building on the potential of business improvement districts. In fact, last Friday, on the margins of the North/South Ministerial Council meeting in environment sectoral format, I had an opportunity to talk to Minister Poots about that specific issue. I have also written to Minister Poots, to his predecessor, and to the Minister of Finance and Personnel about the value of business improvement districts.

I am particularly interested in the Committee’s proposal for a town centre regeneration fund, as currently exists in Scotland, and that idea may come into its own, particularly in the environment of the ever-tightening budgets that we now face.

Although I acknowledge the value of the Committee’s recommendations, a number of them, as Committee members have acknowledged, appear to fall outside my Department’s remit, albeit they concern areas that have close links to urban regeneration. The other Departments involved are the Department of the Environment, particularly its Planning Service; the Department for Regional Development; and the Department of Agriculture and Rural Development,

because any town in which the population falls below the threshold of 4,500 is the responsibility of DARD. However, I fully appreciate that some towns fall between the two stools. There is, therefore, a need for further discussion, and I am glad that Minister Gildernew and I will discuss the matter.

Although I will highlight such areas in my fuller response to the Committee, I will discuss some matters now. The Committee Chairperson mentioned the monitoring and evaluation framework and the need for it to exist at regional level. I acknowledge fully the historic weaknesses that have existed in that area, and I have undertaken to ensure that the work that is ongoing between the Department of Finance and Personnel and NISRA is implemented and dovetails with the policy strategy framework.

1.15 pm

Mr Brady raised the issue of ad hoc development. That is an important area, and DSD is working on the master-planning exercise to address that. Sometimes, however, the reality is that much regeneration is relevant and is often predicated on private sector investors' willingness to support specific schemes. Therefore, a balanced approach is necessary. Mr Brady also mentioned car parking charges, which, although of interest to the Department and me, remains the responsibility of DRD. My understanding is that tariff setting will remain with DRD even after the responsibility for parking and regeneration moves to the new councils.

Mr Brady also raised other issues that concern Newry. I met representatives of the Newry Chamber of Commerce and Trade about two weeks ago, and I was happy to inform them that we are considering a master plan for the area, as well as public realm schemes for Hill Street and Monaghan Street.

Mr Armstrong and Mr Burns emphasised that local councils are best placed to drive forward regeneration. I agree wholeheartedly, and I was glad that the Committee pointed that out. Given that councils and councillors are best placed to identify local issues, regeneration should reside with local government. Mr Burns also discussed the new opportunities that councils have to spread the costs of town centre management across a number of towns. Indeed, I have local experience of those issues.

Ms Lo highlighted the difficulties of managing available money effectively. That is why I commissioned work on the overall policy framework and funded a huge increase in the work to create development master plans. That local work will provide a better starting point from which to make decisions to allow funding to be diverted to new schemes.

Mr Easton raised the issue of ring-fencing funding on transfer to councils. That issue is close to my heart because if councils are to deliver on the agenda in

question, they will need the resources to do so. He also emphasised the role that social and affordable housing has to play in town centre regeneration. Again, I do not resile from that viewpoint. I was very happy to secure and divert funding to LOTS schemes for town centre living. As Members will be aware, I see that as an issue of town centre regeneration. I was very happy to devolve that responsibility to local councils, and I was also very happy to ensure that the councils will be provided with additional finance in the meantime. I am sure that Mr Fra McCann will welcome that. In the meantime, I diverted those resources to ensure that all those towns that are exploring and pump-priming LOTS scheme will be able to do so.

Mr Fra McCann spoke about the critical issue of ensuring that public realm schemes are delivered effectively. He raised the very fair point that, quite often, utility providers come after work has been done and dig up the streets that we have put down very carefully. In that respect, there is a clear duty on the Utility Regulator to enter into direct discussions with the Department to ensure that that does not happen and that we have better synchronisation.

Councils also have a role to play in the public realm in that they have a very clear duty to ensure its cleanliness. Those maintenance regimes are ongoing, and I hope that councils pick up on that point.

Mr Craig reflected on DSD's change of approach in recent years to towns and cities, particularly Belfast and Derry.

In my time as Minister, I have supported significant investment in LOTS schemes and public realm schemes, and I have emphasised the need for preparatory work to be carried out, particularly on master planning and the whole public realm. Underpinning all that work is partnership with councils, businesses and the general community.

Mr Alban Maginness raised the issue of co-ordination. Mr Storey pointed out that somebody must take a lead. I foresee councils, with their new roles, as being central to that. At present, responsibility for policy and delivery lies with DSD; however, operations will transfer to councils.

Mrs McGill spoke about Strabane, where I was glad to be last Wednesday night. I had a useful meeting with local representatives and the local community. The issue of the Melvin bridge was raised, and I look forward to the council's economic appraisal's being delivered for my Department's adjudication. She raised the issue of master plans, which I will ask my officials to review. I will get back to the Member on that issue.

Mrs McGill also referred to the EDAW report, which was undertaken following departmental reorganisation in 1999-2000, and she stressed the need for it to be made clear when recommendations are

implemented. I reassure the House that I will make a clear response to the Committee on the accepted recommendations, along with a time frame for implementation.

Mrs Long made the point that regeneration must balance community needs with those of town centre users, particularly for people with disabilities. I acknowledge that that is a difficult issue that needs to be addressed better at policy level; during consultation with stakeholders, especially for public realm schemes; and at implementation level.

Dr Farry mentioned Queen's Parade in Bangor, where I am glad that progress is being made. I was pleased to visit Bangor some weeks ago. I think that I was asked two questions on Queen's Parade during today's debate. Dr Farry said that more of our towns and cities must come up with realistic uses. Mrs Long's point about the master plan's linking better into the wider planning context was well made. That is why I believe that we need better co-ordination and better input from the other Departments.

Mrs Dolores Kelly said that funding for the various schemes should be made available so that those involved in town centre regeneration are better informed. That goes back to the simple issue of the need for better communication, co-ordination and input by all the stakeholders and Departments involved.

The debate has been most useful and is one to which I have greatly enjoyed contributing. My officials were also happy to contribute. In fact, over the past two and a half years, I have visited Belfast, Derry and almost all the major towns in Northern Ireland that are at either the public realm consultation or implementation phase. They are probably at the draft master plan stage. We are now at the stage of introducing development briefs for the full master plan. The process can take a considerable time. I suppose that we are all asking for patience —

Mr Deputy Speaker: Will the Minister draw her remarks to a close?

The Minister for Social Development: However, the direct involvement of central government, local government, the wider community and stakeholders is required.

Finally, I thank the Committee for its report. I will be more than happy to provide a full response to all its recommendations in the coming weeks.

The Deputy Chairperson of the Committee for Social Development (Mr Hilditch): At the outset, I declare an interest as a member of Carrickfergus Borough Council, as a director of the Carrickfergus Development Company and as a member of the steering group that is working on the Carrickfergus master plan with departmental officials.

On behalf of the Committee for Social Development, I thank, as always, the Minister and Members for their contributions to the debate. I also commend the Committee staff for their hard work during the lengthy inquiry.

The Committee for Social Development's inquiry into town centre regeneration has been a long journey, and I am pleased to be able to bring that journey to a conclusion. I hope that when stakeholders in towns and cities across Northern Ireland look back on the debate, they will see it as a watershed moment in which a better understanding of the issues was developed and further progress towards improvement began.

The members of the Social Development Committee are drawn from some of Northern Ireland's most picturesque, historic and economically important towns and cities, from Carrickfergus and Comber to Lisburn, Ards, Antrim, Cookstown, Newry and even Londonderry and Belfast. I must also mention Strabane, or I will fall out with some Members. Some of those towns and cities have benefitted from substantial capital investment by the Department.

The Committee believes that, along with that investment, the continuing validity and vibrancy of those towns and cities, particularly the ones that lie outside the main conurbations, is a tribute to the hard work, persistence and expertise of councils, town centre management partnerships and informal business improvement districts. The Committee considered a lot of evidence from those stakeholders, and it concluded that they need practical help for regeneration initiatives, a workable and inclusive delivery system that addresses issues such as perceived geographical bias, and, crucially, an appropriate level of financial investment and support.

One of the report's key recommendations is that the new councils are the right bodies to deliver town centre regeneration. The councils will need financial support for their additional duties, and they need town centre management partnerships or BIDs to help them. Although the Committee commends the Minister for her support for BIDs, it urges her to bring her proposals to the Executive before the onset of the review of public administration, which is about reducing bureaucracy and eliminating quangos. The Committee believes that BIDs, with their limited lifespan, delivery focus and local accountability, are far from typical quangos, and they should be actively encouraged under the RPA.

The Committee noted the frustration and confusion among councils and others with respect to the direction of regeneration policy. The Committee agrees that that is an unsatisfactory state of affairs, and, therefore, suggests that it be dealt with in two ways. First, an overarching strategy for town centre regeneration, married to master plans and backed up with a monitoring and evaluation framework, is an absolute necessity and

must be developed without further delay. Secondly, transparency and engagement must be improved. The Committee suggests that that be done through the town centre regeneration fund, which, like the Scottish version, should be competitive and have understandable criteria for success. Furthermore, care should be taken to ensure that there is an even and transparent distribution of expenditure across the whole of Northern Ireland.

Although the inquiry was long, it was useful and informative, and, by and large, Members' comments were also useful and informative. Mr Brady touched on many of the report's recommendations. He highlighted his experience with car parking issues and pedestrianisation in Newry, which are also bugbears throughout Northern Ireland, and he urged the Minister to clarify roles and responsibilities in that regard.

Billy Armstrong pointed out how the RPA presents a once-in-a-lifetime opportunity to devolve the control of town centre regeneration to the enlarged councils, thus delivering tangible benefits to ordinary people in towns and smaller cities.

Thomas Burns stressed the importance of joined-up government and the need to fund town centre management partnerships. He also referred to the importance of vesting and social housing as means to stimulate town centre regeneration.

Anna Lo mentioned the importance of having a strategic planning vision as the basis for town centre regeneration. She spoke about the inspirational leadership of regeneration activities in other jurisdictions, and she referred to economic and sectarian segregation in our town centres.

Alex Easton referred to the importance of adequate and ring-fenced financial support for the enlarged councils to deliver town centre regeneration. He called for blue-sky thinking, and he praised the enhanced openness and transparency of the Scottish town centre regeneration fund.

Fra McCann expressed the frustration of community organisations that are seeking funding to support town centre regeneration. He called for meaningful partnerships between Departments and stakeholders and the directing of resources to projects that will support town centres. He also referred to the report's final recommendation, which relates to the co-ordination of the work of utility companies.

1.30 pm

Jonathan Craig spoke of the historical unevenness of regeneration expenditure and asked the Minister to consider measures to address the issue. He reminded the House of the master plan process that is ongoing throughout the towns in Northern Ireland.

Alban Maginness highlighted the need for a co-ordinated development strategy, which he said was in

the interests of key stakeholders, including businesses and consumers. He reminded Members of the key roles of our small towns in the social and economic life of Northern Ireland. He called for leadership and co-ordination from the DRD, DOE and DSD in the resolution of key issues such as brownfield developments and pedestrianisation.

Claire McGill asked that the Committee follow the recommendations up to ensure implementation of the key issues; for example, car parking and pedestrianisation, which were recurrent themes. She also spoke about the importance of evaluating town centre regeneration in relation to providing jobs for deprived areas.

Stephen Farry referred to the challenges facing town centres in respect of retail offerings, customer profiles and the relocation of offices to town centres. He welcomed the master plan process but raised concerns about the delivery and financing of master plans. He also referred to the responsibilities of other Departments in town centre regeneration and the need to reduce bureaucracy.

The Minister commented on the change process that the Department is undergoing and indicated that she accepts the Committee's recommendations on the overarching strategy. She undertook to ensure good financial support and appropriate governance for the transfer of town centre regeneration to local councils. She promised full consultation and engagement with the Committee in that regard, and we welcome that. She expressed support for the town centre regeneration fund and business improvement districts and acknowledged historical weaknesses in the evaluation of regeneration. She referred to issues outside her direct control but accepted the key role of new councils in delivering town centre regeneration in the future and said that schemes such as the living over the shop scheme were important. She called on the Utility Regulator to help the Department for Social Development tackle the disruption caused by the utility companies in our towns and for closer co-ordination among all stakeholders. She concluded by saying that she will respond to the Committee's report in writing in due course. That is very welcome.

I commend to the House the Committee's report on the inquiry into town centre regeneration.

Question put and agreed to.

Resolved:

That this Assembly approves the report of the Committee for Social Development on its inquiry into town centre regeneration; and calls on the Minister for Social Development to implement the recommendations.

PRIVATE MEMBERS' BUSINESS

Child Abuse: Ryan Report

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes to propose and 10 minutes to make a winding-up speech. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes to propose and five minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

Mrs Hanna: I beg to move

That this Assembly expresses grave concern at the findings of the Commission to Inquire into Child Abuse report (the Ryan report) published in May 2009 in the Republic of Ireland; considers that such neglect and abuse of children and young people's human rights must be subject to criminal law; recognises that children who were placed by state authorities in Northern Ireland in establishments or settings where they became victims of abuse are entitled to support and redress; calls on the Executive to commission an assessment of the extent of abuse and neglect in Northern Ireland, to liaise and work with the authorities in the Republic of Ireland and to report to the Assembly; calls on the Executive to provide funding to support helpline and counselling services which are now facing new demands; and further calls on the Executive to work, through the North/South Ministerial Council, to ensure that all-Ireland protections for children and vulnerable adults are in place as soon as possible.

On 20 May 2009, the Irish Commission to Inquire into Child Abuse published its report — some 2,500 pages — known as the Ryan report. The report has proved to be a watershed in recent Irish history.

The commission was set up in 1999 to investigate all forms of abuse of children in care in the Irish Republic from 1914, in particular allegations of physical, mental, emotional and sexual child abuse and cruelty in reformatory and industrial schools operated by Catholic religious orders, which were funded and supervised by the Irish Department of Education. There was, of course, abuse in homes other than those run by Catholic orders, but the focus today is on the Ryan report.

During that period, about 25,000 children passed through those institutions. Some 1,500 have come forward with allegations to the Ryan commission, and 1,090 men and women who reported having been abused as children in those institutions gave evidence to the commission. Abuse was reported regarding 216 schools and residential settings, including industrial and reformatory schools, children's homes, hospitals, national and secondary schools, day and residential special needs schools, foster care and a small number of other residential institutions, including laundries and hostels.

Significantly, the number of child inmates peaked in the early to mid-1940s, around the time when children's allowances were introduced. From the 1950s, increased wealth and other social welfare measures reduced the number of needy children. That shows that behind many of the family break-ups and other traumas that led to children being put into care were poverty and sheer economic necessity. We must never accept family breakdown, poverty, disadvantage, poor health and inadequate housing as reasons for ignoring the most vulnerable children, nor rest in our unrelenting assault on poverty and disadvantage, at home and abroad.

Because of the Ryan report, the history of Church and state in an independent twentieth-century Ireland has to be fundamentally reappraised. Ryan is the gravest indictment of the powerful and privileged in Church and state: the religious orders, the hierarchy, successive Governments and the Department of Education. Irish people today and for decades will ask how the horrors and terrors that have been documented were inflicted on innocent children who were placed by the state in the care of religious orders. It is a terrifying account of the shattered lives of generations of Irish children.

It is beyond belief to me, as a practising Catholic, that those who perpetrated the abuse had promised to uphold and practise the gospel of love. They betrayed congregations founded to serve the very noblest of ideals. As a Christian friend said, Church and state should, perhaps, be separated, because they could then keep a better eye on each other.

Some MLAs may ask what that has got to do with children who were in care in Northern Ireland. The relevant religious orders operated on an all-island basis, and there have been allegations against and criminal convictions of some of those who were supposed to be the primary protectors of children. That is why Ryan needs to be complemented and finalised by a postscript for Northern Ireland and why the Executive need to act now.

I welcome the sincere and long overdue apology made on behalf of the Irish state by an Taoiseach and his predecessor to the victims of childhood abuse for the state's collective failure to intervene, to detect their pain and to come to the rescue, and I acknowledge the Dáil motion, which was passed unanimously, welcoming the Ryan report and its recommendations and expressing the shame and humiliation of the state authorities.

I salute the remarkable and courageous people in the Gallery who were residents of institutions. Earlier today, they presented me and other Assembly Members with a petition that was signed by many thousands on behalf of their organisation, Justice for the Victims of

Institutional Abuse in Northern Ireland. I intend to lay that petition before the Assembly and Executive.

I mention Margaret in particular, because it was she who approached me after I tabled the motion. Margaret and her three siblings were placed in care with the Nazareth Sisters when their parents broke up. She was aged three, and she was kept there until the age of 11. I will read to the House a small part of what she has to say about those eight years:

“No love was ever displayed and that is so difficult and confusing for a young child who has just been separated from her family. We were treated like child slaves ... made to scrub the floors, windows and walls. It was just like something out of a Dickens book. We were just little children and we were on our hands and knees scrubbing floors. My whole life there was lived in fear — fear of the next beating, the next humiliation. I was made to feel worthless, that I was a bad person and I kept those beliefs with me my whole life.”

That is only one story; we know that many more remain untold. Margaret's campaign and that of the other victims and survivors is for the recognition of children who were abused in Northern Ireland.

I welcome the fact that Cardinal Brady said that the Catholic Church will co-operate fully with the Department of Health, Social Services and Public Safety and the PSNI on allegations of child abuse and that all relevant allegations that are held on the records of the North's dioceses have been reported. The situation with the religious orders is more complex and unsatisfactory, because they operated independently. However, I am glad that they have now agreed to co-operate with the authorities on a complete review of all the allegations that they have on record.

I note and welcome the fact that the independent National Board for Safeguarding Children, which was established by the Catholic hierarchy, will examine the records of child abuse that are held by all dioceses and religious orders — records that form part of the Catholic Church's safeguarding policy — and that the Church has given a commitment to transparency and to the principle of the paramountcy of the welfare of the child. The board is undertaking a complete review of the handling of every allegation of child abuse against clergy in every diocese in Ireland, and the result will be reported fully to the civil authorities in both jurisdictions.

From 1965 to today, around 5,200 diocesan priests, sisters and brothers of religious orders have been in ministry in Northern Ireland. To date, allegations of child abuse have been made against 81 of them.

Last week, a good priest from my diocese wrote to me to express his bewilderment and anguish at the revelations of the Ryan report. He asked how:

“a Christian Church could have contradicted so profoundly the fundamental Gospel principle of putting the care of the ‘little ones’ first! So much of what happened was simply evil and inhumane.

That it was tolerated or covered up or explained away for as long as it was is just as damning! As a priest, a Christian and a human being it fills me with revulsion and shame. It is also a total inversion of the ideals and mission of the generous and prophetic Irish founders of these Religious Orders. They gave up everything they had to care for children who had no opportunity at education. Where did their successors go so wrong?”

My SDLP colleagues will deal with the other relevant matters and the DUP amendment in their contributions to the debate. My colleague Mark Durkan will elaborate on the reasons why we cannot accept the amendment.

As President McAleese rightly said, those who perpetrated crimes against survivors, no matter how long ago, must be held to account in the courts. The inadequate compensation deal that was reached between the Irish Government and the religious —

1.45 pm

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

Mrs Hanna: Finally, we must never forget that children in care are the most vulnerable and at-risk in our society, a fact that continues to the present day. We must ensure that child protection protocols are in place and are rigorously monitored, so that the abuse that was revealed in the Ryan report will never happen again.

Miss McIlveen: I beg to move the following amendment: Leave out all after “criminal law;” and insert

“and calls on the Executive to produce a report detailing measures for dealing with past abuse and ensuring that rigorous protections are in place for the future.”

When a report is produced that tells us that violence, rape and sexual molestation were endemic in Irish Roman Catholic-run industrial schools, we are justifiably shocked. When it is highlighted that the 800 or so perpetrators of such evil were not only charged with caring for children but were in a position of responsibility for religious and moral teaching, we can be rightly disgusted. When it transpires that the number of child victims of those vile and other violent and humiliating acts runs into thousands, we are truly horrified. For decades, thousands of boys and girls in the Irish Republic were terrorised, while government inspectors failed to stop the chronic beatings, rapes and humiliation. That is what was uncovered in the Ryan report.

The House has already heard from the proposer of the motion that the publication of the Ryan report followed a nine-year investigation that produced a 2,600 page report and made 20 recommendations. The report itself has been criticised for affording anonymity to the perpetrators of those terrible crimes, even to those who have been convicted of offences that were dealt with by the report. Shamefully, the Christian Brothers, who ran several boys' institutions and were

deemed to have harboured serial child molesters and sadists on their staff, successfully sued the commission in 2004 to ensure that all of their members, dead or alive, remained unnamed in the report.

No criminal charges will follow as a result of the report, leaving victims such as John Walsh feeling “cheated and deceived” and leading him to comment after the publication of the report:

“I would have never opened my wounds if I’d known this was going to be the end result. It has devastated me and will devastate most victims because there is no criminal proceedings and no accountability whatsoever.”

Another victim Christine Buckley was severely beaten by a nun for trying to smuggle out a letter that detailed the abuse that she experienced, including her claim that she was forced by nuns to meet a paedophile. Other victims have described ritualised beatings with items that were designed to maximise pain. Such beatings sometimes took place in private, but they often occurred in front of staff, residents and other pupils. One victim described how he was forced to wrap his urine-stained sheets around his neck and parade in front of the other children as a punishment for wetting his bed. Furthermore, sexual abuse was reported by over half of those who testified before the commission.

A panel that was appointed by the Irish Government paid compensation to 12,000 abuse survivors on the condition that they surrender their right to sue either the Catholic Church or the state, and around 2,000 more claims are pending. Furthermore, Irish Roman Catholic leaders made a deal with the Government in 2001 that capped the Church’s contribution to a fraction of the final cost. However, some victims have stated that nothing, not even criminal convictions, would ever heal their psychological wounds.

The victims were sent to what were known as industrial schools run by the religious orders. We would know them today as child detention centres, and they were sent to those schools because they were orphaned, neglected or abandoned. They were the forgotten children and those who were the most susceptible to such cruel and horrific abuse, because no one was there to protect them. Their guardians were their abusers, and the state turned a blind eye to that abuse.

I fully support the desire behind the motion to see those who committed such evil brought to justice. It is truly an injustice that thousands suffered at the hands of those who were supposed to care for and protect them and that criminal proceedings have not followed the publication of the Ryan report.

I believe that all Members would want to express their horror and outrage at the abuse that was suffered by children in clerical and state institutions in whatever jurisdiction. We cannot begin to comprehend the fear

and vulnerability that the victims of that abuse experienced in settings where they should have received care and nurture. It is the most disturbing of betrayals.

The motion makes many requests, including a call for:

“the Executive to commission an assessment of the extent of abuse and neglect in Northern Ireland, to liaise and work with the authorities in the Republic of Ireland and to report to the Assembly”.

Although I believe that an assessment should be made of the scale of what occurred in Northern Ireland, it should not turn into an inquiry. Furthermore, we should recognise that the circumstances in Northern Ireland were very different to those in the Republic of Ireland.

The desire of victims for justice and acknowledgement is natural and important. I tabled the amendment because I remain seriously concerned that to follow the road of the Ryan inquiry would deny victims the kind of acknowledgement and justice that they most need. The lack of a focus on criminal prosecutions and the agreement to immunity from prosecution for those guilty of such abuse is the most fundamental flaw in the inquiry and not one that serves any of the victims. The Assembly should not move forward in a manner that denies natural justice and gives protection to those guilty of such crimes.

I am concerned that we do not move hastily to follow the example of an inquiry that has left many victims feeling let down and still seeking justice. We must start by considering what we already know about the scope of past abuse in Northern Ireland and the most effective mechanisms for addressing the needs of victims. I understand that much of the information held in the Catholic dioceses has been passed to the police and that any outstanding information is from Catholic orders that work on an international basis.

I am extremely sceptical about an inquiry, as it is highly unlikely that it will deliver anything for victims. First, it will tell us nothing that we do not already know. Secondly, the extent of clerical abuse in institutions in Northern Ireland is unlikely to be the same as that in the Irish Republic, given our much more regulated environment, the better child protection systems in Northern Ireland in general — particularly when compared to the Irish Republic — and the separation of Church and state. Thirdly, any inquiry is likely to be time-consuming and would draw in massive resources that would divert attention from the children and survivors of abuse who need help now.

The Ryan report took nine years to complete and was delayed by a year by the Christian Brothers’ court case on anonymity. I have no doubt that any such inquiry in Northern Ireland would be beset by similar problems.

Mr P Ramsey: Will the Member give way?

Miss McIlveen: If the Member does not mind, I would like to continue.

I tabled the amendment to allow the Executive to assess the extent of the problem and to take action where required. Where the identified services are unable to cope, the sexual violence strategy provides a cross-departmental vehicle to address such issues. My primary concern is to ensure that the victims who need access to counselling and support can find that available. Therefore, it is important that we ensure that the current level of provision meets demand and that the victims are not left unsupported. I am aware that one outworking of the Ryan inquiry has been to provide counselling for victims of abuse, and that is also available to the victims in Northern Ireland.

It is equally important to ensure that current systems for protecting children now are as robust and as comprehensive as possible. The border can and does provide opportunities for those who wish to harm children, and it is essential to ensure that systems in both jurisdictions are effective. Our current child protection systems are much more stringent than those in the Irish Republic, and, although there has been progress on vetting and monitoring those guilty of abusing children, it is still imperative that the Irish Government put in place equivalent protection.

The request for a redress board in the SDLP's motion is unnecessary, given the availability of the criminal compensation scheme in Northern Ireland. The current 2009 scheme and the previous 2002 scheme allow for claims for sexual abuse to be considered where they would have been governed by previous legislation but were ruled out due to time limitation, and that covers incidents that occurred between 11 June 1968 and 30 June 1988. Victims should also be encouraged to pursue other civil remedies through the civil court system to seek legal redress for abuse from institutions and orders.

The primary point that we must learn from the examples of the Ryan report and the Ferns report is that we must ensure that such things never happen again. We must maintain a constant vigil and review repeatedly the strength of our child protection procedures, and that is where vital resources must be channelled. Although I have said that our child protection systems are better than those in the Irish Republic — I say that advisedly — we cannot rest on our laurels, because, to put it simply, no system is ever perfect.

I wholly support the victims of abuse in Northern Ireland and the Irish Republic in their quest for justice and acknowledgement and to ensure that they receive the support, care and counselling that they require to cope with the horrors they have encountered. I feel that the motion as amended would afford the best framework for that to be achieved.

Ms S Ramsey: Go raibh maith agat. I thank the proposers of the motion for securing the debate. It is highly important that we take a level-headed approach to the issues involved, because we are dealing with human beings — victims and survivors. I also want to place on record Sinn Féin's support for the campaign by victims and survivors and their families, who are calling for a full public inquiry into their treatment in institutions run by the Church and the state in the North, which was similar to the treatment that was highlighted in the Ryan report.

It is important that we consider the outcome for victims and survivors, because the Ryan report highlighted a lot of issues. People spoke about it for years, but the Ryan report formally brought to the fore the treatment that was handed out to children, some of whom were the most vulnerable in our society and whom we as a state, both North and South, had a duty to protect. We failed to do that.

Sinn Féin will oppose the DUP's amendment. What strikes me is that the Member who spoke previously believes that the motion denies victims the justice that they need. It must be put on record that it is the victims who are calling for the inquiry; I think that they know the justice that they need and want.

Ms Ruane: The interests and needs of survivors and victims must be paramount, and the Assembly and Executive must do all in their power to ensure that the needs of survivors are met. I am sure that the Member agrees that the issue of institutional child abuse is a deep injustice that affected the entire island of Ireland, and I find it bizarre that the amendment seeks to oppose liaising with the Government in the South of Ireland. I join my party colleagues in giving our support and paying tribute to the survivors who have spoken out, because we understand the courage that it takes to speak out in difficult and traumatic circumstances.

Ms S Ramsey: I agree with the Member's comments. I know that she is speaking as a private Member but I hope that, in her role as a Minister, she will take forward some of those issues in the Executive. I know that she will do that.

The Ryan report exposed a regime of fear that ruled on the dark side of Irish society. We must recognise that it is only because of the courage of the victims and survivors in speaking out that we are able to look at the horror that children and teenagers face. There must be full accountability for that. People cannot expect to get away with the treatment that they handed out to some children. There also needs to be a full national approach to the issue from the Department of Health. I know that the junior Minister will speak on behalf of the Executive, and I think that he will cover some of the things that should be covered by the Health Minister. We must recognise that there is a need to have in place

systems and treatment for the victims and survivors across the whole island so that society and the institutions of government do not fail those people.

I acknowledge the courage of victims and survivors, and I welcome those who are present today. A number of us met them earlier when they handed in a petition. You are more than welcome. You say that —

Mr Deputy Speaker: Order. According to the rulings, conventions and practices outlined in the 'Northern Ireland Assembly Companion' it is not normal practice to refer to visitors in the Public Gallery. I ask the Member to refrain from doing so.

Ms S Ramsey: I apologise, Mr Deputy Speaker, but there should be some latitude given, as it happens all the time. I am not questioning your ruling, but Members refer to visitors in the Public Gallery all the time; that may be something that the Assembly should look at. I take on board what you have said.

2.00 pm

A full and rigorous inquiry is needed on the issues that Members have raised in the debate. We should not lose sight of the fact that the NIO must be held accountable for part of the issue, and it strikes me that the sooner policing and justice is devolved into local hands, the better. We will then be able to deal with issues such as criminal compensation, which was mentioned by the previous Member who spoke. I appeal that today's debate be forwarded to the Secretary of State and the NIO so that they are aware of the feelings and views of the Assembly and can provide a response. We can only take the matter so far; the NIO has a responsibility for some of the issues.

Mr Storey: Will the Member give way?

Ms S Ramsey: I am conscious of the fact that I have only 35 seconds left to speak. It is a pity that we have only this amount of time.

I will finish with the words of the campaigning group:

"We as victims of a harsh and cruel regime over many years in children's homes have recently come together as one, united in our quest for justice. We are hoping that the motion tabled that day will have the support of all the parties to further our case for justice. Our hopes are that our voices will be heard and that we shall be given the same recognition, as victims of institutional abuse"

— in the Twenty-six Counties. Today is another forum for their voices to be heard, so I support the motion.

Mr Beggs: The publication of the Ryan report was a dark day for the Government of the Republic of Ireland and for the Catholic Church. The horrors and grief that the report uncovered shocked not only people in Northern Ireland but everyone in the Republic of Ireland and people throughout the world. However, the report confirmed what countless victims, participants in abuse and silent observers already knew. Sexual, physical and mental abuse was endemic in the industrial school

system that operated in the Republic of Ireland for many decades.

I thank the Members who tabled the motion. It is unfortunate that the issue of abuse in the Roman Catholic Church and the Irish state is still a delicate topic and that many wish that it would be forgotten and brushed under the carpet. That must not be allowed to happen; we must ensure that it is fully exposed, that lessons are learned and that it is prevented from happening in the future.

For the majority of their lives, most victims of institutional abuse have been ignored and shunned, and the crimes against them have been denied. Although the number of victims in Northern Ireland may be fewer, the pain and suffering of individual victims is the same, their desire for justice is the same, and their need for support is the same.

Across western Europe in the second half of the previous century, the public's expectation of what the state should do and the protection that it should offer to its most vulnerable citizens changed for the better. However, in many instances, those protections failed or were wilfully ignored and abused. Due, in many ways, to the influence of the Catholic Church on education, many of the changes in the Republic of Ireland were only skin-deep. There, the nineteenth century institutions, which were operating in the twentieth century, were weakly regulated, leaving the door open for cowardly wickedness and the abuse of innocence.

However, we cannot be complacent in Northern Ireland, although different circumstances and regulatory frameworks have existed here for many decades. Here, following the Kincora inquiry, major changes were made to child protection systems. Protection of children and vulnerable adults (POCVA) regulations have operated for some time, and the new safeguarding regulation is in place. There is evidence that abuse took place, and, for the sake of victims and society, we must ensure that it can never happen again in Northern Ireland.

(Mr Speaker in the Chair)

It is correct that the issue requires a multi-departmental approach. It is primarily an issue for the Northern Ireland Office, which is responsible for policing and justice and criminal law, to protect children in Northern Ireland. I welcome the statements that the Minister of Health made concerning the considerable and ongoing engagement at official level.

Mr Storey: A second reference has been made to the NIO's role in policing and justice. Will the Member accept that the issue is to ensure that people are made amenable for their awful deeds? Unfortunately, however, the Ryan report involved a negotiated agreement whereby people would be granted immunity and no prosecution

would be carried out. That is not the criminal justice system that we want in Northern Ireland.

Mr Beggs: I thank the Member for his intervention. I am not aware that the Ryan report has any legal standing in Northern Ireland. Our legal justice system has standing here. I hope that the debate and the report's publication encourage more victims to come forward and give evidence so that perpetrators are held to account and are brought before the criminal justice system in Northern Ireland.

The issue can be addressed in a practical way in the North/South Ministerial Council. Some matters that are addressed by the Council are questionable; child protection issues, however, are legitimate. I know that the Minister of Health, Social Services and Public Safety will encourage closer monitoring of those issues as changes occur in the Republic of Ireland. It is to be hoped that the Republic will learn from the changes that have occurred throughout decades in Northern Ireland.

I welcome the recent introduction of the vetting and barring scheme's safeguards in Northern Ireland. Employers face potential fines of up to £5,000 if they even fail to report an employee who harms, or poses a risk of harm to, children and vulnerable adults. I also welcome OFMDFM's route map for the protection of children and young people. Major changes have occurred in Northern Ireland.

I hope that the enormity and weight of evidence in the Ryan report will encourage change in the Republic of Ireland. To date, the Republic's child protection system has been antiquated. It has been unable to change that. It needs to change its Constitution fundamentally. I hope that the report will be a major building block in taking that forward so that the Republic's child protection system will match that of the United Kingdom, which has one of the highest levels of protection anywhere in the world. I hope that that hurdle will be overcome.

It is important to note that the Northern Ireland Office and the Court Service have primacy in those matters and will take them forward. The issue is a major legacy from the past.

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

Mr Beggs: I hope that those matters are raised and dealt with at Westminster so that the Northern Ireland Assembly will not have to pay anything. It is a pity that certain Members do not attend Westminster.

Mr McCarthy: I thank Carmel Hanna and her colleagues for bringing this serious matter to the Floor of the Assembly.

The Alliance Party and the United Community group in the Assembly are absolutely shocked and appalled by the contents of the Ryan report. We condemn all

those people who had any hand or part in treating those vulnerable young people in the manner that the report describes.

Although I have not read all the report, I have read, heard and seen enough to be able to express my utter disgust and, indeed, to be reviled by its contents. It is almost unbelievable that adult human beings could inflict such disgusting behaviour on little children who, though no fault of their own, were placed in care. Instead of receiving care, love, trust, affection and, indeed, education — as any child should expect to receive — the opposite was the case.

I simply cannot understand how that depraved behaviour was allowed to go on for so long. Surely not all adults in those institutions were monsters. Why did the ordinary guardian or teacher not see what was happening and put an end to it earlier, thus saving many young people from that horrible experience?

It is unthinkable that most of the abuse occurred in so-called religious institutions. Among the issues that are raised in Christian teaching is the principle that, if anyone should offend or hurt one of God's little ones, it would be better for that person to put a millstone around his or her neck and be thrown into the sea. That is how seriously the matter ought to have been treated.

How many of the adults who had positions of responsibility in those institutions adhered to that teaching? They simply ignored it. They ought to be thoroughly and utterly ashamed. However, my information is that not all institutions on this island had a culture of cruelty and abuse. We must acknowledge the good work done by caring people who looked after children at that time. They did it properly and in the way that was expected of them.

The motion states:

"children who were placed by state authorities in Northern Ireland in establishments or settings where they became victims of abuse are entitled to support and redress".

The Executive should carry out an investigation and report to the Assembly. Of course, we all support such an investigation.

We know that abuse occurred throughout the Twenty-six Counties, so there is good reason to say that it occurred in Northern Ireland, too. The victims concerned deserve an investigation and the same support as those in the Republic. After attending the petition handover on the steps of the Building today, I know that the same thing has happened in Northern Ireland, to the shame of those who are responsible.

Some Assembly colleagues, including my party leader David Ford, have asked the Minister questions. The Minister responded by stating that the statutory framework requires that allegations of child abuse must be reported immediately to the PSNI and social

services for investigation. The Minister also said that vetting procedures are as tight as can be and that further legislation is in the pipeline for a safeguarding board for Northern Ireland, which I am sure that we all support. Therefore, progress is being made. However, I am not aware of what the Minister or the Executive have in mind regarding past goings-on in children's institutions in Northern Ireland.

It appears that abuse took place in the various institutions throughout Northern Ireland during the period that the Ryan report covers, from as far back as 1935 and 1944 to more latterly. People affected here during that period are now coming forward. It took nine years to complete the Ryan report, which has some 2,600 pages and more than 100 recommendations. Let the motion, which I hope that the Assembly agrees, be the signal to the Executive to quickly establish a proper investigation.

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

Mr McCarthy: The victims have suffered in silence for such a long time. They deserve to have their story told and to see justice. We must ensure that the like never happens again. I support the motion.

Mr Speaker: The Member's time is up.

Mr Shannon: I am sure that I am not the only one in the Chamber who has felt the chills of what has taken place on reading the report. I found it hard to read of the abuse of 30,000 vulnerable children in the Republic through the institution of the Catholic Church and the subsequent cover-up. At first, I felt anger and then sorrow at the thought of so many adults now struggling to deal with hateful childhood memories after being put into so-called care and how that has affected their relationships up to 50 years later.

As I read the subsequent newspaper reports, I saw that more than the memories of those who suffered abuse have been tainted by the Catholic Church. Many have had to rethink their position and, at times, even their very faith. The report's repercussions are far-reaching and wide and have shaken the Catholic Church to its foundations.

I know that all institutions have potential difficulties and that, unfortunately, certain things slip between the cracks. However, that is not the case in this situation; rather, the abuse was known and hidden. There must be repercussions for the perpetrators and some form of closure for the victims of the abuse.

I read a report in one of the national papers about a man who had moved to Australia but who came back to the Republic to tell of his abuse at the hands of caregivers in an institution. His stomach-churning account was bad enough. However, even worse was that his wounds were ripped open for the report only to

learn that no one was to be held accountable and that no criminal proceedings were to be held, which made him question why he had bothered to stir up his memories in the first place. That is why investigations must be subject to criminal proceedings. People who have knowingly and purposely carried out or covered up abuse must be held accountable, no matter how long ago the events happened. The Assembly must push for that.

As I stand here, I am aware that hundreds of people outside the Chamber are calling for justice and for us as their Assembly Members to ensure that this is not repeated in Northern Ireland. We must have a structure for dealing with past abuse and a framework that ensures that such abuse does not continue in the future.

2.15 pm

Through my constituency work, I hear of individual cases, and whenever I do, I am chilled and hot at the same time. I am chilled, because I cannot comprehend the evil that allows men and women to abuse the vulnerable in any way, and I am hot with anger that that kind of thing happens at all.

When I read in the report of the sheer scale and magnitude of the abuse, I felt sick to the very pit of my stomach. My heart went out both to all those who had been abused and to those parents who were deemed unfit and had their children taken off them and put into the care system. The number of victims of the horrific abuse cannot be quantified, and its effects are rippling through many countries all over the world. I am sure that this shake-up will give many other victims the courage to speak out about what they have suffered.

It is imperative that procedures are in place to ensure that victims in the Republic of Ireland can be put into a support network and can get psychological assistance. Those procedures must also deal with the spillover into Northern Ireland.

It is important that there be some form of accountability in every institution. Sitting in my church and listening to the announcements on child protection seminars and rules and regulations, I am happy that checks and measures are now in place, even in non-governmental bodies. Such checks are essential and must be carried on.

No one is above the law of the land. No one deserves absolution from crimes, unless they are absolved through the courts. No one should ever again suffer in silence and not know where to go for help.

I have read many blogs and reports commenting on the Ryan report, and time and time again, one thing is made abundantly clear: the time for defending your own has passed. I believe that that time has long gone.

It does not matter what country someone comes from, whether it is the Republic of Ireland or Northern Ireland, and it does not matter what religion someone is, Protestant or Catholic. The report has disgusted us

all equally. I am positive that, for the first time ever, Members are united in their sense of righteous anger against those who perpetrated the abuse, those who covered it up and those who facilitated the continuance of such a disgrace against humanity.

I know that I have the full support of my constituency and that of every right-thinking Member in the Chamber. I support fully the calls for criminal justice, a report, and a system in the Province to deal with any issues that arise.

As we all know, a society is known by how it treats its vulnerable people. In Northern Ireland, we are determined to do the right thing by our people and to put in place firm checks so that we will never again lose generations to institutional abuse.

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

Mr Shannon: We have heard those lost generations, and we have mourned for them. We will act; that is our promise.

Mr Adams: Go raibh maith agat, a Cheann Comhairle. I support the motion, and I thank the Members who tabled it. Tá muid fíorbhuíoch daoibh. I commend the victims and survivors of abuse for their great courage in raising the issue. Tá daoine ó na grúpaí sin linn inniu, agus cuirim fáilte mhór rompu.

I do not recognise the childproofed picture of child protection in the North that the Member who moved the amendment painted. The fact is that youngsters, sometimes as young as three years old, were sent by courts and other systems into unregulated or unaccountable institutions. That in itself is the stuff of nightmares.

I have read the Ryan report, and it is a shameful tale of abuse, over decades, against children in institutions. There is no doubt that the litany of crime, beatings and rape also happened in institutions in this part of Ireland. It happened throughout Irish society and in all sectors of society, North and South.

One in four people suffers from abuse or knows someone who has been abused. In many cases, the truth of childhood abuse emerges only when the victims have grown up. Sometimes that is triggered by flashback or other remembrance, and the effects can be devastating. Victims need support, care, understanding and love. Most of all, victims need to be believed, especially if the abuser denies any wrongdoing. Victims and survivors need, as a minimum, acknowledgement of the great injustice that has been done to them.

Many people in families have suffered from abuse. I know how deeply hurtful and traumatic that can be, especially if a perpetrator refuses or fails to face up to their responsibilities. There is a huge onus on abusers to face up to their responsibilities.

No one should have to deal with abuse or its consequences in isolation. Everyone needs someone to talk to, and anyone listening to the debate who is affected by these issues should talk to someone.

There is a collective need for society to stand together and support individual victims of abuse and their families. Child protection services need to be strengthened. There are not enough social workers, counsellors or other front line staff. Service providers must be properly resourced, all of us need to be educated, and our children need to be empowered and protected.

We have a lot to do to right the wrongs. If we are to truly cherish all the children of the nation equally, societal change is needed. A just society needs decency, fairness and equality alongside accountability and transparency. I commend the motion.

Mr Kennedy: I am grateful for the opportunity to make my contribution to this important debate. I thank the Members who tabled the motion for bringing it before the House. The motion correctly challenges us all in Northern Ireland to examine the potential role of the religious orders and, potentially, the state in abuse here.

The findings of the Ryan report were shocking and depressing. The systematic and institutional abuse of minors in educational institutions was disgraceful. The report highlighted that, for a period in the twentieth century, the relationship between the Catholic Church and the state in the Republic of Ireland was, at best, largely dysfunctional. The report was long overdue, but I hope that it can begin to not only heal the wounds of the victims, but ensure that such systematic abuse never happens again.

It is worth pointing out that, in Northern Ireland, we have an entirely different regulatory system that has undergone considerable reform and progression in the last 30 to 40 years. I welcome that difference. However, we cannot be complacent. Personal testimonies remind us that people in institutions in Northern Ireland had terrible abuse inflicted on them. Such instances of abuse should, first and foremost, be investigated by the PSNI and the Court Service. Like my colleague Roy Beggs, I encourage anyone with allegations to report them to the police so that proper investigations can be undertaken.

Mr McCarthy: Does the Member agree that all investigations must go back to when the abuse started?

Mr Speaker: The Member has an extra minute in which to speak.

Mr Kennedy: I am grateful to the Member for his intervention. I can see problems in the investigations, but I agree that all allegations should be rigorously pursued by the PSNI.

My colleague Roy Beggs was right to highlight that this is a cross-departmental issue that also involves the

Northern Ireland Office. The Executive must take seriously the legacy from decades of abuse. We must ensure that any action taken is backed up by adequate services and resources. Those who have endured suffering, in some cases for many years, can no longer be ignored.

I welcome junior Minister Newton's presence in the Chamber. It is important that OFMDFM recognises that it has a lead role in co-ordinating any Executive response to the findings of the Ryan report.

The debate is important and concerns a legacy issue. I am confident that the protections in Northern Ireland are the best available and I am assured that they are under constant review.

However, we must ensure that people who have suffered in the past are no longer left to do so in silence. The motion raises issues that go to the core of society and asks searching questions about the institutions and organisations that many of us took for granted. Societies are often judged on how they treat members of society who have been abused. However, societies are also judged on their sense of justice and ability to achieve it. We must change failing practices and make progressive reform. For those reasons, the Assembly must take the motion extremely seriously. Unfortunately, some debates in the House become meaningless; that should not happen in this case. I support the motion.

The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells): This is an emotive and difficult issue. I will speak briefly. Although Mr Newton, who is a junior Minister in the Office of the First Minister and deputy First Minister, will respond to the debate, he will do so on behalf of the Department of Health, Social Services and Public Safety. That fact emerged only this morning. The Committee for Health, Social Services and Public Safety, of which I am Chairperson, has not considered the Ryan report or the motion. Therefore, I will not take a more substantive role in the debate.

Mr Speaker: The next item on the Order Paper is Question Time, after which Mark Durkan will be the next Member to speak. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.30 pm.

The debate stood suspended.

2.30 pm

Oral Answers to Questions

EDUCATION

Pupil Emotional Health and Well-being Programme

1. **Mr Irwin** asked the Minister of Education what results have been achieved to date as a result of the pupil emotional health and well-being joint programme with the Department of Health, Social Services and Public Safety. (AQO 274/10)

The Minister of Education (Ms Ruane): Tá clár um fholláine agus leas mothúcháinach daltaí á fhorbairt ag mo Roinn — a dhíreofar ar earnáil na hiarbhunscolaíochta i dtosach — i gcomhpháirtíocht le réimse leathan de pháirtithe leasmhara tábhachtacha, lena n-áirítear an Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí.

My Department is developing the pupil emotional health and well-being programme, with an initial focus on the post-primary sector, in partnership with a broad range of key stakeholders, including the Department of Health, Social Services and Public Safety. Five working groups are in place that will examine the following aspects: self-assessment by schools of their approach to emotional health and well-being; the training and support of teachers and other school staff on the issue of emotional health; identification of existing good practice in schools, and its dissemination; mapping of existing services and sources of support available to schools, and sharing of that information; and preparation of new guidance for schools on the management of critical incidents, and a review of our current arrangements to support schools when an incident occurs.

A definition of what is meant by pupils' emotional health and well-being has been agreed. Research has been commissioned to evaluate tools that schools might use to audit all activities that contribute to promoting positive emotional health. Discussions are in hand about building on an existing directory of services for children and young people, and moving it to a web-based facility that schools can access. Along with our partners, we will host an event this month to review what we have achieved so far and, perhaps more importantly, to determine how we deliver the products to schools in time for the next school year.

Mr Irwin: Will the Minister elaborate on the implementation of the programme and give some

examples of the activities that will be offered to primary and post-primary pupils?

The Minister of Education: First, the Member will be aware that we have a counselling service in post-primary schools, which some 220 schools make use of every week. Since September 2009, following a public tendering process, three organisations have provided the service. The new contracts have been awarded to New Life Counselling, Counselling for Youth and Familyworks.

The counselling support that is provided conforms to current best practice and professional standards for schools-based counselling. Furthermore, the programme will consider the prevention of suicide and self-harm, the Bamford review and the mental-health action plan. Clearly, equipping young people with a positive outlook on life and the skills to be emotionally resilient will also make a less direct contribution to other strategies such as the children's strategy; Hidden Harm, which helps children of drug and alcohol abusers; and the tackling violence at home strategy. It is fitting that we are debating the Ryan report today.

Mr D Bradley: An bhféadfainn a fhiafraí den Aire an raibh aon chomhoibriú idir a Roinn féin agus an Roinn Sláinte nuair a bhí an plean gníomhaíochta ar an uathachas á phleanáil? An mbeidh aon pháirt ag a Roinn i gcur i gcrích an phlean sin?

What level of co-operation took place between the Minister's Department and the Department of Health, Social Service and Public Safety in formulating the autism action plan? Will her Department be involved in the outworking of that plan? Go raibh Maith agat.

The Minister of Education: As the Member may be aware, an all-Ireland conference on autism will take place soon. My Department works with the Department of Education and Science in the South, and the Health Departments, North and South. The original question was specifically about the pupil emotional health and well-being programme. I will forward details of the autism conference to the Member and look forward to his participation in it.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her detailed answer to the question, in which she highlighted some of the positive strategies, which are to be welcomed. What outcome will the programme have once it is established and up and running?

The Minister of Education: Go raibh maith agat as an cheist sin. Glacfaidh gach iarbhunscóil leis go bhfuil ról ríthábhachtach aici maidir le cothú folláine agus leas mothúchánach a cuid daltaí.

All post-primary schools accept that they have a unique and significant role to play in the promotion of the emotional health and well-being of their pupils. We

expect those schools to sign up to a shared, agreed understanding of pupil emotional health and well-being; to audit their practices across a range of activities in the school; to identify the activities that can contribute to the promotion of pupil emotional health and well-being; to evaluate honestly their practice; and to identify how they can improve, as well as what further practice could and should be introduced.

We expect that all post-primary schools will prepare a plan as part of the school development plan, developed in partnership with the school community — staff, pupils and parents — that will set out how pupil emotional health and well-being will be promoted, and how the effectiveness of the plan will be evaluated. They will also be able to access information about evidence-based good practice and community-based services available to support pupils, both inside and outside the school. We also expect that they will be prepared to deal with any critical incident and will have appropriate support in order to do so.

Mr B McCrea: Will the Minister explain why there is a reluctance to use the term “mental health”? Given that some 20% of our young people suffer from mental health problems in schools, why is her Department reluctant to take the lead on that issue?

The Minister of Education: It is accepted in society that we all have mental health: there is positive mental health, and there is poor mental health. My Department is not reluctant to use the term “mental health”. We want to contribute to the positive mental health of all our young people. The terminology that we use is “emotional health and well-being”. We try to ensure that our young people have the resilience to deal with the issues that they are faced with. We also try to put child protection measures in place and to deal with issues around bullying, suicide and self-harm, along with many other issues in our society.

Irish-medium Schools

2. **Mrs Hanna** asked the Minister of Education to outline the reasons for the delay in appointing a project manager for the building of Irish-medium schools which are on her Department's capital build scheme, namely (i) Bunscoil an Iúir, Newry; (ii) Gaelscoil Uí Dhochartaigh, Strabane; (iii) Gaelscoil Éadaoin Mhóir in the Derry City Council area; and (vi) Gaelscoil Uí Néill, Coalisland; and to indicate when a project manager will be appointed. (AQO 275/10)

The Minister of Education: Is bunscoileanna faoi chothabháil stáit iad Bunscoil an Iúir, Gaelscoil Uí Dhochartaigh agus Gaelscoil Uí Néill, a bhfuil cóiríocht shealadach faoi bhun gnáthchaighdeán acu faoi láthair. Aithníonn mo Roinn, mar sin, an riachtanas le hinfheistíocht caipitil a chur sna scoileanna sin. Tá

foirne bainistíochta tionscadail do na scoileanna a gcur ar bun trí mholtaí mo Roinne sa chreat um sheirbhísí gairmiúla.

Bunscoil an Iúir, Gaelscoil Uí Dhochartaigh, Gaelscoil Éadaoin Mhóir and Gaelscoil Uí Néill are grant-maintained primary schools that are housed in temporary and substandard accommodation. My Department has recognised the need for capital investment in those schools, and project management teams are being procured through my Department's new professional services framework. This is the first occasion on which project management teams have been procured for this sector through that framework. It took considerable time to develop the competition documentation and to decide on the make-up of the evaluation panel.

Several large projects that have been issued through the framework have required considerable input from my Department's technical advisers. I am pleased to report that the competition documentation will be issued to the market by the Central Procurement Directorate (CPD) this week. Following assessment of the bids, the project management team will be in place by the end of December 2009.

Mrs Hanna: I thank the Minister for her answer. The delay has caused a lot of disappointment. Will the Minister comment on the procurement process, and will she ensure that there are no further delays and that there is a definitive timescale?

The Minister of Education: As I explained, CPD will issue the competition documentation to the market this week. I reiterate that this is the first time that the method has been used for Irish-language schools, and that is to be welcomed. The time allowed for the competition returns is three weeks, and that will be followed by assessment of the bids by an evaluation panel. It is good that schools that did not get their fair share in the past will now get the buildings that they deserve and need.

Mr Brolly: Go raibh míle maith agat, a Cheann-Comhairle. What criteria are used for the establishment of new schools?

The Minister of Education: Go raibh maith agat as an cheist sin. Tá beartas ginearálta ag an Roinn i dtaca le bunú scoileanna úra atá faoi chothabháil stáit.

The Department's general policy on the establishment of new grant-aided schools is based on a significant demand from parents, which means minimum intakes to each class of 15 pupils in an urban area, defined as Belfast and Derry, and 12 pupils in a rural area.

The Irish-medium sector is one of the fastest growing sectors in the North of Ireland, and it has huge benefits for children who learn bilingually. I pay tribute to Irish-medium schools for the wonderful work that they have done for children in their care.

North/South Co-operation

3. **Mr Dallat** asked the Minister of Education to provide an update on North/South co-operation on education. (AQO 276/10)

The Minister of Education: Tá dul chun cinn suntasach déanta ag an gComhairle Aireachta Thuaidh/Theas ar réimse ceisteanna oideachais ar fud an oileáin.

The North/South Ministerial Council has made significant progress on a range of educational issues across the island of Ireland. The joint working group on educational underachievement is addressing issues such as numeracy in the primary and post-primary sectors, good practice in literacy and numeracy in disadvantaged areas, good practice in Traveller and newcomer education, and improving pupil attendance at schools.

There has also been significant improvement in the provision of education services to children and young people with special educational needs. For example, the centre of excellence for autism in Middletown carries out an important research and information role and offers a menu of training courses relating to autistic spectrum disorders. An autism conference will take place in Armagh later this month to showcase good practice in providing support to children with autism, parents and professionals. We have introduced practical measures to assist teachers in the North of Ireland to obtain the Irish-language qualifications that they need to teach in schools in the South. We have tackled school leadership development issues, and a joint research project on how to attract teachers to the position of headship will be completed in the near future.

Information on teachers' pensions will soon be available to assist teachers who wish to transfer between the North and the South to work. It is important that we remove all obstacles to mobility. A framework for a joint programme of North/South educational exchanges is being developed, and the North/South exchange consortium will continue its good work in the meantime. The Standing Conference on Teacher Education North and South (Scotens) gives educators the chance to engage in open, critical and constructive analysis of current issues in education. I was delighted to address its seventh annual conference last month in Malahide, i mBaile Átha Cliath, to hear at first hand about the range of activities supported by Scotens.

Mr Dallat: That is a convincing list of activities, but I press the Minister to tell us what new projects her Department has proposed since the North/South Ministerial Council meeting on 6 July, specifically in relation to newcomer children from other European countries.

The Minister of Education: As the Member will be aware, an all-island conference was held near Dundalk

to launch a multidisciplinary diversity pack for every primary school on the island of Ireland. Representatives from schools that have a significant number of newcomer children spoke to the conference and to the last North/South Ministerial Council meeting at the Middletown centre for excellence in Armagh, and there was a useful sharing of good practice.

We are learning from the South of Ireland's Traveller education strategy, and we have established the Traveller education strategy group, which is jointly chaired by Dr Robbie McVeigh and an Irish Traveller from the South of Ireland. Some very interesting work is being done. We held a good conference in Newry on the subject of ensuring that every Traveller child receives equality in our education system. Unfortunately, that was not the case in the past.

Mr Storey: Given Batt O'Keefe's decision to cut funding for Protestant secondary schools in the Irish Republic, the subsequent remarks made by the Church of Ireland Bishop of Cork, Paul Colton, that those cuts made the Irish Republic a hostile place for the children of the Protestant minority, and the fact she always tells the House how important equality is to her, what representation has the Northern Ireland Minister of Education made to the Minister in the Irish Republic to ensure equality of treatment?

2.45 pm

The Minister of Education: First, I reiterate that all sectors throughout the island of Ireland should be treated in a fair and equal manner. The Member will be aware that, here, in this part of Ireland, I am engaging with all Churches and education sectors to ensure equality for all sectors. Perhaps the Member would like to write to the Minister in the South of Ireland. I believe that all sectors should be treated fairly across the island of Ireland.

Mr Kennedy: I am grateful for the Minister's reply, but I find it unsatisfactory. What specific representations has she made here to support the view of, among others, the Church of Ireland Archbishop of Dublin, the Most Rev Dr John Neill, that Protestant schools in the Republic of Ireland face a funding crisis as a direct result of the policies pursued by the Government in the Republic?

The Minister of Education: As I have said, I believe, and have stated clearly at all times, that all sectors should be treated in an equal and fair manner. *[Interruption.]*

Mr Speaker: Order.

Ministerial Meetings

4. **Mr McFarland** asked the Minister of Education to detail any discussions she had with other political

parties during the week beginning 12 October 2009.
(AQO 277/10)

The Minister of Education: Ní raibh aon phlé agam le páirtithe polaitíochta eile le linn na seachtaine dar tús an 12 Deireadh Fómhair 2009.

I had no discussions with other political parties during the week commencing 12 October 2009.

Mr McFarland: I thank the Minister for her reply. Does she believe that the transfer procedure solution can be found without her or Sinn Féin meeting the other parties to discuss the issue? Will she give the House a commitment today that she and Sinn Féin will meet other parties to discuss the issue and to find a solution to the transfer issue?

The Minister of Education: As the Member will be aware, I have spent a huge amount of time during the past two years in discussions with all the education sectors and political parties. I brought my proposals to the Executive on a number of occasions. Indeed, the Member's party, together with the DUP, refused even to discuss them.

Mr Storey: Not true.

Mr Speaker: Order.

The Minister of Education: I had to take action. I am the Minister of Education for all children, not just a small minority. I have to ensure that all our children are treated with equality and with respect. The 11-plus is gone; it will not come back, nor will there be any alternative exam that would put children through the ordeal of sitting two one-hour tests. There is no need to test children. It does not happen in the rest of Ireland at 10 years of age; it does not happen in England, Scotland or Wales; and it does not happen throughout Europe and the United States — *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: Therefore, we need to move to a situation in which all our children are treated with equality, have opportunities for education and receive the education to which they are entitled, without having to sit two one-hour tests.

Those who clamour for the return of the 11-plus or for an alternative test should consider carefully how such tests affect children in working-class communities, be they nationalist or republican, loyalist or unionist, or newcomer children. I will tell Members how it affects them: it discriminates against them. It is not possible to test children at 10 years of age without discriminating against those communities. Thankfully, we now have transfer 2010, and the vast majority of children will move to post-primary education on the bases of equality, fairness and good international practice.

Mr Storey: On a point of order, Mr Speaker.

Mr Speaker: I will not take points of order during Question Time. The Member may raise a point of order after Question Time.

Mr P Ramsey: Will the Minister confirm again that she is open to an agreed solution on the transfer procedure? If so, will she confirm that she will meet with the education spokespersons of the parties that are represented in the Chamber?

The Minister of Education: It is interesting that the SDLP appears to be departing from a 40-year policy of opposition to academic selection. The UUP, along with its colleagues in the DUP, previously refused even to discuss the transfer procedure at the Executive table. I took action that will be to the benefit of all our children and young people.

We are creating a system that is based on equality and on making sure that every child gets a fair chance. I will continue to do that.

If the SDLP has departed from its policy, it should explain why to its electorate. Perhaps the SDLP should question why it is linking up with a party that actively supports academic selection. The Tory Party, which is in coalition — although I do not know what the right word for it is — with the UUP, is opposed to academic selection and has put that opposition on record. The electorate would be interested to hear answers to those questions.

Mr Lunn: The Minister will be aware that there are ongoing talks among four other parties that are represented in this Chamber. Three or four meetings have been held, and her party has been invited to send a representative to each of those talks. In the spirit of trying to find an agreed solution, would she not consider it worthwhile to at least allow a representative of her party to attend those talks, which are non-binding?

The Minister of Education: I made it clear that I have had meetings on many occasions with all the different political parties about transfer 2010. I brought the issue to the Executive, and I stated already that they refused to discuss it. The place for policy formation is in the Executive and in the Education Committee. We had the bizarre situation in which the Committee could not agree consensus proposals, but the very people who sat in the Committee and could not agree then went into another room and thought that they could sit down and deal with the issue. The Committee has failed to deal with the issue.

Some members of that working group said that they needed more time. I bring to their attention a 'News Letter' article dated Tuesday 8 September 1964. That headline article read: "Moves soon to replace qualifying". It detailed how the Ulster Government were:

"moving fast to find a satisfactory replacement for the controversial 11-plus examination."

Let us not waste any more time on this issue. The key task is to bring forward fair proposals, and we have done that through transfer 2010. Children will not have to go through the hoop of doing two traumatic one-hour tests to decide whether they get into a school. Those days are gone.

Educational Standards

5. **Mr McLaughlin** asked the Minister of Education how area-based planning and the entitlement framework will improve educational standards. (AQO 278/10)

The Minister of Education: Creidim go daingean gur dóchúil go mbainfidh daoine óga a gcumas iomlán amach má bhíonn deis acu cúrsaí a dhéanamh a bhfuil suim acu iontu; cúrsaí a spreagann iad agus a sholáthraítear trí theagasc ardchaighdeán. Ón mbliain 2013 ar aghaidh, nuair a bheas an creat teidlíochta ina cheanglas reachtach, beidh fáil ag gach duine óg ar réimse níos leithne cúrsaí.

I believe firmly that young people are much more likely to achieve to their full potential when they have the opportunity to follow courses that interest and motivate them and that are delivered through quality teaching. From 2013, when the entitlement framework will become a legislative requirement, all our young people will have access to a broader and better-balanced range of courses. Pupils from age 14 onwards will be able to access courses in which they have a interest or that are of value and lead to qualifications that allow them to progress and contribute to society.

To deliver that, we need to plan for the delivery of the entitlement framework on an area basis to ensure that each area has a pattern of quality, sustainable provision that provides equality of opportunity and maximises the impact of the available resources. The recent post-primary area-based planning exercise, which concluded in July 2009, provides us with valuable insights into how a collective approach to planning can enhance the quality of education in a local area. My Department will draw on the lessons learned to improve standards.

Mr McLaughlin: Go raibh maith agat. I am sure that the Minister was encouraged by the all-Ireland perspective that the two unionist parties displayed when asking earlier questions. I thank her for her answer. Will she elaborate on how the area-based planning process will work under the education and skills authority (ESA)?

The Minister of Education: Go raibh maith agat as an cheist sin.

There will be a number of key components in the process, including the use of asset-management information and area plans. For the first time ever, all

the different education sectors are sitting down together and planning. As Members will know, there were five working groups and a central group. All sectors worked on that process.

The ESA will prepare area plans, strategic investment plans and project-level appraisals. The education sectors and planning groups — including sectoral support bodies — will be represented on those groups and they will advise the education and skills authority on aspects of planning. The ESA may also consult directly with others in preparing plans.

Once ESA has a complete draft plan for an area, it will consult publicly. Following that exercise, ESA will submit the post-consultation area plan to the Department for approval. Strategic investment plans and project appraisals above certain levels will also require the Department's approval.

Aithneofar scéimeanna infheistíochta do cheantar mar chuid den phróiseas sin. Investment schemes for areas will be identified as part of that process.

Mrs D Kelly: Given that the amount of progress achieved for area-based planning has been patchy, will the Minister tell the House how parents are choosing post-primary schools for their children?

Mr Speaker: The Member should not be reading her supplementary question.

Mrs D Kelly: Well, I am not the only Member who does, but —

Mr Speaker: This time you are the only one caught. *[Laughter.]*

Mrs D Kelly: The story of my life: sorry, Mr Speaker.

However, how will parents know which schools will be up and running with the entitlement framework in 2013?

The Minister of Education: First, the work on area-based planning is not patchy: it is the most significant work ever done in our post-primary sector. As I have said, for the first time, all the sectors are sitting down together to plan on a strategic basis. We have seen the problem when that has not happened: new schools built that are now empty and taxpayers' money squandered. Thankfully, that will not happen now.

I have written to every post-primary school in relation to the 2013 entitlement framework. My Department is in touch with the area learning communities and we have established very clearly that all policies and programmes brought forward by schools will adhere to the entitlement framework, which will be a statutory duty by 2013. I am pleased with the progress, but I want more work to be done. I would like to pay tribute to Adeline Dinsmore, Joe Martin and the five chairpersons throughout the North of Ireland who did tremendous

work in a very short time on area-based planning, and I look forward to further work.

Mr McCallister: What criteria will the Minister set for ESA in respect of area-based planning? Will she ensure that those criteria take into account the impact that they could have on rural communities and areas?

The Minister of Education: Sin ceist an-mhaith.

That is a good question and a very important one. I thank the Member for South Down for it. *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: The Member will be aware that my colleague Michelle Gildernew is working on a rural White Paper, which is important for all Executive Departments, on every aspect of policy.

The Member knows that my Department has looked at the issue of rurality. As I said earlier, the criteria for rural schools differ from those for urban schools. That is in recognition of the important role of rural schools. Of course, I am working with those criteria in respect of the entitlement framework and area-based planning. The ESA chief executive designate, Gavin Boyd, and its chairperson designate, Sean Hogan, are involved in all aspects, so that we have a seamless crossover once the authority is established in January.

Integrated Schools: Admissions

6. **Dr Farry** asked the Minister of Education how many children were declined their first choice of a place at an integrated school for the 2009-2010 academic year. (AQO 279/10)

The Minister of Education: Léiríonn figiúirí ó na boird oideachais agus leabharlainne nár éirigh le 496 páiste áit a fháil sa gcéad scoil imeasctha a ba rogha leo don bhliain acadúil 2009-2010.

In total, 3,166 children made first-preference applications to integrated schools; 2,760 were accepted. Of the children and young people who applied, 84% were admitted to their first-preference choice: 496 children — 16% — were not.

3.00 pm

EMPLOYMENT AND LEARNING

Belfast Metropolitan College

1. **Miss McIlveen** asked the Minister for Employment and Learning why the efficiency review of the Belfast Metropolitan College has not been published. (AQO 289/10)

The Minister for Employment and Learning (Sir Reg Empey): The efficiency review of the Belfast Metropolitan College has not yet been published because the consultants are making a number of final amendments to the draft report to ensure that their findings and recommendations are valid, complete and accurate. When the final version has been received, the report will be published on my Department's website.

Mr Speaker: Before calling Michelle McIlveen to ask a supplementary question, I warn Members who try to speak from a seated position that they should not do so. During questions to the Minister of Education, Members continually tried to speak from a sedentary position.

Miss McIlveen: In light of the problems surrounding the review, in the absence of key permanent staff such as a chairperson, chief executive, financial director and assistant financial director and following the Department's decision to withdraw a substantial amount of funding from the college, will the Minister consider a full reassessment of major capital projects for the college, particularly given that the previous viability assessment for such projects was based on information that was gathered in 2004?

The Minister for Employment and Learning: The Department is reviewing the capital programmes for all colleges, because, in recent years, there has been a substantial building programme. We react to estate plans from each college and determine what we can fund. Of course, colleges fund some projects from their own resources. The Member will be aware that a recent PAC report stated that all colleges should hold 10% of their funds in reserve.

Money has not been evenly spread among colleges because the new colleges are an amalgamation of various former colleges. My Department has drawn up a proposal to reduce the surpluses. That process has already started and will be completed by next year. In effect, we have put in place plans to bring the colleges' surpluses down to within 10%. As a result, Belfast Metropolitan College has commissioned a major new campus in the Titanic Quarter on which work has already started. The new campus is designed to replace two existing ones, at College Square North and at Brunswick Street, and that is an exciting proposal.

The Member will be aware that other estate issues in the Belfast area have yet to be resolved, and I am happy to make her aware of any proposals that the college makes to me in respect of those.

Mr P Maskey: Go raibh maith agat, a Cheann Comhairle. Has Belfast Metropolitan College brought forward any proposals or have departmental officials had any discussions with the college on the downgrading of courses or classes at any other Belfast campus?

The Minister for Employment and Learning: There is, perhaps, a misunderstanding among colleagues about the Department's role in such issues. The colleges determine which courses they will run. Each year, the Department approves funding for annual college development plans, but it does not dictate to each college which courses to run and where. Nevertheless, the Department sets certain policy targets and objectives, and it asks the colleges to implement them. If the Member has issues with specific courses at specific locations — he would not be in a unique position because other Members have written to me about such problems — he should bring them to my attention, and I will ensure that he receives a prompt and accurate reply.

Mrs D Kelly: Will the Minister outline the institution's financial health?

The Minister for Employment and Learning: One purpose of the review was to address issues concerning the college's finances. Under the regulations, the Department was able to send people into the college to examine its finances. The Member will be aware that the chief executive who was in place in the immediate past was ill for quite a long time during a period of major change. That was in addition to other issues. I am pleased to say that a new chief executive is in post. I pay tribute to Raymond Mullan who acted up in recent months and took on a very difficult job last year. I put on record my appreciation of his work.

The steps that are being taken will ensure the financial success of the college. One of our responsibilities is to ensure that each college is successful financially. Measures are put in place, and we monitor the situation. The boards of individual colleges also have a responsibility in that respect. The chief executive of each college is an accounting officer, as is the permanent secretary of my Department. The chief executives are the accounting officers for the funds that my Department provides to colleges. That link exists, and, where we consider that there are difficulties, we can intervene, as we did in that case. I hope that that intervention will prove successful. As I said to the Member for Strangford earlier, the report will be published on the Department's website as soon as those other issues are resolved.

South Eastern Regional College: Ballyboley Campus

2. **Mr Shannon** asked the Minister for Employment and Learning what steps his Department is taking to ensure that a suitable range of night courses are available at the Ballyboley campus of the South Eastern Regional College, to meet the needs of adult learners.

(AQO 290/10)

The Minister for Employment and Learning: As I have said, further education colleges are responsible

for determining the nature and timetabling of provision offered at each of their campuses, based on local demand. I am advised that the South Eastern Regional College has recently held two open days, produced a mini-prospectus and conducted extensive market research to encourage adult enrolments at Ballyboley campus. As a result, enrolments have almost tripled, although most of the increase is for classes held during the day.

Mr Shannon: I thank the Minister for his response. It is good that, of the first four questions, Strangford is mentioned in three. Strangford is to the fore again.

I thank the Minister for his update. Ballyboley campus is doing exceptionally well. Are the additional classes designed to help people retrain and obtain employment, or are they for those who are educationally disadvantaged and need help and support?

The Minister for Employment and Learning: The Department's curriculum policy has been developed to ensure that, through the curriculum offered, the further education colleges achieve an appropriate balance between provision that strengthens economic and workforce development and enhances social cohesion and that which enhances individuals' skills and learning. As part of that, colleges are required to increase the proportion of their provision that is on the national database of accredited qualifications. Members understand why that should be. We place no restrictions on the type of non-accredited courses that colleges can deliver. However, at present the level of resource for non-accredited courses during the current academic year is projected to fund many enrolments.

There is a mixture of courses and a balance to be achieved. I will ask the college to provide me with the details, and I will pass them to the Member. My understanding is that, for whatever reason, the demand is for courses held during the day. The pattern is that courses held in the evenings tend to be of a recreational nature, whereas those held during the day tend to be more economically relevant. In this case, there is a balance. I cannot give the Member the precise details of that balance, but I will write to him to provide that information.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. In line with the Programme for Government commitment on social inclusion, has the Minister held discussions with the colleges on concessionary fees?

The Minister for Employment and Learning: The Member knows that that issue is ongoing. I have had copious correspondence on that with Members over the last couple of years. We have attempted to widen the pool of students who attract financial support. The latest addition to that is anyone who qualifies for rates relief, which opened up things even more. My Department provides resources to colleges for hardship funds, and other sources of funding are also available.

The solution to this problem lies in the national review that is taking place. There are also developments in Europe that hold the key to a solution. We got caught up on the hook of not being able to discriminate in favour of people because of their age just as we are equally not supposed to discriminate unfavourably against people because of their age. As a result, that has been a doctrine of unintended consequences. Therefore, we have all got into a position that none of us wants to be in.

There is a way out of this problem somewhere down the line. In the meantime, however, we have tried to broaden the base from which people can draw additional resources to help them, because it is in our interest to see the colleges used to their maximum. For reasons more related to the economic situation, however, there has been a substantial increase in the number of students attending further education colleges this year.

Mr McCarthy: I am delighted that the Member for West Belfast has taken a real interest in Ballyboley. I am sure that she knows where Ballyboley is, and I thank her very much for her contribution.

I thank the Minister for his efforts in tripling the applications for daytime courses, but we want to see an increase in applications for night-time courses. The Minister mentioned recreation and arts and crafts courses, which not only educate the local population —

Mr Speaker: Will the Member come to his question?

Mr McCarthy: What can the Minister do to triple the number of applications for night-time courses?

The Minister for Employment and Learning: As I indicated, in fairness to the college, it has been making a big effort. It produced a prospectus and went out and promoted courses locally. The majority of new students have been taking daytime courses. The college will have to continue its marketing activities locally. However, it is at least producing a result, and we have to be grateful for that, thank the college for that and encourage it to do even more. With the support of the Member for West Belfast, how can the college possibly fail?

Mr McClarty: Given their immense popularity, will the Minister outline the situation in respect of non-economic, non-vocational courses?

The Minister for Employment and Learning: The Member for Strangford, who asked the substantive question, is now getting virtually international interest in Ballyboley. It is obviously becoming a centre of great learning, which is what we want it to be.

Although we have, in the main, encouraged courses with an economic element, a significant proportion of resources is still available for recreational and similar courses. The college is the responsible authority for promoting itself locally. No Department is best placed to micromanage such a situation. Local people must

have a major say in how that is done, because they know the territory and the local demands.

The South Eastern Regional College was quick off the mark in responding to the economic downturn, which is a subject that we will be returning to in a moment in another question. There has been a substantial capital build, and we are encouraging as many people as possible to use those facilities for such purposes. With the widespread support that we have, I am confident that we shall succeed.

Further Education: Engineering

3. **Mr Craig** I apologise for getting in between all those Strangford people. Question 3, Mr Speaker.

The Question was as follows:

To ask the Minister for Employment and Learning whether he can provide an assurance that technical colleges will prioritise and support the training of potential employees in high-tech engineering, such as polymer and biochemical engineering. (AQO 291/10)

The Minister for Employment and Learning: I am happy to give the Member such an assurance. My Department sets the broad strategic framework for the further education sector in Northern Ireland and channels its funding accordingly. For example, one of the Department's public service agreement targets is to increase the proportion of college provision that is in Northern Ireland's priority skills areas, one of which is manufacturing engineering.

Under the further education funding model, colleges receive weighted funding for delivering such provision. Consequently, further education colleges offer a wide range of subjects in the areas of science, technology, engineering and mathematics (STEM) to prepare their students for employment in the hi-tech engineering sector.

Initiatives include collaboration with Northern Ireland university partners to develop and deliver training for local SMEs; full-time programmes in renewable energy, energy efficiency and sustainable construction; and the development of industry-linked foundation degree programmes in STEM subject areas through the innovation fund. The Department also supports the delivery of a polymer technician apprenticeship programme. The South Eastern Regional College delivers a course in polymer processing and materials and is working to develop a composite materials apprenticeship.

3.15 pm

Mr Craig: I thank the Minister for his reply. I spent 15 years in polymer engineering, and I know that it is an important area for the future of the aircraft industry, which we are proud to have in Northern Ireland. Biochemistry is another field of engineering in which

we can continue to compete in the world market; we can compete against low-cost manufacturing economies. Does the Minister agree that it is vital that people are trained to have the expertise to work in those industries? It is particularly important that those people are trained in readiness for the day in the near future when those industries take off.

The Minister for Employment and Learning: I agree with the Member's comments on that issue. There are a number of initiatives in the sector. The Member will probably have heard of the Connected programme — a major open source software initiative — which includes the polymer technician programme. That allows a college to have access to a substantial reservoir of research and other information, which would short-circuit many individual research programmes that each college would have to undertake. Students and colleges can access Connected, and it allows the colleges to engage with private sector companies with a view to solving the problems of those companies. They also have the backup of the Connected research facility. I support the Member's comments, and I believe that the colleges are keen for delivery of their services via that mechanism.

Dr McDonnell: On a similar vein, will the Minister outline his assessment — *[Interruption.]*

Mr Speaker: I remind Members to ensure that their mobile phones are switched off.

Dr McDonnell: I apologise for that, Mr Speaker.

Will the Minister outline his and his Department's assessment of the independent review of economic policy from the perspective of the further education sector, particularly on the question of innovation in firms and the delivery of skills to encourage inward investment?

The Minister for Employment and Learning: The Member has devoted much time and energy to this subject, and he will be aware that we are moving into a time in which, because of European changes, grants for economic development will be unavailable to government. Northern Ireland's main selling points, as was pointed out by the recently appointed economic envoy, Declan Kelly, are the skills of its workforce. That will be our major incentive as we try to attract industry and businesses into Northern Ireland.

The further education sector is ideally placed, and we have invested heavily in it. On completion of the current investment programme, we will have one of the most up-to-date and sophisticated estates in any part of these islands. The colleges fully recognise the importance of training people for business and giving them the required skills. We have been working with the economic envoy to ensure that any specifications that are requested by incoming investors or people who want to collaborate or enter into partnerships are

met. We will endeavour to ensure that such people are provided. If they are not, we can tailor bespoke training for individual companies, and the colleges are prepared to do that. The opportunity is there, and the colleges have the initiative and expertise to deliver it through their lecturers and other dedicated people. The further education sector is a wonderful asset.

Mr B McCrea: I am a chemical engineer, and I am delighted that there are career opportunities outside politics.

Will the Minister outline what happened to the numbers of students taking priority skills courses?

The Minister for Employment and Learning: With respect to higher education, the STEM review concluded that the number of students participating in such courses has dropped over the years. However, the Department now believes that through a combination of different initiatives that trend is beginning to change. We now have the STEM review report, and we also have the recent MATRIX report. I believe that all the strategies are now in place. Furthermore, both Queen's University and the University of Ulster received awards last week. Queen's University was awarded an enterprise award, and both universities also received excellent ratings in last year's RAE exercise.

With respect to the further education sector, the Department is continually in contact with that sector and is continually pushing courses with a professional and technical element.

As I said in response to Dr McDonnell's supplementary question, the attitudes in our further and higher education sectors today are very different to the attitudes of a few years ago. Indeed, I think that Dr McDonnell would agree that there has been a huge change in the past decade. The days of the ivory tower are gone. There is now a concentration on all levels, from degree level to the technicians who make business work. It is not all about research, however important that may be. Mr McCrea can be confident that the Department has in place the necessary policies and the necessary people to deliver them in our further and higher education sectors.

Universities

4. **Mr McNarry** asked the Minister for Employment and Learning to outline the results of any research his Department has commissioned into the reasons why students opt to study at universities in Northern Ireland or at universities elsewhere. (AQO 292/10)

The Minister for Employment and Learning: Perhaps we should have a Question Time specifically for the Strangford constituency in future.

In June 2008, my Department published research led by Professor Bob Osborne, and it examined the factors associated with the decision-making processes of local school-leavers who were seeking entry into higher education. The most important reason cited in determining pupil's preferred choice was that the student considered a particular institution to be the best place to undertake their chosen course, while issues of reputation and location were also important to the respondents. In addition, the research concluded that the evidence points towards the fact that the bulk of those who leave Northern Ireland do so because they want to leave.

I also commissioned a Northern Ireland-specific report as part of the UK-wide Futuretrack study, which included the reasons given by Northern Ireland higher education applicants for institutional choices. Over half of those who chose to study outside Northern Ireland cited the fact that they wanted to study away from home, which compares with almost half of those who chose to study in Northern Ireland stating that they wanted to continue to live at home.

Mr McNarry: I thank the Minister for his reply. It is very good to see the Minister in place following the Halloween recess and the brilliantly successful Ulster Unionist annual party conference. The highlight of that conference was the Minister's "Take no nonsense" address, a vein in which I am sure he will want to continue.

Will the Minister outline the progress that has been made with the C'Mon Over campaign? Will he also outline what statistics he has for both sections of the community opting to study in either Great Britain or the Republic of Ireland?

The Minister for Employment and Learning: I can supply some figures. The total numbers of school-leavers from Protestant and Catholic communities leaving to study in Great Britain are very similar. In 2006-07, 1,137 Protestant and 1,105 Catholic school-leavers chose to study in institutions in Great Britain, while, in 2007-08, 1,142 Protestant and 1,060 Catholic school-leavers chose that route. However, one element is omitted from those figures: if we examine the total number of Northern Ireland-domiciled students studying in the Republic of Ireland and Great Britain, it is likely that there are now more students from a Catholic background choosing to study outside Northern Ireland.

The number of students leaving Northern Ireland has dropped from one third of all students 10 years ago to just below one quarter of all students today. I hope that that trend continues in the future.

Mrs Long: I thank the Minister for his answer. Given the economic benefits of international experience, what does the Minister judge to be the benefits of Northern Ireland students acquiring their third-level education outside Northern Ireland and bringing that

experience back? What specific measures has his Department put in place to attract students who choose to study in other parts of the United Kingdom or in the Republic of Ireland to come back here and make a life for themselves and to attract students from there to do likewise?

The Minister for Employment and Learning: In many respects, it is good that students choose to go to different institutions here and elsewhere, and there are many practical reasons involved. First, some students may wish to study a particular course that is not available here. Secondly, many of them may want an away-from-home experience, and those who come from the greater Belfast area may not consider that they are going away from home if they go to Queen's University or the University of Ulster at Jordanstown, as they would be attending local universities.

We have no plans to encourage people to go away to study. In fact, the trend is moving in the opposite direction; student numbers are rising. However, because the number of students that we can fund is limited, the research was designed to find out whether people were leaving due to a chill factor or because of choice. The answer was that they left because of choice.

With regard to getting those students who studied outside Northern Ireland back, I agree entirely with the Member that it is a very valuable group of people. I have commissioned the C'Mon Over campaign, which has held a series of events at universities in Great Britain, and I will be attending an event in Dublin this month. Through that campaign, we promote Northern Ireland to the students, many of whom have come from here. I assure the Member that that has proved positive, and we have had a significant number of successes in bringing people back. The percentage of those coming back is rising, and, although the current economic downturn has slowed it to some extent — economic opportunity is one of the biggest issues — I believe that the strategy and the trajectory of what we are trying to achieve are correct.

Ms Purvis: The C'Mon Over campaign is designed to attract students to return after they have finished their education elsewhere. Has the Minister found any evidence to suggest that the students most reluctant to come home are those who have been through integrated education or those who are lesbian, gay or bisexual?

The Minister for Employment and Learning: I do not have an answer to that question. The statistics that I rely on are compiled nationally, and I do not believe that they are broken down in that fashion. Also, I have no anecdotal evidence one way or the other, and, unless the Member can provide me with some information, I am not able to answer her question.

South Eastern Regional College: Capital Investment

5. **Mr Cree** asked the Minister for Employment and Learning to outline the level of capital investment in the South Eastern Regional College during the last two years. (AQO 293/10)

The Minister for Employment and Learning: There has been a significant investment in all of the main campuses of the South Eastern Regional College. Three major projects, with a capital value of £62 million, are spread over six campuses. Newcastle and the first phase of Downpatrick were opened earlier this year, and Bangor, Newtownards, Ballynahinch, Lisburn and the second phase of Downpatrick will be delivered by October 2011. A mix of conventional procurement and public-private partnership is being used to deliver the projects.

Mr Speaker: That ends Question Time. We now return to the motion —

Mr Kennedy: On a point of order, Mr Speaker. Will you undertake to review the Question Time session held with the Minister of Education? Many sides of the House are concerned that she consistently fails to answer or address the questions posed to her. That leads to background noise in the Chamber, and I am mindful of your earlier comments about that. I remind the House that all Ministers have a duty to come to the House for Question Time and to give proper and full answers to the questions posed.

3.30 pm

Mr Speaker: I have some sympathy with the Member, but, as I have often said in the House, it is not my job to get involved in, or sit in judgement on, the way in which any Minister might answer a question. There are a number of avenues open to the Member through which he might resolve the issue of Ministers answering questions.

Mr Boylan: On a point of order, Mr Speaker. During Question Time to the Minister of Education, a Member of the House, from a seated position, shouted either "get up" or "hurry up" while the Minister was sifting through her notes to respond to a question. Will you make a ruling on whether that is appropriate behaviour in the Chamber? Go raibh maith agat.

Mr Speaker: I already said during Question Time that it is absolutely wrong for any Member to try to speak from a seated position. There were quite a number of Members in the House during Education Question Time who were, I believe deliberately, shouting from a sedentary position. I have ruled in the past, and will certainly rule in the future, that that is something that I will not tolerate in the House, irrespective of who the Minister might be. When a Minister has the Floor, the Minister should be entitled to the Floor without interruption.

PRIVATE MEMBERS' BUSINESS

Child Abuse: Ryan Report

Debate resumed on amendment to motion:

That this Assembly expresses grave concern at the findings of the Commission to Inquire into Child Abuse report (the Ryan report) published in May 2009 in the Republic of Ireland; considers that such neglect and abuse of children and young people's human rights must be subject to criminal law; recognises that children who were placed by state authorities in Northern Ireland in establishments or settings where they became victims of abuse are entitled to support and redress; calls on the Executive to commission an assessment of the extent of abuse and neglect in Northern Ireland, to liaise and work with the authorities in the Republic of Ireland and to report to the Assembly; calls on the Executive to provide funding to support helpline and counselling services which are now facing new demands; and further calls on the Executive to work, through the North/South Ministerial Council, to ensure that all-Ireland protections for children and vulnerable adults are in place as soon as possible. — *[Mrs Hanna.]*

Which amendment was:

Leave out all after "criminal law;" and insert:

"and calls on the Executive to produce a report detailing measures for dealing with past abuse and ensuring that rigorous protections are in place for the future." — *[Miss McIlveen.]*

Mr Durkan: This has been an important debate, and an emotive debate in some ways, for very understandable reasons. A debate of this length, with contributions necessarily truncated — I know that many other Members wanted to make, and had prepared, further contributions — cannot do justice to the issues with which it is concerned. Although it cannot do justice to the issue, through the debate, we can seek justice for the victims of the systematic abuse and neglect that has already been outlined by others.

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

I ask the DUP not to put its amendment to the vote. Jim Shannon said that we in the Chamber are united today in righteous anger. We could best show that we are united in righteous anger if we do not divide on the issue. The Ryan report was the subject of a unanimous resolution in the Dáil, and we believe that the motion should receive unanimous support in this House today. Not that the motion disposes of the issue in any way, but it properly frames an approach through which this very important issue can be addressed.

The DUP amendment would remove those parts of the motion that acknowledge the role of state authorities in placing children in establishments and settings where they ended up suffering neglect and abuse. It would remove the statement that the victims are entitled to support and redress, which would mean that the Executive would not be charged with commissioning an assessment of the extent of abuse and neglect in Northern Ireland, and would remove those references to working with

authorities in the South, both in relation to past issues and to promote future protections.

We ask the DUP to park its amendment and to support the main motion. I listened to what the proposer of the amendment, Michelle McIlveen, said. She seemed to present our motion as simply calling for a rerun of the Ryan report here. However, our motion makes it very clear that such neglect and abuse of children and young people's human rights must be subject to criminal law. We are not talking about any immunities such as were part of the way in which the Ryan inquiry was conducted. We specifically did not frame the motion to call for a public inquiry, because we know that different parties have different views on those issues. We wanted it to be a motion that could attract consensus and could allow unanimity in the House on the basis of which the Executive could take things forward, working, in light of the understanding gained from the Ryan report, with the Southern authorities and with others in these islands.

The nature of the abuse that people in care settings suffered has been well demonstrated by the Ryan report: it needed to be, because we hear continually from the victims of abuse in those homes that they were not believed. They were evaded, avoided and denied, and they were left to carry their suffering in silence. No matter what age we are, we all still have an inner child, but the victims of systematic, institutional abuse are left with their inner child still lonely, afraid and hurt so long as any part of the system refuses to believe them or fails to acknowledge, declare and assert what happened to them. The system should be broadcasting and amplifying what happened to those children as a way of ensuring that it will not happen again.

Mr P Ramsey: The Member made the point that the state placed the children into homes and establishments and failed them because it did not provide inspections and regulations in those establishments. Therefore, we now have a responsibility to provide support and services to victims of abuse. I think that the Member will agree with those comments.

Mr Durkan: I certainly do. Children were often put into those institutions and homes by the state, which left the institutions unregulated or under-regulated. As some Members said, the relationship between those institutions and the state may not have been the same here as that which existed in the South, but it was the same in some cases. There was a complete lapse of responsibility on the part of state authorities to ensure that due and proper care was given to children. It is simply not good enough to hide behind the assumption that, on the basis of their mission statements as religious orders, the institutions were providing due care. It is not good enough now, and it was not good enough then.

Unfortunately, it seems that some people in those orders took the words "suffer little children" to be the

sum total of what the gospel required from them and almost that they had to impose that by way of instruction. The full quotation is:

“Suffer little children, and forbid them not, to come unto me; for of such is the kingdom of heaven.”

Unfortunately, those little children were asked to suffer hell on earth. They were put there, often at the disposal of the state. They were supposed to be there under the care of the Church or religious orders, and they suffered systematic neglect and abuse.

Michelle McIlveen of the DUP said that an entitlement to support or redress was not needed here. The redress that she said is available is available only to victims of sexual abuse, and we know that the victims who have come forward received many forms of abuse.

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

Mr Durkan: They suffered physical, emotional and psychological abuse, as well as, shamefully, sexual abuse.

Ms Anderson: Go raibh maith agat, a LeasCheann Comhairle. Éirím le tacaíocht a thabhairt don rún.

I support the motion, but Sinn Féin does not support the amendment because it ignores the all-Ireland nature of the issue. The reason that we are having the debate today is because the Ryan report stopped at the border but the abuse did not.

In essence, the motion is modest. It asks for support for a commission to carry out an assessment, and it asks the Executive to liaise and work with the authorities in the Twenty-six Counties. It asks the Executive to provide funding services, such as a helpline, and to work with the all-Ireland ministerial council. Whatever one's personal view on a public inquiry, the motion makes no mention of one, as was stated when the amendment was proposed.

When the Ryan commission published its findings in May 2009, my party colleague Padraig McLochlainn, who sits on Donegal County Council, described it as “Ireland's greatest shame.” Other nations have their own stains on their history, but this is, without doubt, Ireland's legacy. It is our great shame. The nation that sought to cherish all its children cast aside its most vulnerable people. Those children, who were put into care by the state, were abandoned into institutions where abuse was endemic. They were thrown to the mercy of sexual predators and abusers. The Churches, the authorities and the public turned a blind eye.

The horrors that have been exposed by the Ryan report are a damning indictment of Irish society and of that period in Irish history. I believe that we all knew that abuse went on in those institutions. However, the Ryan report lays that abuse bare as never before. It has cut through the national consciousness like a knife.

Of course, in recent years, particularly after the Kincora scandal, stricter guidelines have been put in place to try to prevent any repeat of such abuse. The Criminal Justice Order 2008 put in place new public-protection arrangements to help to protect children and vulnerable adults and to manage the risk that is posed by offenders. It also provided for tough new indeterminate sentences for dangerous, violent and sexual offences.

Mrs D Kelly: I thank the Member for giving way. Does she agree that the Government failed those children by not adequately regulating and inspecting children's homes; that the abuse was not confined to Catholic-managed children's homes — it was endemic in all children's homes; and that there must now be a North/South dimension to child protection and to putting vetting procedures in place?

Ms Anderson: I absolutely agree with that. The experiences of many of the people whom we are dealing with show that the abuse was not confined to those particular institutions.

The North/South Ministerial Council has intensified work and co-operation on child protection. However, an all-Ireland child-protection register must be established. NIO and Department of Justice, Equality and Law Reform officials who are looking at co-operation in dealing with sex offenders must try to expedite that issue as quickly as possible.

In October 2009, the new vetting and barring scheme was introduced to target employers who fail to report an employee who harms or poses a risk of harm to children and vulnerable adults.

Although the measures that I have spoken about are welcome, we must remain vigilant. Unfortunately, we know that as we sit here in the Chamber, children are still being abused. The vast majority of those children are being abused in their own family homes by people whom they know. The shame of child abuse is far from being a legacy issue. Necessary steps must be taken by the Executive and those who have responsibility in the NIO to protect children and to ensure that the mess that we have inherited will never, ever happen again.

If ever there was a case for establishing a justice Department, it is this case, in particular, among many others. On the face of it, the debate may appear to be historical, but, for the victims, it is absolutely not. They live with and struggle with that abuse every day of their lives. Tragically, some can struggle no longer and choose to end their lives, such is the anguish and pain that they face.

Earlier, I said that the Ryan report was a damning indictment of that time in Irish history. It is also a damning indictment of the partition of our country. Despite the fact that many of those institutions exist throughout Ireland, the Ryan report stopped at the

border. For victims in the North, there was no redress. There was no truth recovery and precious little support.

I have had the humbling privilege of working with victims of child abuse whose dignity and strength continues to inspire me and many others while their pain and suffering pull at our heartstrings.

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

Ms Anderson: As you will know from your experience, Mr Deputy Speaker, the report has touched me and many people in Derry dearly. Therefore, I ask Members to support the motion and to reflect again on the amendment. I hope that we can unite in the Chamber on that important and sensitive issue.

3.45 pm

The junior Minister (Office of the First Minister and deputy First Minister) (Mr Newton): I thank the Members who brought forward the motion. I am grateful to have the opportunity to respond to the debate on behalf of the Minister of Health, Social Services and Public Safety, who is unavailable.

The Ryan report confirmed what had been publicly suspected for a very long time: that widespread abuse of children was perpetrated largely by members of Roman Catholic religious orders in institutions in the Irish Republic over many decades. Nevertheless, the stark findings of the commission make for disturbing reading, and the scale of the problem has been shocking.

We should all share the grave concerns of the commission's findings, which are reflected in the motion before us. There have been calls for a Ryan-type inquiry in Northern Ireland, and I understand that a petition was received here today containing thousands of signatures calling for such an inquiry.

From the outset, I wish to say that any victim of child abuse in any institution, be it educational, a children's home or in the juvenile justice system in Northern Ireland, has our full sympathy and support. It is unacceptable that those victims were not afforded the care, love and protection that they deserved and required as children.

The emphasis in the motion — namely that such abuse and neglect must be subject to criminal law — is to be welcomed. We do not support the suggestion that perpetrators of what are criminal offences against children should have their anonymity protected by an inquiry. The protection of children now and in the future demands that those matters be subject to a full investigation by the police and to criminal proceedings. Only by that means can information about abusers be shared as part of vetting checks should they seek to gain access to children in an employed or volunteering capacity now or in future. That is why victims should come forward to the police to have their allegations investigated. If they have not already done so, they must

do so now. That will be a significant step in identifying the scale of the problem.

Members should be aware that the calls for redress are not purely about financial compensation; victims have other needs, such as advice and counselling. It is perhaps not widely known that the Roman Catholic Church funds a counselling service that is available to victims in Northern Ireland. The operation of that service is entirely independent of the Church. However, much more must be done.

It is also imperative that those in charge of running institutions take a greater role in working with the PSNI and other statutory bodies in identifying where the abuse took place, who the victims are, and what compensation and help they require.

Although allegations of abuse in residential settings were not restricted to Catholic-run institutions, it is important to note that, historically, the nature of the relationship between the state and the Roman Catholic Church in Northern Ireland was very different from that in the Republic of Ireland.

We have also benefitted from the findings of inquiries into abuse at institutions here, such as the Kincora inquiry, which led directly to the improved scrutiny of services and the development of a strong regulatory framework in Northern Ireland that is comparable to the rest of the UK.

Members will be aware that the Ryan report took 10 years and cost tens of millions of euros to complete. At its conclusion, we are not aware of any prosecutions being taken forward, and information about persons who abused children remains confidential to the inquiry.

As a consequence of the report, a redress board was set up to make fair and reasonable awards to persons who were abused as children while resident in industrial schools, reformatories and other institutions that were subject to state regulation or inspection in the Republic of Ireland. The board, which is wholly independent, considers applications for redress. Those are treated in the strictest confidence, and the board conducts all hearings in private. The board will apply only to those who were placed in institutions in the Republic of Ireland.

Dr W McCrea: Can the junior Minister tell the folks who are being asked to come forward to the PSNI — and they should come forward — that the Assembly gives clear assurances and direction that, as far as we are concerned, anyone who has been involved in criminal activity against and abuse of children will have no cover whatever and should face the full rigours of the law?

The junior Minister (Mr Newton): I touched on that in my speech, and I will come to it again later.

A substantial regulatory framework is in place in Northern Ireland that deals with children in health and social care services. It covers institutions and the workforce, and its primary intention is to safeguard children so that abuse does not happen in the first place.

By the end of November, the Minister of Health will publish a report that sets out regulatory arrangements for those areas for which he is responsible. He will ask each of his Executive colleagues to prepare and publish a report, in the same timescale, setting out what arrangements to safeguard children, legislative or otherwise, are in place in their areas of policy responsibility. Safeguarding children is the responsibility of every Department and every Minister.

I want to highlight that a very wide range of initiatives and developments is being taken forward across the Departments and agencies to protect children and to respond when children have been abused. Therefore, the Office of the First Minister and deputy First Minister, in partnership with the NSPCC, took the lead in co-ordinating the development of 'Safeguarding Children: A cross-departmental statement on the protection of children and young people'.

That report was published on 30 June in conjunction with the Northern Ireland Office and the Northern Ireland Court Service. It brings existing and proposed safeguarding initiatives together in one document. The report provides a baseline for the Safeguarding Board for Northern Ireland, which is led by the Department of Health, Social Services and Public Safety. It also provides a clear route map for professionals and government bodies to ensure that rigorous protections are in place for the future.

In my role as junior Minister in OFMDFM, junior Minister Kelly and I are joint chairpersons of the ministerial subcommittee on children and young people. That subcommittee has identified safeguarding children, including support for parents, families and carers, as one of its six key priorities. In further recognition of the seriousness of the issues that the Ryan report raised and the operation of the redress board, Ministers will consider the matter at the subcommittee's next meeting.

However, the Minister of Health has advised me that the House can be assured that overall child protection arrangements in Northern Ireland, as in the rest of the UK, are more stringent than in most other countries. Those arrangements are being strengthened further by the implementation of the arrangements set out in the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.

As part of the North/South Ministerial Council, we are working with our counterparts in the Republic of Ireland to strengthen child protection on a cross-border basis. The Minister of Health welcomes the Irish Government's recent post-Ryan proposals on information

sharing. The Minister has written to his ministerial colleague in the Irish Republic seeking clarification and to ask whether that will extend to sharing information with agencies in Northern Ireland.

Mr McCarthy: I am concerned that there may be a cut-off point, as there is in any investigation. Can the Minister assure Members that all accusations will be investigated completely, regardless of the length of time that has passed since the abuse happened?

The junior Minister (Mr Newton): The Member made that point in a previous intervention, and I will make sure that it is reiterated to the Minister of Health.

Although the Department of Health is focused inevitably on children, much of the debate needs to be about adults who pose a risk to children. That includes looking at the role of the police, vetting agencies, criminal prosecution services, public protection arrangements, and the exchange of information about sex offenders moving between the Irish Republic and the UK. Those are areas that fall overwhelmingly within the NIO's domain.

The motion focuses on the abuse of children by non-family members. The context of the Executive's work is one in which child protection is, and will continue to be, overwhelmingly about the abuse of children within the family. Neglect, physical abuse, emotional abuse and sexual abuse of children are overwhelmingly perpetrated by a close relative or family friend. Over the past five years, referrals of children to social services in Northern Ireland have increased by 24%. That partly reflects much better reporting and inter-agency working.

The matters raised in the debate are complex and difficult, cut across reserved and non-reserved matters and fall under the responsibility of several Ministers and Departments. Due to the sensitivity of the issue, the way forward will need to be carefully considered. It will be important to identify key actions on how to move forward, including how best to identify the scale of the problem. I anticipate further discussions over coming weeks.

As I am responding on behalf of the Health Minister, who is taking the lead on the issue on behalf of the Executive, I will ensure that a copy of the Hansard report of the debate is sent to him for his consideration.

Mr Storey: I am conscious of the hurt, betrayal, suffering and wounding of so many people in both Northern Ireland and the Republic of Ireland. We must ensure that we give the issue the importance that it deserves. Although the debate has done that, I have concerns about elements of the contributions of some Members who tried to use the debate for political purposes. Some Members have tried to link the debate with the devolution of policing and justice; I fail to see the relevance of that to the motion. Those comments

should be discarded; we ought to focus on what happened and how redress can be achieved.

We must all face facts: it is only the absence of a proper investigation in Northern Ireland that has meant that we have not had anything like the public revelations and outcries that have been witnessed elsewhere, particularly in the Irish Republic. Do we really believe that the border, which some Members referred to, insulated us from the abuse of children? Some might try to argue that that could have been the case.

In the past, it was argued that the old Stormont Government being unionist controlled meant that there was greater oversight and a much stricter environment for care homes and other such institutions to operate in. It is my view that the precise opposite would have been the case; it seems highly likely that the sensitivity of the relationship between the old Stormont Government and the Roman Catholic Church would have meant that there was a greater reluctance to interfere.

I am a member of the Independent Orange Institution, which, as Members may recall, raised the issue of convent laundries in 1903. That led to the split in Orangeism. Therefore, we must bear in mind the historical context of debates on the issue. None of us should be foolish enough to think that we were immune from all the misery and brutality that took place in the Republic because of a line on the map; we were not.

Mr P Ramsey: Does the Member agree with the call in the SDLP motion for the Executive to commission a report on the extent of the abuse? Does he also agree with our call for the Executive to provide funding for services and support for the victims? Will his party support that call?

4.00 pm

Mr Storey: We have lost focus on some elements of today's debate. Those who were responsible must be held to account. I am worried that yet another report will lead to a huge diversion from that responsibility.

This point may highlight the matter for the Member: we must remember that the Roman Catholic Church is organised on an all-Ireland basis. It recognises no ecclesiastical border, and some of its dioceses straddle the border. As an institution, it has transferred personnel between jurisdictions after allegations of wrongdoing. Therefore, as I said during an intervention earlier, and as my honourable friend Rev William McCrea said, we need to ensure that nobody in the House attempts to avoid making those who carried out terrible atrocities take responsibility for their actions. The Ryan report offered immunity and whitewashed the issue of bringing people to court.

Mr Durkan: The motion does not call for Ryan-style immunity or suchlike but clearly addresses the issue of criminal justice. The Member's aversion to any report or assessment in the North means that the overall picture of abuse will be lost, and those who are

responsible for it will not be held to account. To put an onus on people to report to the PSNI is no solution to the structural abuse that took place.

Mr Storey: The Member mentions the issue of people reporting to the police. I welcome the fact that the Catholic authorities have, to some degree, made records available. However, there has been a perception that the Catholic authorities have been reluctant to be wholehearted, open, honest and transparent in bringing those matters to the police. Therefore, in order to make that happen, it is important —

Ms Anderson: Will the Member give way?

Mr Deputy Speaker: I am sorry, but the Member's time is up.

Mr Storey: I support the amendment.

Mr Attwood: I will begin by making a general point. People who have suffered institutional abuse, people who suffered in the Ballymurphy massacre and people who represent the families of the disappeared visited the Building today. I am sure that that coincidence is not lost on anyone. Although their circumstances differ, a common thread runs through their experiences. As Carmel Hanna said, given the brutality of their experiences, those people's dignified determination is remarkable. I have met all three groups in recent months, and I can affirm Carmel Hanna's comments about their remarkable nature.

I thank Carmel Hanna for proposing the motion. She argued with determination in the Chamber today, having previously argued in private that the Assembly debate the matter in order to bore into the scale of the issue in the North. That is at the heart of her motion. It tries to get a grip on the scale of the incidents and the scale of the response of the Chamber, and that of people outside it, to the experiences of far too many people.

Even at this late stage, I reiterate Mark Durkan's request that the DUP do not press its amendment. Indeed, I ask the party to consider withdrawing its amendment. I ask that because I believe that there is a tension in what DUP Members have said this afternoon.

Jim Shannon rightly said that what happened was a disgrace against humanity, and I agree. However, does it not arise from that statement, given that that is the measure against which to judge institutional abuse, that we should measure the scale of that abuse? We cannot say that such abuse is a disgrace against humanity yet not know its scale in this part of Ireland. That is why the SDLP argues that an assessment should be made of how far and wide the abuse was over the years.

Mr Storey: If that is the case, and I accept that such abuse is repugnant to us all and that it makes us physically sick to think of what went on, should not the first port of call be the institutions and organisations that were responsible for those actions?

Mr Attwood: I will come back to that point when I reply to what UUP Members said.

My second point is this: Michelle McIlveen said that an inquiry or an assessment will reveal:

“nothing that we do not already know”.

If we asked people in the North whether they knew everything before the broadcast of the ‘Spotlight’ report, they would say no; if we asked people in the North whether they knew everything before the petition was presented here today or before the victims made their comments in the media, they would say no; and if we asked people in the North whether the scale of abuse was known before the victims took up their campaign, they would say no.

Since it is self-evident that we cannot assert here today that everything that needs to be known is known, there is an obligation on us to take the preliminary step by way of an assessment to determine what the level of abuse might have been. Therefore I contend that there is a tension and a contradiction in what DUP Members said. On one hand, they described the abuse as an offence against humanity; on the other, they said that there is nothing that we do not know. I ask the DUP Members to consider that further.

I welcome the comments of the two Ulster Unionist Members who spoke in support of the motion. They recognised what is inherent in the motion: that an assessment of the scale of abuse is not an alternative to a criminal investigation leading to criminal prosecutions of those alleged to be guilty. In fact, the evidence from the South confirms that there is no contradiction, for although some people sought redress through the courts, many more came forward in an inquiry to determine the nature, scale and experience of abuse over many decades.

I say to DUP Members that the motion, and all the contributions from other Members, makes the point that the criminal law must have its day but that it is not inconsistent or contradictory to have a parallel assessment process that could lead to an inquiry. I also endorse the comments of the deputy leader of the Ulster Unionist Party:

“the Executive must take seriously the legacy from decades of abuse.”

That is why our motion lays down four mechanisms to assess the level of abuse, how to respond to the legacy of abuse and how to deal with the issue in future.

I listened attentively to the junior Minister Mr Newton, but I was disappointed in his explanation of how the Executive and OFMDFM deal with those who are subject to abuse today. People who were abused as children are now in their 50s, 60s and 70s, and we must deal with the legacy that they have inherited. In the wake of recent publicity about the Ryan report and the fact that people are beginning to speak up, there is probably a need for a dedicated response to deal with the spike in the number of people who require counselling and support.

I welcome the junior Minister’s statement that the Executive and OFMDFM will consider a way forward. Although, as he said, criminal prosecutions may be a significant step in determining the scale of the problem, they are not the sole determinant. Whatever legal cases do or do not reveal, there is an obligation to make an assessment, based on empirical evidence, of what happened over the past 40 or 50 years. That assessment should determine the Assembly’s response.

I acknowledge the Alliance Party for making a point that is sometimes missed. Given the tone of one or two comments from the Benches opposite, it is a point that could have been missed today. As the Alliance Party pointed out, to acknowledge that abuse took place in far too many places is different from claiming that a culture of abuse existed throughout the institutional life of this island, including in the Catholic Church. It is important to do all that is necessary to determine the scale of abuse, but it is also necessary to confirm and affirm that many institutions responded positively and properly to the needs of children in care.

I found the introduction of the devolution of justice into the debate somewhat incongruous. That it is an important issue is self-evident, and I have made that point on several occasions. However, the debate should have focused strictly and solely on the needs of victims and not on the needs of any one Assembly party, whether that is the SDLP, Sinn Féin or a unionist party.

When it comes to the nature of the debate, the DUP is not on that different a page from the SDLP, Sinn Féin, the Alliance Party or the Ulster Unionists. I sense that one or two DUP Members may have been trying to develop wider arguments; I ask them to suspend those arguments today.

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

Mr Attwood: Today, I ask the DUP to stand for the victims and with those who need justice.

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

Main Question put and agreed to.

Resolved:

That this Assembly expresses grave concern at the findings of the Commission to Inquire into Child Abuse report (the Ryan report) published in May 2009 in the Republic of Ireland; considers that such neglect and abuse of children and young people’s human rights must be subject to criminal law; recognises that children who were placed by state authorities in Northern Ireland in establishments or settings where they became victims of abuse are entitled to support and redress; calls on the Executive to commission an assessment of the extent of abuse and neglect in Northern Ireland, to liaise and work with the authorities in the Republic of Ireland and to report to the Assembly; calls on the Executive to provide funding to support helpline and counselling services which are now facing new demands; and further calls on the Executive to work, through the North/South Ministerial Council, to ensure that all-Ireland protections for children and vulnerable adults are in place as soon as possible.

Persecution of Christians in Orissa State

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 and 10 minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

Mr Moutray: I beg to move

That this Assembly condemns the violent persecution of Christians in Orissa state, India; calls for the immediate ending of this religious persecution; and further calls on Her Majesty's Government to press the Indian authorities to ensure the safety and religious freedom of Christians throughout India.

The principle of civil and religious liberty is one that we, as a society, ought to hold dear. We know what it is like for people to be targeted and killed solely on the grounds of their faith. Our bitter experience is such that we, of all people, should make our voices heard when there is clear unmistakable evidence of religious persecution. Events in Orissa state deserve our attention, and those who have been victims of the waves of persecution deserve our support.

4.15 pm

Christianity in India has a history of almost 2,000 years, and the indigenous Christian community stretches back to the sub-apostolic era. However, it has not always been easy for Christians in India. Orissa state, in particular, has a long history of violence against Christians, emanating from Hindu extremists in particular. In 1969, one such Hindu extremist began a Hindu religious centre in Orissa that was dedicated to countering the work of Christian missionaries and converting tribal people to Hinduism. On 23 August 2008, that person was shot dead by Maoists, as admitted by Maoist leaders and the Orissa state police. Nevertheless, Hindu extremists used the incident to unleash an unprecedented wave of attacks against Christians. Those attacks left an estimated 120 people dead and many more injured.

Within 30 minutes of the village of Rudangia being attacked, for example, Hindu extremists had set fire to 74 houses. They were armed with axes, machetes and home-made guns, and the local population was utterly defenceless. The 230 families living in Rudangia were displaced and became numbered among more than 50,000 Indian Christians who lost their homes during the orgy of violence. One Sunday after church, a mob of some 800 people came to the village of Kandhamal and attacked the Christians there. A few days later, the women of the church came together to fast and pray about the recent persecution in their village. As they began to pray, a group of about 20 to 25 people attacked again by throwing large stones at the women's prayer meeting.

More than 54,000 people have been displaced throughout Orissa state. Some 4,500 houses, more than 300 villages, and more than 250 churches have been destroyed. The wave of anti-Christian attacks started in Orissa, but it quickly spread to at least seven other states in India. Interestingly, the European Union has described it as a "massacre" of Christians. The Prime Minister of India, Dr Singh, called it a "national shame". Life for many Christians in India remains bleak.

Dr Sajan George, president of the Global Council of Indian Christians, says that Hindu extremist groups have been reconverting Christians by force. According to Dr George, evidence has been collected and given to the authorities, but the police and other Government authorities are simply doing nothing about it. More than 4,000 people are still living in relief camps, and many thousands have been unable to return to their villages for fear of death or forcible conversion to Hinduism. Dr John Dayal, a member of the National Integration Council said:

"there was no assurance forthcoming as to when these internally displaced persons, refugees in their homeland, can return home without being forced at gunpoint ... to become Hindus."

There is a massive lack of food supplies in the area, virtually no shelter, and the area simmers with the fear of further violence. Federal soldiers are maintaining peace, but Christians wonder what will happen when the army leaves; it is obvious that the army will not stay indefinitely. Many people feel that the local constabulary did little to protect them during the outbreaks of violence in 2008. Fear is the other reason why people cannot go home. Local Christians have spoken about being afraid to go into the fields to till the ground. Unable to till their fields or to return to their houses and cut off from schooling and attending the local markets, the Christians are dependent on the little help that they receive from outside.

Many people cannot even repair their houses. The Indian Government have allocated 20,000 rupees for rebuilding the partially destroyed houses, but, during recent months, most of that money has been spent on food and medical needs.

The violence in Orissa and other states came at a time when many Christians felt that Hindu fundamentalism was on the rise. Fundamentalism itself is not necessarily bad if it is about applying the teachings of one's faith to oneself and one's life. Where religious fundamentalism results in religious study and piety, it is positive and beneficial. However, when it displays itself in violence, murder and death, it is destructive.

The goal of Hindu extremists is to make India a pure Hindu nation. There are an estimated 25 million Christians in India, comprising roughly 2.3% of the population, with 80.6% Hindu and 13.4% Muslim. The goal of a Hindu state that is free from the supposed taint of others enjoying civil and religious liberty is to

be condemned. It is something that we in the Assembly should condemn. The Christians in the state of Orissa are depending on the outside world for help and support in their struggle simply to live according to their beliefs in the land of their birth. We should not forget them, and we should not let them down.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. I listened to Mr Moutray's contribution, and I can see similarities between the events in Orissa and the events that have plagued Ireland over many centuries: sectarianism, division and colonialism.

India's history down through the centuries is a sad story of colonialism, in this case as a result of British rule, and interference in the local affairs of Indian states. Since India obtained freedom in the late 1940s, it has suffered religious and political division and partition between India and Pakistan, all of which have resulted in greatly troubled life for the people of India, which is one of the largest democracies, if not the largest, in the world.

How do we, as a small society and a small Assembly, assist those people to come away from what has been happening on their doorsteps: the persecution of Christians; Hindus feeling that they have been greatly wronged too; and the assassination of some of their spiritual and political leaders? How do we assist them in their journey towards that much-lamented phrase "reconciliation"? Even in our own society, we have failed to reach that point; we are still, politically, a deeply divided society. A healthy division in politics drives forward debate and makes a healthy contribution to daily life. However, we have an abnormality in politics in this part of the world that appears to me, as an observer of what is happening in India, to be somewhat similar to that in India. We have to correct it here before we start lecturing other states on how to run their affairs.

It is clear that there has been great wrongdoing in Orissa. Hundreds, if not thousands, have died; Christians have been driven from their homes; and there has been large-scale looting and burning. The Hindus and the small Muslim population in that part of the world also report great wrongs having been done to them.

The message that should come from this Assembly today is that, in order to resolve the problems in that part of the world, there must be dialogue. It must not just be around-the-table chat, but serious engagement between the leaders of the Christian and Hindu communities and the small Muslim community there. They need to sit down and deal with the issues that are of concern. As we have learned in this part of the world, we must sit around the table and make peace with our enemies, because we do not need to make peace with our friends. That is the first, difficult step in any journey towards peacemaking, whether here or on the Indian subcontinent.

Mr Storey: I thank the Member for giving way. I will return to his comments when I conclude the debate, but where does civil and religious liberty come into Sinn Féin's thinking when it comes to explaining the activities that go on in places such as Orissa, rather than sitting down and talking to its enemies? Where is the right to worship God, according to the dictate of one's conscience, without being subjected to some of the horrendous scenes that have been documented in the publication that I have in front of me?

Mr O'Dowd: I am not, in any way, defending the actions of anyone who is involved in violence in Orissa. What is going on in that part of the world is wrong. However, I am several thousand miles away from that state. We are relying on media reports, although I accept that there is a comprehensive UN report that clearly states that there is persecution of Christians. The Hindu population also claim to be persecuted. Some of their religious and political leaders have been assassinated, so they believe that a great wrong has been done to them.

The way forward is dialogue, which is the start of the journey of healing. Of course the Christian faith should be allowed to operate and its believers should be allowed to worship their God in the way in which they want. I am not in favour of any religion dominating any political state. I believe in the separation of church and state, whether that involves the Christian, Muslim or Hindu faiths. I have no wish to see any state dominated by any faith. Members should not be under any illusions: we are fully in favour of religious liberty, whether that is in India or here.

The message is as true today in this part of the world as it was 15 years ago when our peace process started: there are difficult decisions to be made at each stage of the journey. Unless people engage with one another, that journey will come to an abrupt end. That leads to the horrors that we have seen in Orissa and throughout our history.

I broadly support the motion. We will certainly not vote against it, but it is difficult for a small Assembly such as this to debate such an issue and hope to have an influence on it. If others can learn from our experience, that would be a useful start for them. However, I am not saying that they should just duplicate everything that we have done —

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

Mr O'Dowd: There will be nuances in their conflict that need to be resolved.

Mr Kennedy: I am grateful for the opportunity to speak about this important motion. I thank and congratulate the Members who brought it forward. I very much regret the simplistic, anti-British, anti-colonial argument that was put forward by Mr O'Dowd.

He almost put the blame for the wrongs of the situation in Orissa on the British Empire. It is peculiar and warped logic to do so.

Like many other Members of the Assembly, I have received important information about this very important subject from a number of Northern Ireland-based groups, including the CLIO Trust. I am particularly grateful to Mr Eric Johnston and Mr George McKelvey for their assistance in providing detail about the ongoing violence against Christians in Orissa. It certainly made for harrowing reading as it detailed the ongoing violence that is directed against the state's Christian minority.

It is interesting that the Indian Constitution states that India is a country of justice, equality and liberty, where people have the freedom to worship and the right to pursue any religious belief. However, the situation in Orissa stands in stark contrast to those constitutional guarantees. Indeed, Amnesty International has, on a number of occasions, voiced very strong criticism of the Indian Government and the provincial authorities there for failing to defend the rights of the Christian minority in Orissa.

The extent and nature of the ongoing violence is well documented. In the past few years, there have been orchestrated attacks by groups that are aligned with Hindu nationalism. Hundreds of people from the Christian minority have been killed. Thousands of homes have been attacked, and 25,000 people displaced. Places of worship have also been systematically targeted, and in recent weeks a camp that provided shelter to Christian families was the target of a bomb attack. A spokesperson for the Catholic archdiocese described the attack as further evidence that Hindu fundamentalists do not want Christians to live in peace with their neighbours in Orissa.

4.30 pm

Last year's Amnesty International report highlighted the seriousness of the situation and stated that the attacks were led by supporters of Hindu nationalist organisations, which are reportedly allied to the BJP, part of Orissa's coalition. Those attacks included arson, looting, and sexual assaults on women. Police were found to be inactive or to be responding with excessive force in the face of sectarian violence against religious or linguistic minorities, according to Amnesty International. It is against that background that the Moderator of the Church of North India has called upon the state Governments and federal Governments to restore peace and order in Orissa.

Orissa is, indeed, a far-off part of the world. However, Northern Ireland communities are, rightly, concerned about the violence in that part of India, violence that denies religious freedom. What is more, a concern for fundamental human rights and democratic values

means that none of us is free to pass by on the other side, ignoring events in Orissa.

India is the world's largest democracy. It is heir to an ancient civilization that has benefited over centuries from a religious pluralism, an experience to which most of the world's greatest traditions have contributed. My speech should not be interpreted as an attack on India. Rather, it is a call for the Government of India to protect their nation's democratic values, not least religious freedom, and to ensure that India's international reputation as an important strategic ally and trading partner of the United Kingdom is not tarnished. We support the motion.

Mr Attwood: The SDLP will also support the motion. Although it is sometimes difficult to work through fully how what we say in the Chamber may impact on other parts of the world — on this or other issues — I welcome motions such as the one brought to the Floor today.

Imagine if it were the situation that the only business we debated was the strict business of government in the North. We would end up so introspective that we would lose scale and a sense of global affairs. Whether it is on the issue of what is happening in India or denials of human rights in other parts of the world, it is important that the Assembly, hopefully collectively, asserts its views about what is happening or may not be happening in other parts of the world. We may not be in a position to influence events disproportionately or at all, but the mere fact that we make the statement is important in its own right.

A look at our own recent history shows how the benign interest taken in our experience and our conflict by other countries helped us to move beyond that past experience and out of conflict. Although Northern Ireland and Ireland are not by any means the European Union or America, the principle is the same: benign statement and intervention can help move countries to a better place. In the broader perspective, that is why I welcome the motion.

However, I also think that Northern Ireland can make a unique contribution towards moving other conflicts to a better place. When Mary Robinson, the then UN High Commissioner for Human Rights, was in Belfast in December 2000, she said that it was the human rights provisions of the Good Friday Agreement that were of most interest to the rest of the world — its human rights provisions. I do not wish to anticipate tomorrow's debate about a bill of rights for Northern Ireland, but, if we in this part of the world can get our heads around rights issues, particularly community and minority rights, we can contribute to debates in other parts of the world, including, potentially, India. If one looks at international experiences of minority and community rights in certain jurisdictions, one can see

that there is little in the way of international best practice, jurisprudence or codes and conventions.

In this part of the world, long before discussions about a bill of rights or the Good Friday Agreement, people wondered whether our experience of protecting minority and community rights, however they are defined, including religious denomination, could provide a lead in developing international best practice that might be applied to our conflict and others. In that spirit, I hope that today's debate will inform that on the motion that the Ulster Unionist Party has tabled for tomorrow.

Finally, John O'Dowd said rightly that dialogue is the essence of conflict resolution. I concur; who could not? However, in this part of the world, some dialogue has ended up with people being told what is happening and what is going to happen. That is neither dialogue nor talking; it is telling people. Therefore, we should not use our experiences, past and current, to confuse genuine dialogue with the appearance of dialogue.

Mr Ford: I also congratulate Stephen Moutray and his colleagues on securing the debate. I welcome the terms in which he tabled the motion, as it expresses the legitimate concerns that many people in Northern Ireland have about the situation in Orissa.

I am slightly — but only slightly — sympathetic to John O'Dowd's views. At times in this place, rather than looking at where we have come from, it can be a little bit too easy for us to lecture others. However, on this occasion, we can look back at and draw lessons from this society's experiences and, as we move forward, seek to assist others. Therefore, I will certainly support the motion, as will my colleagues, although, given what other Members said, I suspect that we are not heading for a Division. It is clear that, whatever might be said about differences of opinion or about how people react, in this place we can surely distinguish right from wrong. It is also clear that the small Christian minority in Orissa has been subjected to horrific wrongs.

Recently, I have been listening to a BBC CD set of recordings by Mark Tully, who was the BBC's distinguished India correspondent for the 40 or so years that he worked there. It is an absolutely fascinating set of tracks that covers snippets of the history of that vast country in all its diversity. At one stage, I heard positive points about India, which, as some Members said, is the world's largest democracy. That democracy not only suffered the difficulties that forced it to enter a state of emergency under Indira Gandhi's premiership, but it was able to emerge strengthened from that crisis. It is also a democracy in which power has changed between parties consistently and peacefully, which is relatively unusual in the Third World. Yet, at other times, Mark Tully's recordings talk about the difficulties

of communal tensions, principally between Hindus and Muslims, but also between Hindus and Sikhs and, as we are discussing, when Christians are the victims of what is going on with Hindu extremists.

Another factor that applies to the Indian story is that, although, in many senses, India has developed from a very poor society since independence just after the war, in many cases that development, which has come from education, has bypassed some states and some elements. That is particularly true in the villages, where people have simply not enjoyed the benefits of development and are therefore more likely to fall prey to the kind of communal tensions that we have seen there.

Taking account of that view of India, it is nonetheless right that the motion should concentrate on the particular difficulties being experienced by Christians. There is no doubt that Christians in Orissa have been blamed by Hindu extremists for activities that were almost certainly carried out by others with a Maoist doctrine. The Christian community has been a convenient whipping boy. That has added enormously to a general tension in the area, not to mention the detailed lists of atrocities that others have delivered: the murders not only of native Christians but of missionaries; the creation of refugees on a vast scale; and the destruction of homes, other properties and churches throughout Orissa. That is well documented, as was highlighted by Danny Kennedy, not just by the victims themselves but in reports from respected international organisations such as Amnesty International, which have taken a clear view of what is happening.

The Assembly can send out a clear message today, however limited its effects may be, that everyone has a right to freedom of opinion and to worship as they see fit. The motion is a simple call for that human right to the freedom to worship in peace. As Alex Attwood said earlier, however modest the effects of the motion may be, it is absolutely right that we should pass it. We should seek to learn the lessons that have arisen from our own history and assist others, as we have been assisted by others. In particular, we should stand by the Christians in Orissa, who have suffered so much.

Mrs I Robinson: I congratulate my colleagues on tabling the motion. I regret that Sinn Féin has resorted to type by appearing to blame the plight of Christians in Orissa state on the British Government's involvement in India many years ago. Sadly, the SDLP has taken a leaf out of that book and done the same.

I was first made aware of the plight of the Christians in Orissa by a constituent in Saintfield who was genuinely concerned for the welfare of Christians living there. My first action was to write to the Rt Hon David Miliband, the Foreign Secretary in London, pointing out the problems faced by Christians and asking him to make representations to the appropriate authorities to inquire

about what was being done to ensure that Christians were able to live freely in Orissa and to worship, as of right, in the faith that they hold dear.

My response was from Chris Bryant MP, Mr Miliband's deputy, and I wish to put it on record to encourage those who have raised the issue:

"Thank you for your letter of 20 August to the Foreign Secretary on behalf of your constituent... about the outbreaks of violence against Christians in Orissa State, India. I am replying as the Duty Minister."

Mr Bryant went on to say that he shared my constituent's concern about:

"the situation in Orissa following the outbreaks of violence last year. We have expressed our concerns directly to the Indian government and their representatives. Lord Malloch-Brown raised the matter with the Indian High Commissioner in London last October. He also discussed the situation with Anand Sharma, former Indian Minister of State for External Affairs, and Mohammed Qureshi, Chairman of the Indian Minorities Commission, when he visited New Delhi on 17 October.

Following the attacks and continuing tensions in the area, an EU delegation, which included a representative from the British High Commission in New Delhi, visited Orissa in December to assess the situation.

The delegation received assurances from the Orissa State Director General of Police that all measures had been taken to prevent and suppress any repetition of the violence that took place in August. The EU Presidency also wrote to the Indian government to reiterate EU concerns on this issue on 18 December.

Religious freedom and minority rights in India, including the attacks in Orissa, were discussed at the EU India Human Rights Dialogue on 27 February.

Whilst activity by the EU Human Rights Working Group was put on hold during the recent Indian elections, the Swedish Presidency is focussed on the issue and plans to do a follow-up visit to Orissa in the next couple of months."

He continued:

"We welcome the Indian government's efforts to protect communities, restore law and order, and the offer of compensation to victims including the disbursement of £140,000 to 35 families, who lost one of their kin to violence. The Indian government has also set up the central scheme of Assistance To Victims Of Terrorist And Communal Violence, which came into effect in April 2008, and aims to provide assistance to the next of kin of victims of terrorist, including militancy and insurgency and communal violence. Under the scheme, an amount of £4,000 is given to the next of kin of the deceased victims."

The concluding passage should be highlighted:

"The UK government will continue to urge the government of India to ensure that the perpetrators and inciters of the violence in Orissa are brought to justice, an appropriate level of compensation is received by the victims and the rights of minorities in India upheld."

4.45 pm

In another place, we can continue to raise the profile of this cause, and I reiterate my delight that my colleagues succeeded in having this motion debated. We will do everything that we can to highlight this issue.

Mr Shannon: I support the motion and congratulate my colleagues on securing the debate. Christianity is the third largest religion in India, although it is practised by only 2.3% of the population. Christian roots date back 2,000 years, and we still have missionaries who hear the call of God to evangelise and travel to India. Some of them are from my own church.

However, that once-accepting nation is now not so accepting of Christians, and there has been a marked rise in persecution. I am immensely shocked and appalled to read of the persecution that is taking place against Christians, especially in Orissa. I receive the 'Release International' magazine every month, which tells of persecuted Christians across the world. Persecution is taking place in many places but, today, we wish to focus on Orissa.

The Indian Prime Minister's statement on 3 December 2008 stated that violence was a national shame and that his Government had taken a firm stand to halt it. Violence against the Christian minorities has continued, and it is well over a year later. Therefore, his words of a year or so ago have, unfortunately, meant very little. The violence against the Christian minorities, which began on 24 August 2008 after the murder of a prominent Hindu nationalist leader, has continued and is becoming a way of life for the Christian community. That is unacceptable. That is not a normal way of life, and it is past time that our Government stepped in to speak for the oppressed.

The nummer o' Christian fowk wha hae tuk' shelter i 25 relief camps rin bae the state authorities hes ris' fae 12,000 tae 20,000 i yin montht las' yeir an' ris' bae neir 40,000 at wur driv' intae hidin' i the jungles. Efter things joined tae calm doon monie fowk went beck tae thair hames the mair at thair wur thoosans o' ithers wha hae bein displaced an' Amnesty International bes feart at the feck o' thaim wulnae bae fit tae gae hame.

The number of Christians who have taken shelter in 25 relief camps run by the state authorities rose from 12,000 to 20,000 within a month last year and has increased to approximately 40,000, including those who were driven into hiding in the jungles. After matters initially calmed down, many returned to their homes, although thousands are still displaced, and Amnesty International fears that most of them are unable to return home. According to camp residents, they face threats of violence and, in some cases, an ultimatum from supporters of Hindu nationalist organisations to convert to Hinduism if they want to return home. Civil and religious liberty means the opportunity to practise one's Christianity.

The attacks began in August last year and, within two months, led to the deaths of 25 people. Furthermore, it is suspected that more murders have been covered up. Thirty places of worship in one region were damaged,

and the suspected perpetrators were arrested only after immense pressure from opposition parties. The problems that were apparent in all those attacks were the lack of speed with which the police acted and their unwillingness to act.

I read one account of a pastor being injured, and it summed up the attitude of the police and, subsequently, the attitude of the Government who rule the police. The Sunday worship service of the Beersheba Church of God concluded at noon, as usual. Pastor Pavithra Kumar was approached by a young man enquiring about a boy, but the pastor said that he did not know the boy. The young man left and returned with 10 masked men who arrived on six bikes. They called the pastor out of the church and attacked him with wooden sticks, hockey sticks and their fists. The pastor tried to run back inside the church, and a woman from the church got caught up in the melee and sustained injuries. They closed the doors on their attackers. The men threatened the pastor and the believers from outside the church and left the scene. Pastor Pavithra was badly injured, especially on his hands, chest, back and head.

The pastor and the believers went to the Mastoori police station to file a complaint. The policeman in charge refused to file a report and said that the police had no knowledge of a church being run. However, after much persuasion, the police filed a complaint. That illustrates that the police were not willing or able to reply when they should have done so.

I am aware that the UK Government expressed concern to the Indian Government in 2008 and that representatives from the UK have been part of delegations that have gone to India. However, from the latest information that is coming from our missionaries on-site in India, we can see that the situation is far from that which is being painted by the Indian Government. Things are not changing for the good; they are getting steadily worse, with the main difference being that people are beginning to see the situation simply as the way things are. That is not how things are; not now, not ever. It is time for the UK Government to make a decisive move and ask for immediate action and change. For instance, the law in Orissa, which states that anyone who converts to Christianity must inform the authorities, earmarks people for persecution. It is those kinds of details that must be highlighted and changed.

It has become crystal clear that the Indian Government have to change and adopt a positive attitude to the Christians in their midst, and the time for them to do so has long since passed. International pressure must be applied. I support the motion, and I urge the House to do likewise.

Rev Dr Robert Coulter: Considering the traumatic circumstances that surrounded the creation of the Indian state, the country has been a remarkable example of

democratic tolerance and respect for difference. For the majority of India's modern existence, Hindus, Christians, Muslims, Sikhs and many more religions have lived together side by side in relative harmony and stability, and they still do. However, the developments in Orissa are extremely disturbing and should be treated with the utmost seriousness by the Indian authorities and the international community.

I thank the Members for tabling the motion. It is a reminder that we live in a global village, where events in distant countries impact upon us through the media, travel, business links, immigration and often through shared faith commitments and identities.

The area of Kandhamal in Orissa state has been the main focus for the outbreaks of violence against the region's Christian minority. It was there that the majority of people suffered and the greatest number of people were displaced. The Christian minority is no privileged elite. They are often landless or marginal landholders, and they are living in fear and feel unsafe and insecure.

Violence towards minority Christians has been occurring for some years. In December 2007, for instance, the Kandhamal district witnessed religious violence during which 37 Christians were killed and religious institutions destroyed. That willingness to murder is particularly disturbing, as is the determination to remove any Christian presence from the region through attacks on places of worship, hospitals and schools.

At the heart of the matter is a deep intolerance that is seen in the extremist nationalism of fundamentalist Hindu organisations. Rejecting India's long and noble tradition of religious tolerance, fundamentalist Hindus are targeting the minority faiths, including Christianity, in several regions of India.

Christianity is not a recent western export to India. Indeed, the first Indian Christian communities date to the fourth century, and Islam and Buddhism have likewise been part of Indian culture for centuries. Last Sunday, my own congregation in Clough celebrated its 350th anniversary, and it was from that congregation that the first Indian missionary was sent from the Presbyterian Church in Ireland.

In attacking religious diversity, Hindu fundamentalists are attacking India's culture and heritage. That is an opinion shared by the Indian Prime Minister, Manmohan Singh, who has stated that the Orissa violence is "a national shame".

The fact that citizens are being deprived of life, liberty and property in modern India, the world's largest democracy, is a warning that India cannot take its democratic values for granted. Reports that the state Government and the local police have acted as bystanders while mobs attacked Orissa's Christian minority must add to our concerns.

The Christian community was wrongly accused of killing the deputy inspector-general of the police, who was a Hindu. Due to that accusation, the persecution of innocent Christians began, resulting in several hundred being killed, including pastors and church leaders, while properties, including missionary schools and hospitals, were obliterated.

I will not go into any more detail, because other Members have already done that. However, I will say that violence and persecution of any minority is wrong. I stand by the Christians of Orissa. It is right that we in the Assembly, with our history of so many suffering because of their religion, should bring the issue to the light of the Indian community in Northern Ireland, whom we treasure, and ask that true democracy prevail in India. I support the motion.

Mr Storey: At the outset, I thank all Members who have taken part in the debate today. It has been a useful debate, and I will come to individual contributions in a moment.

On several occasions, the Assembly has held important debates on the principles of civil and religious liberty and the freedom not only to hold individual religious views but to be able to freely and openly express such views. Members have not always agreed on those matters, but I think that we would all agree that, compared with some places in the world, we enjoy many privileges and freedoms that we should appreciate and never take for granted.

It has been claimed that there were more Christian martyrs in the twentieth century than in all of the previous centuries combined. That is a sobering thought and a frightening one. There are organisations that keep bringing us up to date with many places across the world — not just in India — where being a Christian is something that results in a person being either attacked or maligned. There are many sad examples of that, and the first decade of the twenty-first century shows no signs of bucking the trend of the twentieth century.

There are times when we feel that ignorance would be bliss on the issue, but we cannot close our eyes to what is going on in the world. It may be too painful for us to take in what is happening in places such as Orissa in eastern India, but we must not allow ourselves to turn a blind eye to the atrocities that are taking place there. That is why I welcome today's debate. In preparing for the debate, I was shocked to read some of the accounts and view some of the horrific photographic evidence of what has taken place in Orissa.

5.00 pm

Living in Northern Ireland, with its small population, we sometimes find it difficult to comprehend the scale of some worldwide events. Orissa has a population of almost 37 million. Around 94% are Hindu, and, over the years, the small Christian minority of 2% has suffered

from opposition and contempt. However, 2% amounts to around 900,000 people. Think about that: almost one million people harassed, victimised, imprisoned, tortured or murdered simply because of their faith and because they want, in conscience, to worship the God of heaven and to have personal faith and a trust in the person of Jesus Christ.

It has been mentioned that it was the murder of Orissa's Hindu nationalist icon and four of his disciples in the Kandhamal district in August 2008 that sparked off the latest round of attacks on Christian people and property. Although those murders were committed by Maoists, Christians have been blamed as the likely culprits because the murdered man had been very opposed to the Christian faith and the work of Christian missionaries. Over the years, groups of anti-Christian forces have unleashed a campaign of destruction, murder and genocide against Christians on a scale of depravity and hellish wickedness that is hard to take in, and other Members have referred to those incidents in some detail.

The Indian Government have, rightly, said that the violence in Orissa is "a national crime". That is to put it extremely mildly. However, the state Government have failed in their duty to protect their citizens, and we are right to highlight that fact in the House. Many have lost their homes and been forced to flee and live in refugee camps. Others have been murdered, and families have been shattered and broken apart. However, the law enforcement agencies are doing nothing to protect life and property.

The persecution is so great that some Christians simply give up and are pressurised into recanting their faith. However, when they decide to do so and when they return to their homes and to the Hindu religion, are they welcomed back with open arms? Not so. On the contrary, they are forced to eat cow manure and drink cow urine in a bizarre ceremony of humiliation, degradation and shame. Those acts cannot be allowed to continue. If the Orissa Government will not act, I appeal to the Indian Government to act and to act swiftly.

In the moments that remain, I will comment on Members' contributions. It is sad that we could not have had a contribution from the party opposite without reference being made to British colonialism. I am glad to see that Mr O'Dowd is still in the Chamber. It seems as though everything in the world is down to British rule. This is not the result of British colonialism but the result of people not being able to show respect to others of a different faith and a different perspective. I say to Mr O'Dowd and the House that it is for that reason that we in Northern Ireland suffered for 40 years and more. I remind the Member that people were murdered in their place of worship in Northern Ireland. The sole reason for that was not the absence of dialogue; the sole reason was sectarian hatred and an inability to respect those of a different faith and hue.

Mr O'Dowd: I do not lay all the blame at the door of British colonialism. However, it was not only me who said that divisions were caused in India — no less a man than Mahatma Gandhi pointed to Britain's role in perpetuating divisions in Indian society. Mr Storey refers to religious respect here, yet we have a Minister who has told the world that he will not set foot inside a Catholic chapel to attend a Catholic service. Is that respect?

Mr Storey: That is a civil and religious liberty. Mr O'Dowd needs an education. The Reformation brought people the right to make those choices. Before the Reformation, we lived in the Dark Ages, when people were made to go to a certain place of worship and were not allowed to read the word of God. I am quite happy to meet the Member at any time and give him a history lesson about the benefits of the reformed faith. I respect the views of the Minister who the Member referred to. Those are his personal views, which I support and with which I concur.

Danny Kennedy referred to the Indian Constitution. I think that that is a classic example of people putting on paper something that they are not prepared to put into practice. Mr Kennedy is right, and I commend him for drawing our attention to that.

Alex Attwood said that we in Northern Ireland set an example of international best practice. However, there are many other things that we in Northern Ireland could do that would represent better examples of coming together in this society. Northern Ireland is not perfect, and there is a huge number of problems that we still have to overcome, so I would be cautious about holding ourselves up as an example of best practice in respect of international affairs.

David Ford referred to Mark Tully's broadcasts. We would all do well to listen to the informative programmes that Mr Tully has produced. It was helpful that Mr Ford expressed the clear message that needs to be sent out today: the requirement for freedom to worship in peace. We need to treasure and value that freedom, which must be extended to everyone, because it is not solely the domain of those of the reformed faith. That freedom must be extended to all who wish to worship. They should be able to worship in the absence of violence.

I am indebted to my colleague Iris Robinson for her very important intervention and contribution to the debate. She has taken the matter to David Miliband, and it is good that the Foreign Office response has been placed on record today. I have no doubt that Iris, along with her Westminster colleagues, will continue to take the message expressed by this House to our Government. The issue must not only be recorded but effectively dealt with. I thank Iris for that. Jim Shannon outlined some of the harrowing detail of what is going on.

I conclude by referring to my colleague Dr Coulter, who reminded us of the contribution made by missionaries who have gone to the land of India. That Christian message can bring ultimate peace not only to India but to the Province that we love, because only that message can bring peace in man's heart between God and his neighbour.

Question put and agreed to.

Resolved:

That this Assembly condemns the violent persecution of Christians in Orissa state, India; calls for the immediate ending of this religious persecution; and further calls on Her Majesty's Government to press the Indian authorities to ensure the safety and religious freedom of Christians throughout India.

Adjourned at 5.08 pm

NORTHERN IRELAND ASSEMBLY

Tuesday 3 November 2009

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

Members observed two minutes' silence.

EXECUTIVE COMMITTEE BUSINESS

Financial Provisions Bill

Consideration Stage

Mr Speaker: Members have a copy of the Marshalled List of amendments, which details the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list. There are two groups of amendments, and we will debate the amendments in each group in turn.

The first debate will be on amendment Nos 1, 2 and 3, which deal with the power to incur expenditure for purposes of, first, children and young persons and, secondly, sustainable development. The debate will also deal with the potential change to the long title of the Bill. The second debate will be on the Minister of Finance and Personnel's opposition to clause 4 standing part of the Bill.

I remind Members who intend to speak that, during the debates on the two groups of amendments, they should also address all the amendments in each group on which they wish to comment. Once the initial debate on each group is completed, any subsequent amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Questions on clauses to stand part will be put at the appropriate points. If that is clear, we shall proceed.

Clauses 1 to 3 ordered to stand part of the Bill.

Mr O'Loan: On a point of order, Mr Speaker. Where are we in relation to the debate? Are we debating the first group of amendments?

Mr Speaker: We are just about to move to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 and 3. Those amendments deal with powers to incur expenditure for purposes of children and young

persons and for purposes of sustainable development. The group also deals with the potential change to the long title of the Bill.

As amendment No 3 is consequential to amendment Nos 1 and 2 being made and clause 4 not standing part of the Bill, I will call amendment No 3 only if those conditions are met.

New Clause

The Minister of Finance and Personnel (Mr S Wilson): I beg to move amendment No 1: After clause 3 insert

“Expenditure for purposes of children and young persons

3A.—(1) The Office of the First Minister and deputy First Minister may incur expenditure for the purpose of assisting activities which that Office considers promote the interests of, or are otherwise of benefit to, children or young persons.

(2) In particular that Office may provide financial assistance to any person for the purpose mentioned in subsection (1).

(3) In this section—

‘financial assistance’ means assistance by way of grants or loans on such conditions (including conditions as to repayment) as that Office may determine;

‘child or young person’ has the meaning given by Article 3 of the Commissioner for Children and Young Persons Order (Northern Ireland) 2003 (NI 11).”

The following amendments stood on the Marshalled List:

No 2: After clause 3 insert

“Expenditure for purposes of sustainable development

3B.—(1) The Office of the First Minister and deputy First Minister may incur expenditure for any purpose calculated to contribute to the achievement of sustainable development.

(2) In particular that Office may provide financial assistance to bodies which have among their objectives the promotion of sustainable development.

(3) In subsection (2) ‘financial assistance’ means assistance by way of grants or loans on such conditions (including conditions as to repayment) as that Office may determine.” — [*The Minister of Finance and Personnel (Mr S Wilson).*]

No 3: In the long title leave out from “to provide” to “to the Department of Finance and Personnel” and insert

“to enable the Office of the First Minister and deputy First Minister to incur expenditure for certain purposes” — [*The Minister of Finance and Personnel (Mr S Wilson).*]

I thank the Assembly for the ringing endorsement that it gave to clauses 1 to 3. We just about got them through and no more.

With amendment No 1, I will speak to amendment No 2, as both amendments deal with the power to incur expenditure. Amendment No 3 is consequential to amendment Nos 1 and 2 having been made and my opposition to clause 4 having been accepted. I hope that that is clear to everybody.

I have tabled amendment Nos 1 and 2 on the basis that they are solely to regularise OFMDFM's current position on expenditure that relates to children and young persons and sustainable development, which is covered under the sole authority of the Budget Act (Northern Ireland) 2009. I stress that OFMDFM has confirmed that the proposed amendments are not an extension of powers.

As regards amendment No 1, OFMDFM has secured the necessary funding for expenditure relating to children and young persons until March 2011. The money that has been allocated for 2009-2010 is £729,000; for 2010-11, it is £1.6 million. Types of expenditure that relate to amendment No 1 include projects that support data collection and evaluation of exemplar pilot projects to evidence the economic and social benefits of early intervention in tackling issues that affect children's well-being and achievements. Other examples are support of the participation network and the progressing of a play and leisure policy for Northern Ireland.

The work that has been carried out does not duplicate the work of any other Department; rather, it is designed to act as a catalyst to encourage the promotion of children's rights and to improve co-ordination on cross-cutting issues.

Amendment No 2 creates specific statutory powers for OFMDFM to incur expenditure to contribute to sustainable development and to provide financial assistance to bodies that have the promotion of sustainable development among their objectives. OFMDFM has also secured necessary funding for amendment No 2 of approximately £120,000 for 2010-11.

In July 2006, responsibility for sustainable development was transferred from DOE to OFMDFM on the instruction of the then Secretary of State, Peter Hain. Sustainable development is a cross-cutting theme with many component parts. As such, delivery of policy aims cannot be singularly allocated and attributed to single Departments. It is often required that several Departments collaborate to deliver a single outcome. That is why it is important that OFMDFM has a detached and neutral overarching strategic role in the promotion and administration of the sustainable development policy.

As part of its strategic oversight role relating to sustainable development, OFMDFM will regularly and closely monitor the work of other Departments to ensure that, wherever possible, schemes remain complementary to one another and to avoid duplication.

The Chairperson of the Committee for Finance and Personnel (Ms J McCann): Go raibh maith agat, a Cheann Comhairle. In addressing the first group of amendments, I want to refer briefly to the Committee's scrutiny of the Bill. A financial provisions Bill is normally required every two to three years to tidy up routine

financial matters, such as adjustments to statutory limits and various technical and non-controversial issues. Prior to the formal introduction of the Bill to the Assembly, the Committee was advised that its provisions would be of interest to the Committee for Enterprise, Trade and Investment, the Public Accounts Committee and the Audit Committee. The Committee, therefore, sought the views of those Committees at an early stage; however, no issues were raised.

The Committee received a pre-introductory briefing from DFP officials on 4 February 2009. During the briefing, the officials provided an explanation of the repeal of the requirement to prepare finance accounts in clause 5, and they subsequently provided the Committee with a detailed written briefing on the issue. Members were content that the issue had been adequately addressed and recognised that the removal of the requirement to produce finance accounts that are identical to the public income and expenditure accounts will avoid duplication in the preparation of future government accounts.

The Bill was referred to the Committee on completion of its Second Stage on 3 March 2009, and the Committee issued a public notice inviting written evidence on the provisions of the Bill. No written evidence was received during that public consultation, and no other issues were raised during the Committee's clause-by-clause scrutiny of the Bill.

I now turn to proposed amendment Nos 1 and 2, which create statutory powers for OFMDFM to incur expenditure for purposes of children and young persons and for sustainable development. The Minister wrote to advise the Committee of the proposed amendments on 9 September. During a subsequent briefing session on 23 September, his officials clarified that the amendments were to regularise expenditure in those areas that is already being carried out under the Budget Act 2009. Although Committee members were concerned at the delay in bringing those amendments forward, they accepted the explanations given. That said, members queried whether there is a need to create a similar statutory power for OFMDFM to incur expenditure for assisting activities for the benefit of older persons.

On 24 September, the Committee wrote to the Committee for OFMDFM to raise that matter and to seek assurance that it was content with proposed amendment Nos 1 and 2. I understand that the Committee for OFMDFM wrote to its Department in that regard but that a response from OFMDFM is still outstanding.

Notwithstanding that, I confirm that the Committee for Finance and Personnel is content with amendment Nos 1 and 2. I also note the consequential amendment in respect of the long title of the Bill.

Mr Weir: I support the first group of amendments. This process is fairly complex, and, when it was explained to me yesterday, I felt more like a competitor in 'The

Krypton Factor' than someone who is trying to pass legislation. The amendments are quite technical, so it is unlikely that we will hit the front page of today's 'Belfast Telegraph' because of their importance. I am reminded of the remarks of my colleague Mr Wells, who often talks about speaking to a hushed and rapt Assembly, because there does not appear to be a great deal of interest in these amendments.

As the Minister indicated, these are worthy amendments. They are technical, but they tidy up and regularise positions that have already been adopted. They deal with the two issues of young people and sustainable development. It is appropriate that there be focus on the power and role of OFMDFM in respect of young people. Various projects involving the Participation Network have been mentioned. It is important that we get this on the right legal basis.

As the Minister indicated, OFMDFM has confirmed that this is an issue of regularisation, not of additional powers. If the latter were the case, the House would be more sceptical of the amendments.

I shall wear my Environment Committee hat for a moment: when that Committee looked at the issue of climate change — I hope that the Minister does not keel over at this point — we centred on the need for joined-up government and a cross-cutting approach. Sustainable development is cross-cutting in nature; the various impacts on different Departments can be seen. Given that sustainable development is a cross-cutting issue, it is important for one Department to have some sort of co-ordinating role in government. Consequently, the regularisation of funding through OFMDFM seems to be a fairly sensible way forward.

I am always happy to be surprised by the ingenuity of Members in finding controversy where there is none. However, amendment Nos 1 and 2 are, essentially, technical, and the Bill will be better for them.

10.45 am

Mr McNarry: I see that the DUP Benches are packed with four MLAs. That sums up the DUP's interest in supporting its Minister. It makes us look good, as we have five MLAs on our Benches.

Mr Weir: Us?

Mr McNarry: The Ulster Unionists. The SDLP is represented by one MLA. It will be interesting to see who speaks for whom.

Mrs I Robinson: It is about quality.

Mr McNarry: Is the Member talking handbags, pens, quality of life or quality of numbers? Perhaps Mrs Robinson will intervene during the debate.

I thank the Minister for bringing forward the Bill, and I recognise that, in doing so, he is largely doing technical work for other Ministers. However, I query

the introduction of substantial and significant amendments that effectively result in new proposals by different Departments. As the Chairperson of the Committee said, the Bill has already gone through Committee, and the Committee for Finance and Personnel has reported on it. Although the Committee received a short briefing from the Department of Finance and Personnel on 23 September 2009, I am sure that the Minister appreciates that that is not an ideal scenario. Nevertheless, the Bill was accepted, and I recognise the efforts being made to ensure that it is effective and that it is as correct as possible.

As the Minister said, amendment No 1 allows for OFMDFM to:

“incur expenditure for the purpose of assisting activities which that Office considers promote the interests of, or are otherwise of benefit to, children or young persons.”

The Commissioner for Children and Young People (Northern Ireland) Order 2003 defines a “child or young person” as anyone “under the age of 18”. My understanding is that OFMDFM has a co-ordinating role with regard to children and young people and that it is OFMDFM's responsibility to ensure that the Executive's children and young people's strategy is implemented. Although I am all for co-ordinated and joined-up government, I ask the Minister to clarify when such a spending power will be used. Given OFMDFM's intended role, will the Minister explain how OFMDFM envisages spending the money? How will OFMDFM ensure that it does not, perhaps — it is an extended “perhaps” — step on the toes of other Ministers? Does the formalisation of that spending power herald the reintroduction of a cross-cutting departmental children's fund? I would be grateful for the Minister's clarification of those points.

I welcome the introduction of the provision for OFMDFM to incur expenditure that is:

“calculated to contribute to the achievement of sustainable development.”

However, I suggest to OFMDFM that the publication of a sustainable development strategy is necessary. Given the perceived co-ordinating role of OFMDFM, I seek further clarification from the Minister on what that funding is intended for.

Mr O'Loan: Peter Weir feared that Members might raise unnecessary controversy, and I do not wish to do that. However, there are matters that need to be raised and that demand answers from the Minister, so that we can have assurances on the proposed amendments.

First, I am surprised that significant amendments to the Bill have been tabled so late in the day; Mr McNarry rightly referred to that. We are told that, when a financial provisions Bill is created, as happens every so often, all Departments are consulted and asked whether they want to include any financial measures. The amendments

relating to OFMDFM are being tabled only now at the Bill's Consideration Stage rather than when it was drafted. That is disappointing and merits an explanation from the Minister.

When departmental officials gave evidence to the Committee on 23 September, they told us that the expenditure in proposed clauses 3A and 3B, which deal with activities that benefit children and young people and sustainable development respectively, could be covered under the Budget Act (Northern Ireland) 2009. If that is correct, why is it necessary to have specific legislation on those aspects? The Committee was told that such expenditure could be conducted temporarily under the Budget Act (Northern Ireland) 2009, which I found strange. Surely, something is permissible under the Act or it is not. If it is permissible, why are these specific clauses being introduced?

I want to ask about the scope of the proposed clauses. At face value, they are wide-ranging and will permit OFMDFM to spend an unspecified sum of money on activities that benefit children and young people and sustainable development. During one Committee session, Mr McNarry correctly asked about the budgets for those activities and was told:

"In 2009-2010, the budget for children and young people is about £729,000 and for 2010-2011 it is £1.6 million. The sustainable development budget for those years is around £120,000 per annum."

Those figures are fairly small. I want absolute confirmation from the Minister that the seemingly sweeping powers in the proposed clauses will be used only at the budgetary levels about which we were told. I want to make sure that a Trojan Horse is not being created that will give extremely broad powers to OFMDFM that could be used for purposes that the Assembly has not been apprised of and may have concerns about. If the Minister can give me those assurances, I will be comforted.

I ask the Minister to make it clear that the powers for sustainable development will be used for activities ordinarily understood to be covered by the term, such as environmental protection and sustainability. Will he assure me that the activities will not be broadened to include those that pertain to economic development? Should we establish any link in our minds between the measures being created in the Bill and the provisions in the Financial Assistance Act (Northern Ireland) 2009?

Finally, we were told that Executive programme funds for schemes such as those involving children and young people were not a good route, and they were abandoned. Is something equivalent to those funds being created via the back door? If so, is that an admission of failure? That also relates to my question about the scale and the scope of the new clauses.

Dr Farry: It is a pleasure to contribute to this debate. Although the debate is largely technical in nature, it is worth reflecting that it is the only Executive business in the Chamber this week. Therefore, we should make best use of our limited opportunities.

The Alliance Party is happy to support the amendments that have been proposed by the Minister of Finance and Personnel. We have some concerns about the process that led to this point. However, we regard the amendments as innocuous and, unlike Declan O'Loan, we do not believe in a mass conspiracy or the use of Trojan Horses. That said, I share some of Declan O'Loan's concerns about the process. If the amendments are accepted, the legislation that is passed will, in effect, be much different from that which the Minister originally introduced. Members should note that all the amendments are being driven by the Minister and the Executive. The Bill's nature will potentially be changed by an unprecedented 30% to 40%.

I am concerned about the reasons why a clause on social economy was initially included in the Bill but is no longer considered necessary. It has been removed, and, all of a sudden, the need for clauses on older people and sustainable development has been identified. I will not second-guess the assertion of the Minister and the relevant Department that those powers are necessary. Although they may well be necessary, there is some confusion in the House about why the authority from the Budget legislation is not sufficient to take such powers forward.

The trawl system for legislation in Departments needs to be tidied up. I want the Minister to assure the House that we can have confidence in the integrity of that process because, on the first trawl, we were told that we need powers for the social economy. Subsequently, we were told that we did not need those powers. Thereafter, subsequent to the introduction of the legislation and well past the midnight hour, OFMDFM proposed two additional clauses. That should raise questions about how well officials are tuned in, within their own remit, to the powers that need to be clarified.

I note that a bottom-up approach has been taken whereby the ball is very much in the court of individual Departments to identify necessary changes. There could be merit in complementing that with a top-down approach whereby we consider the cross-cutting responsibilities that are led by Departments and ask whether the authorities are in place. I am not sure if any individual in government has the role of policing the system to ensure that everything is in order and up to speed.

We have two issues before us in relation to OFMDFM. There are, potentially, other cross-cutting issues for which that Department has lead authority. That begs the question as to why it was not considered necessary to enhance

or clarify those powers as well. Good relations is a prime example of an area for which OFMDFM has the lead but which cuts across a range of Departments. Some Members support the introduction of a cross-cutting action plan that holds other Departments to account and ensures that OFMDFM is in a position to take the lead and invest resources as appropriate. I accept that, although powers are in place, their use is constrained by budgetary resources, and Ministers cannot spend money that they do not have or that has not been allocated through budget headings. We have that safeguard.

Finally, I ask the Minister whether the definition of sustainable development in the Bill is linked formally to the sustainable development strategy, which is in draft at the moment but will, hopefully, become a formal document in the near future.

That said, despite our concerns about the process, we will take it at face value that the powers are necessary, and we will support the amendments.

11.00 am

Mr McLaughlin: Go raibh maith agat, a Cheann Comhairle. My party supports the purposes of the Bill and the proposed amendment Nos 1 and 2. Other Committee members spoke about the manner in which the amendments were tabled and recorded their concerns. I will not labour that point, which I think has been well taken.

I want to address a particular point. During the briefing on 23 September 2009, I asked officials why, if there was a need to address the issue of children and young people, they had not also considered whether there was room to accommodate special measures for older people. The officials said that they had not thought of it. That is not meant to be a criticism, because their answer represented an unusual degree of candour and straightforwardness that is not always available at that level. I also asked them to take the matter back for further consideration, which they agreed to do. I note that the Chairperson's report says that there has been some correspondence between the Minister of Finance and Personnel and OFMDFM on the subject.

I want to share with Members why I believe that those concerns are important. There is an established acceptance that there is a considerable deficit in the take-up of benefit entitlements, particularly by older people, which amounts to many millions of pounds. That is no particular fault of Departments here; communicating the relevant information effectively has been a historical difficulty. There is a cultural resistance, particularly among older people, to dependence on the state or to drawing down financial assistance, even though they contributed to those funds throughout their working lives.

The A2B Access to Benefits organisation works to address the take-up deficit and has calculated that it could amount to as much as £50 million. That money does not come from the block grant; it is an addition, which returns to the Treasury each year because it goes unclaimed. For a fairly modest investment by the Minister of Finance and Personnel of some £150,000 that could be matched by a third-party contribution, Access to Benefits could continue to roll out its benefit take-up programme. The web-based advice that it provides could be available to every household that has a computer as well as every constituency office and advice centre. The advice is free, and Access to Benefits, which developed the software, could also provide training.

Such an initiative by the Minister —

Mr McNarry: On a point of order, Mr Speaker. Will you rule on the relevance of the speech, which is entertaining us, to the amendments that we are here to discuss?

Mr Speaker: I normally remind the House that when Members speak to a particular clause of a Bill, they should try, as far as possible, to keep to the subject. From time to time, all Members, including the Member who raised the point of order, have strayed from the subject when we are discussing a Bill. Once again, I remind all Members, as far as possible, to keep to discussion of the clauses of the Bill.

Mr McLaughlin: I can defend the position. The record of the Committee's discussion, at which Mr McNarry was present, indicates that this is an issue. The Chairperson's report notes that the Minister of Finance and Personnel has agreed to take up the matter. My point is that the issue is of great significance to older people across all sections of our community and could be resolved for a relatively modest investment. I appeal to the Minister because I believe that he is sensitive to those issues and has demonstrated a willingness to get involved. This is an issue that he could take forward. If he needs additional powers, perhaps, he should have included them in the proposals that are before us today. Nevertheless, it is a work in progress, and I hope that I have made the case for taking it further.

The Minister of Finance and Personnel: Despite my colleague Peter Weir commenting that we would be speaking to an empty House that is disinterested, uninterested in and uncomprehending of the proposals, contributions to the debate have shown that he was wrong. He tried to provoke me by introducing the topic of climate change and linking it to sustainable development. However, I will not rise to that bait at the moment. I could if I were provoked, but I will do my best not to.

I thank the Committee for its work. As the Chairperson indicated, the Bill was accepted by the Committee after

going through its Committee Stage without substantial comment. The Committee received no objections when it sought written submissions and information from other Departments. That shows that the Bill is relatively uncontroversial.

The Committee Chairperson asked whether powers similar to those proposed that would allow OFMDFM to deal with sustainable development and children and young people would be needed for older people. Indeed, other Members mentioned that. The amendments to include powers that deal with children and young people and sustainable development came about as a result of a request by OFMDFM. However, it did not seek such powers for older people.

Some Members asked why amendments were being proposed at this stage. That is because an internal review took place. The Department of Finance and Personnel asked other Departments whether they wanted any matters to be included in the Bill. Members will be aware that when Bills are presented, rather than taking forward legislation in their own right, sometimes Departments will ask for issues to be included in the legislation in question. Given that the Bill is a piece of financial provisions legislation, when OFMDFM reviewed its legislation internally, it concluded that the specified powers needed to be included. OFMDFM asked for the inclusion of those powers on 28 August 2009, hence the late amendments. Officials explained that to the Committee when they gave evidence.

I will address Mr McNarry's points. He questioned the relevance of Mr McLaughlin's speech. As you pointed out, Mr Speaker, when it comes to irrelevance, Mr McNarry is never shown to be wanting. He started off making the frivolous point that he had a team supporting him in the Assembly this morning while Mr O'Loan is the sole representative of the SDLP. I have a magnificent team behind me. However, when it came to Mr McNarry's contribution, I think I understood why he needed so many people backing him. It is clear that he needs someone to do the listening while he sits there. He always reminds me of the worst third-form pupil that a teacher could have on a Friday afternoon — he is there, but he is not paying attention.

Mr McNarry has a suspicion that the Bill is somehow trying to sneak in additional powers and money for OFMDFM. He asked me to clarify that, and I will do so.

I will repeat myself, because I made the purpose of the money quite clear in my opening speech. I said it in plain English, and, as far as I can remember, Mr McNarry was awake and in his place at the time. The money is not for projects. Rather, OFMDFM will use it to consider the work that is being done for children and young people.

I repeat: the money will be used to support data collection, which may inform spending on projects for

young people. The money will be used to evaluate exemplar projects, which will enable us to find out whether money is being spent well. If money is not being spent well, projects will have to be changed. The money will be spent to gather evidence on the economic and social benefits of early intervention to tackle issues. It will not be spent on early intervention projects but on an examination of the benefits of projects that will be taken on by other Departments. The money will be spent on considering examples to support the participation network and on progressing the development of a play and leisure policy for Northern Ireland.

Mr McNarry sought clarification on how the money will be spent, but I would not have had to repeat myself if he had been listening the first time.

Mr McNarry: It was worth repeating.

The Minister of Finance and Personnel: As Mr McNarry indicated, it was worth listening to the clarification.

Mr O'Loan has a conspiracy theory for everything that I say. He asked how we can be sure that the amendments will not blossom into massive expenditure. Mr O'Loan should know me well enough to be aware that I always try to ensure that Ministers, regardless of who they are, do not pillage the public purse for additional money as soon as they get their foot in the door. The amount of money being allocated to projects was laid out in the Budget that was agreed for 2008-2011. Any expansion in expenditure on the issues that we have authorised will be subject to Assembly scrutiny in a budgetary settlement or demand. However, the scope for that is limited, because the money will not be used for the delivery of projects. Rather, it will be used to support sustainable development, work for children and young people, and so on.

Mr O'Loan and every other Member will have an opportunity for a detailed examination of the money that is being requested in the amendments and the authority that is being given to OFMDFM to spend that money. It is not the "Trojan Horse" that Mr O'Loan suspected, and I hope that he is "comforted" by the assurances that I have given, although I am not sure about that.

Mr O'Loan: Perhaps the Minister will comfort me further. Amendment No 1 includes the following precise wording:

"The Office of the First Minister and deputy First Minister may incur expenditure for the purpose of assisting activities which that Office considers promote the interests of, or are otherwise of benefit to, children or young persons."

That seems to empower OFMDFM not only to research and analyse projects but to contribute to, and be the financial purveyor of, significant projects.

The Minister of Finance and Personnel: I have put it on record in the debate that the purpose of the bid, and the subsequent powers and money being made available, is to support the development policy. Should there be any request for moneys to expand that role, it would be totally transparent in any Budget bid that might be made, and that would be where the Assembly would have input. I hope that I have made clear the purpose of the amendment and the reason that was given by OFMDFM for seeking it. I hope that that gives the Member the comfort that he needs.

11.15 am

Dr Farry is not a conspiracist, I am glad to hear. Well, at least, he does not believe that there is any great conspiracy here. However, he raised a number of issues. He mentioned that OFMDFM might wish to have the same powers conferred upon it to deal with other issues. As I said in my responses to other Members' comments, no such requests have been made at this stage by OFMDFM. If such requests were to be made later, once OFMDFM has examined its legislative arrangements, it would be free to ask for those powers. However, at present, there is deemed to be no need for OFMDFM to have such powers. That is the picture that we have at present.

Dr Farry raised another issue about older people. I apologise, I have already dealt with that issue.

Mr McLaughlin made a point about benefit uptake and whether there is scope in this Bill for something to be done about that. There is a role to be played in promoting the uptake of benefits. The question is whether that is a role for OFMDFM or for some other Department. Only three weeks ago, the Assembly passed the Rates (Amendment) Bill, into which Mr McLaughlin had some input as the former Chairperson of the Committee for Finance and Personnel.

That legislation related to data collection that will help us to ensure an increase in the 24,000 elderly people who benefit from help with paying their rates, because we should be able to identify others who are eligible. However, there is still substantial under-representation of people who should receive that benefit but who currently do not.

Whether promotion of uptake should be an extended role for another Department; whether we would fund it through DSD, DFP or OFMDFM, which already has a role in dealing with older people; and whether there is some cross-cutting work that could be done are matters that can and should be explored in future.

Mr McLaughlin made the very good point that, apart from the work that must be done to promote it, improving benefit uptake will not impact on our Budget at all, because any increase in benefit uptake will be taken outside the block grant and will be, therefore, extra

money for the economy and extra money for people who find themselves at a disadvantage at present.

I thank Members for their contributions to this part of the debate.

Amendment No 1 agreed to.

New clause ordered to stand part of the Bill.

New Clause

Amendment No 2 made: After clause 3, insert the following new clause

"Expenditure for purposes of sustainable development

3B.—(1) The Office of the First Minister and deputy First Minister may incur expenditure for any purpose calculated to contribute to the achievement of sustainable development.

(2) In particular that Office may provide financial assistance to bodies which have among their objectives the promotion of sustainable development.

(3) In subsection (2) 'financial assistance' means assistance by way of grants or loans on such conditions (including conditions as to repayment) as that Office may determine." — [*The Minister of Finance and Personnel (Mr S Wilson).*]

New clause ordered to stand part of the Bill.

Clause 4 (Costs of district rates collection)

Mr Speaker: We now come to the second group of amendments for debate, which concerns the Minister's opposition to clause 4 standing part of the Bill. Clause 4 deals with authorising the issue of money from the Northern Ireland Consolidated Fund to the Department of Finance and Personnel in order to cover the cost of collecting rates on behalf of district councils.

Question proposed, That the clause stand part of the Bill.

The Minister of Finance and Personnel: I object to the inclusion of clause 4 because, upon re-examination of the accounting implications of the proposed clause, it was concluded that the legislation as proposed would not enable the income to be recognised in accounts as had previously been understood. Effectively, therefore, the clause is redundant and should be removed.

The objective of the clause was to enable income that is associated with the cost of collecting rates on behalf of district councils to be recognised in the Department of Finance and Personnel accounts. That income is already recognised in the Department's budget, and DFP sought to increase the degree of transparency by reflecting it in the annual resource accounts. DFP officials have explored other options for achieving the objective of recognising the income in the Department's accounts and will receive the position in the context of anticipated changes to accounting policy. In the meantime, the Department is content to continue to recognise the income in budgets alone.

The clause is technical. It has no impact on district councils and, equally, the withdrawal of the clause has

no impact on district councils. I hope, therefore, that the House will agree with my decision and vote accordingly.

The Chairperson of the Committee for Finance and Personnel: Go raibh maith agat, a Cheann Comhairle. In his correspondence of 9 September, the Minister notified the Committee of his intention to oppose the Question that clause 4 stand part of the Bill. During the subsequent briefing by DFP officials on 23 September, the Committee heard that the intention of clause 4 had been to align the budgets of the Department with its estimates and accounts so that there would be fewer reconciliations. However, members were advised that it was considered that the clause, as drafted, did not provide for its intended objective. Members were assured that the Department is content to continue with the current situation, whereby the issue is dealt with as a reconciling item, and that DFP will consider making appropriate legislation provision at a later date.

On behalf of the Committee, therefore, I support the Minister's intention to oppose the Question that clause 4 stand part of the Bill.

Mr Weir: Obviously, I was wrong in the prediction that I made about the chastisement of the Minister. In the interests of the House, I shall make no such predictions for this set of amendments, save to say that we are dealing with the deletion of perhaps the second most famous clause 4 in British constitutional history. At the very least, the level of controversy over the deletion of this clause 4 may be a lot less than that for the other clause 4.

This is very much a technical amendment. As the Minister indicated, the matter is already recognised in the DFP accounts. Indeed, it is clear that clause 4, as it stands, does not really provide for the originally intended objective, so it is right that we look at deletion. I am also glad to hear that, in doing so, we will maintain a level of transparency in respect of the registration of rates collection. That is important, particularly for those of us who are involved in local government. It is important that that cost be kept separate. The Minister's assurance that that will not have any impact on district councils is also to be welcomed.

Essentially, these are technical amendments. Broadly speaking, the House should adopt them because that is a sensible way forward.

Mr McNarry: When I entered the Chamber, I thought that this would be a friendly debate, but apparently not on the part of a Minister who seems to delight in making things personal, especially when people question him or disagree with him. I have not yet disagreed with him this morning.

The Minister seems to take obvious delight in making an art form out of waffling; therefore, he needs to be heard twice just to ensure that what we heard the first

time was correct. I do not think that I can be faulted in saying that, particularly because the Minister seems to enjoy and delight in repeating himself and taunting Members at will. Of course, our court jester of a Minister cannot recognise a helping hand without seeing a conspiracy, and that seems to warp his thinking.

However, I will take no lessons from a double, even triple, jobber on listening when I should be listening, when he is clearly not listening to the public and the electorate.

Dr Farry: On a point of order, will the Speaker rule on whether this is relevant to the debate? *[Laughter.]*

Mr Speaker: Order. I have already issued a general reminder that Members should, as far as possible, restrict their remarks to the remit of the debate.

Mr McNarry: Thank you, Mr Speaker. Perhaps the smart alecs in this place might give me some recognition. *[Interruption.]*

Mr Speaker: Order.

Mr McNarry: They might give some recognition that I tested through the Speaker how far I might need to go to make some points that might rebound on me, and I am very grateful. I am sorry only that my colleague Mitchel McLaughlin happened to be someone whom I used to gain that ground.

Mr McLaughlin: I accept the Member's apology. *[Laughter.]*

Mr McNarry: I receive his acceptance of my apology very gracefully and thank him for it.

To return to the business in hand: the Minister's intention to oppose clause 4, which refers to his Department's authority to secure money from the Consolidated Fund in order to cover the cost of collecting rates on behalf of the district councils, is explainable, if somewhat bizarre. We were told at Committee Stage that the Department needed that technical change to recognise the cost of collection in its accounts because no cash transaction is involved. We can follow all of that.

However, we are now told that clause 4 is not needed. Will the Minister clarify for me, because I got a bit beyond third form, why there has been such a change of heart?

Mr O'Loan: When the matter was brought to the Committee's attention, I said that I was content with the removal of clause 4. I remain content with its removal. However, the removal will have a possible major implication about which I want to ask the Minister. He may not have the full answer here and now. If he does not, will he bring it to the Committee?

The Minister's letter to the Committee on 9 September described clause 4 as follows:

“The objective of this clause was to enable income associated with the cost of collecting rates on behalf of district councils to be recognised in the Department of Finance and Personnel’s accounts.”

I draw his attention to his Department’s efficiency delivery plan, which is closely connected to that matter. In respect of the Department of Finance and Personnel’s efficiency savings, one item is described in precisely the same terms. It states:

“Recognition of costs recovered in respect of rate collection.”

That, in fact, makes a big contribution to the overall amounts involved in the Department’s efficiency delivery plan: over the three-year period, the total to be saved is £15.1 million out of £30.8 million. In other words, it accounts for almost half the total efficiency savings of the Department. How half of the efficiency savings of a Department are to be created by a mere change in the way in which its accounts are rendered is a not-insignificant side issue.

However, if the Minister cannot alter how the accounts are rendered in the way that is proposed in clause 4, two questions arise. First, does it mean that those efficiency savings cannot be achieved? Secondly, how will the efficiency savings for the 2008-09 financial year, which has already passed, be affected? Even if clause 4 were necessary to achieve those efficiency savings, and it had gone through, it would only come into effect when the Bill becomes an Act. In 2008-09, £4.4 million out of the £5.7 million of efficiency savings were recovered in respect of rates collection. The Minister must address that significant point.

11.30 am

The Minister of Finance and Personnel: I shall deal with the Member’s final point first. I do not have the answer to his question, so, rather than waffle, which the Member for Strangford accused me of, I would prefer to give the Member a considered reply. I shall write to him with it. I hope that my reputation is for giving straight answers, rather than for waffling.

Both of the points that have been made are about why clause 4 is in the Bill and why I am proposing that it be removed. I really wish that Mr McNarry would listen when I speak. I think that the record will show that at no stage did I indicate that we believed that that power was “not needed” — Mr McNarry’s words. I made it clear that when we examined the provision in clause 4, it was clear that it would not enable us to identify the cost of collecting rates. Therefore, clause 4 did not fulfil the purpose for which it was designed, hence the reason for not pursuing it at this stage.

One Member asked what we intend to do. We intend to review clause 4 in the context of the wider work that is being carried out on the reporting and accounting statement of the rate levy and collection account. Clause 4 could be looked at in the context of any future rates legislation. I hope that, for the second time, I have cleared

up an issue that Mr McNarry seems to have been incapable of understanding the first time.

Clause 4 does not fulfil the function for which it was designed. Mr O’Loan highlighted one reason why it is useful to be able to identify the cost of rates collection, so it is important that the ongoing work on that be done. I will write to him about the point that he raised. In the meantime, I propose that clause 4 be removed.

Mr Speaker: I shall now put the Question on whether clause 4 should stand part of the Bill. I remind Members that if they wish to oppose clause 4 standing part of the Bill, they should say No, and if they wish it to stand part of the Bill they should call Aye.

Question put and negatived.

Clause 4 disagreed to.

Clauses 5 and 6 ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

Long Title

Amendment No 3 made: Leave out from “to provide” to

“to the Department of Finance and Personnel”

and insert

“to enable the Office of the First Minister and deputy First Minister to incur expenditure for certain purposes” — [*The Minister of Finance and Personnel (Mr S Wilson).*]

Long Title, as amended, agreed to.

Mr Speaker: That concludes the Consideration Stage of the Financial Provisions Bill. The Bill stands referred to the Speaker. I ask the House to take its ease before we move to the next item of business.

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

PRIVATE MEMBERS' BUSINESS

North-west Region

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for this debate. The proposer will have 10 minutes to propose the motion and 10 minutes to make a winding-up speech. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes to propose and five minutes to make a winding-up speech. All other Members who are called to speak will have five minutes.

Ms Anderson: I beg to move:

That this Assembly recognises the impact that the economic recession has had on the north-west region; and calls on the Minister of Enterprise, Trade and Investment and the Minister for Employment and Learning to declare the north-west an area of special economic need and to take new and innovative measures to mitigate the economic crisis in the region.

Go raibh maith agat. Éirim leis an rún a mholadh.

I support the motion and the amendment. I am grateful for the opportunity to propose this motion, although it is also a source of deep regret that the economic crisis in the north-west makes it necessary to do so. Equally disturbing is the fact that the crisis in which my city and region find themselves, though exacerbated by the recession, is not new.

In 2003, in an attempt to secure an effective response from government, Derry City Council published a report entitled 'Economic Crisis in the North West'. That report, which had the support of all political parties and local stakeholders, made grim reading. It pointed out that the Derry City Council area had the highest rate of unemployment in the North, was the second-most deprived district in the North, and had one of the lowest levels of business creation. I could go on, but Members get the picture.

That paper proposed a number of interventions that government could take to mitigate the economic crisis in the north-west, such as decentralising public sector jobs to Derry and expanding the further and higher education sectors. Unfortunately, we have seen little progress on the initiatives proposed by Derry City Council in 2003. That failure to act has compounded underlying structural weaknesses in the city that have remained unaddressed for decades. DETI's 2009 statistics confirm that Derry now has the highest rate of income deprivation, with a rate of almost 35%. Its employment deprivation

rate is 21.9%, which is second only to our north-west neighbour, Strabane, which has a rate of 22.5%.

Investment is the key to infrastructure. That is required. The levels of unemployment and economic inactivity are the highest in the North and, in some wards, the highest in western Europe.

The econometric model that was published by Oxford Economics last month, and which was provided to Ilex, Derry City Council and a number of stakeholders last week, forecasts that the North will lose 37,360 new jobs in the recession and that Derry is expected to experience a faster decline in employment than the rest of the North up to 2011. The econometric model also showed evidence about how that could come about.

I also refer Members to the prophetic warning that was contained in Derry City Council's 2003 report on the economic crisis. It stated:

"The relative vulnerability of the North West economy means that while Northern Ireland as a whole will suffer in any global recession, the impact will be deeper and more persistent in the North West."

That report was published six years ago. The global recession has since come to pass, and, as predicted, it has hit Derry harder than anywhere else. That fact was recognised by the Minister for Employment and Learning in the wake of the Stream jobs crisis, when he stated unambiguously that the north-west had suffered more in the recession than any other region. The Minister's empathy with the north-west was warmly welcomed in Derry and across the north-west.

I also acknowledge the Minister of Enterprise, Trade and Investment's response to the crisis. She met representatives of the Stream workforce and MLAs from the city, and all of us appreciated her comments at that time and her ongoing efforts to try to save those jobs.

People in the north-west hoped that the reaction of both Ministers, particularly Minister Empey's words, would signal a change in how the Government treat the region, because we are all too aware that the people in our city are branded the Derry "whingers". Minister Empey might not have said stand up for Derry, but he publicly acknowledged that our plight is not a whinge. He acknowledged that the plight is not in our imaginations, and it is not down to the chip on our shoulders. The plight is as real as the evidence that shows that Derry still has the highest rate of unemployment, one of the highest rates of child poverty and the highest percentage of citizens living in deprived areas.

None of this is about Derry whingeing, and neither is it about Derry versus Belfast. A vibrant north-west and a vibrant Derry are good for the whole economy. For instance, we need the north-west to be marketed abroad so that the potential gains from Project Kelvin can be realised. There is huge potential in the north-west. My city of Derry is the second-largest city in the

North and the fourth-largest city on the island, and it could and should be a driving force for the whole economy and not an economic backwater.

Derry has a proven track record as the only significant strategic employment location outside the Belfast metropolitan area, and, as such, it can make a key contribution to the balanced regional development of the North and the whole of the island. That is evidenced by the fact that, during the 1990s, Derry had an actual growth rate in jobs that was closer to that of the Celtic tiger economy than the North's average. That is what our young, well-educated population was able to achieve, despite being failed by the policies and programmes of Stormont and direct rule Ministers. If this Administration were prepared to adopt new and innovative measures to assist the north-west, just think of what those young people could achieve not only for the north-west but for the entire economy.

We are not proposing anything revolutionary. The Programme for Government has a commitment to redress regional disparities and inequalities. Plans and commitments are in place for the expansion of the University of Ulster's Magee campus, but we need the political will to make that happen and the Minister for Employment and Learning's assistance to make it achievable.

In calling for the north-west to be declared an area of special economic need, we are following examples of best practice that we have seen elsewhere. I want the Minister to consider and research those models of best practice.

11.45 am

The Welsh Assembly has reacted to a similar economic crisis in the western valleys region of south Wales by declaring it a strategic regeneration area. The same could be done in the north-west, which would tie in with the work that the cross-party, cross-community stakeholder and residents groups are involved in across Derry. We are working extremely hard on the Ilex mark II regeneration plan, which will produce targeted proposals that must demonstrate how they will make a difference to the most deprived groups.

The work that the Welsh Assembly is doing allows it to focus investment in a number of key towns, which would have the greatest impact on the area as a whole. A dedicated team of experts from a range of disciplines was also set up to co-ordinate activities in the area. That team works in partnership with local authorities and other agencies and organisations, and the Welsh Assembly also plan to prepare a budget and draw up an action plan in partnership with local authorities and other stakeholders. Crucially, such designations are also recognised by Europe, and the Welsh Assembly believes that that will assist them in accessing European

convergence funding as a potential source of match funding.

If the Welsh can do that, then so can we. I almost feel like Barack Obama when he gave his "Yes, we can" speech. If we adopt a can-do attitude, we can make a difference to the entire north-west region. We should at least investigate and explore what the Welsh are doing and examine whether that model could be replicated here.

This is an opportunity to build on the words of empathy that both Ministers have expressed with respect to the north-west and to do something tangible to assist the economy and the economic recovery of the north-west region. By doing that, we will address the economic recovery of the North as a whole, because a successful north-west is good for the entire region and for the island of Ireland, and the north-west gateway initiative can contribute to that. It is for that reason that I sincerely hope that all Members will support the motion.

Mr P Ramsey: I beg to move the following amendment: At end insert

"; and also calls for the north-west gateway initiative to be renewed under the authority of the North/South Ministerial Council with reports to plenary and other formats."

The SDLP commends the motion that has been tabled. It is clearly very timely, and the party also welcomes the comments of my colleague in the Foyle constituency Martina Anderson. However, the SDLP is concerned that the motion is too prescriptive and limited. Given the problems of the region, two Departments on their own cannot make the difference that is needed in Derry.

Derry should be a city of high wealth creation, but it is not. That situation can and should be changed. The north-west region has the highest levels of deprivation of any region on these islands. Derry city is at the centre of that region; it is its main economic driver and its role in the north-west is similar to the role of Belfast in the east. However, where Belfast has a solid economic infrastructure in its university presence, its transport infrastructure and the location of all government Departments nearby, Derry is out on a limb. Its university campus has 3,800 students, roughly one tenth of the student population of Belfast. It is 55 miles from the nearest motorway, and no government Departments are headquartered in Derry or the north-west.

I want to talk specifically about my constituency. Derry is a victim of decades of underinvestment in regional and transport infrastructure, government Departments and university education by the old unionist establishment. I do not make that point as an accusation against my unionist colleagues in the House, because they are not responsible for historical decisions.

However, that point must be made to put the economic problem into context.

That neglect was followed by three decades of economic sabotage by the IRA, which viewed the economy as a legitimate target. It destroyed businesses and killed businesspeople. Given the neglect and that deliberate undermining of its people and economy, it is no wonder that the north-west and Derry are struggling.

During the time of the previous Executive there was some hope for the city. Investment was made in the gas pipeline and the power station. There was major investment in Altnagelvin Hospital, in new trains and in our schools. Furthermore, military bases were handed over, the north-west gateway initiative, which the SDLP's amendment focuses on, was set up, and we had the announcement of a 10,000 student target at the University of Ulster at Magee.

We are seeing the benefits of the integrated development fund, which has made a considerable difference in my constituency. We heard the announcement that investment was to be made in the road from Aughnacloy to Derry, giving Derry and the north-west a good connection to Dublin. Some improvements have been made to the road to Belfast, notably at Toome. We also saw the beginning of decentralisation.

Since the previous Executive were formed, the target for student numbers has reduced from 10,000 to 5,000. Sinn Féin representatives welcomed that revised figure. However, that new figure is only an aspiration, and no money has been identified by the Department or the university to meet it. The Minister of Finance and Personnel argues that the Bain report cannot be implemented, and that is causing deep worry and concern, and not just in Derry.

We have seen the slow progress on the development of the military bases. We have not exploited the presence of a 12.5% corporation tax zone that is two and a half miles from Derry city centre, and there is no strategy in place to do so. We have very poor road and rail links to Belfast.

However, it has not all been bad, and credit should be given where it is appropriate. The people of Derry are looking forward to the development of a major milestone in the city centre through the Department for Social Development's (DSD) public realm plan investment. There will also be investment in the walls and some of our historic buildings as part of the tourism plans. I note that the Minister for Enterprise, Trade and Development is in the Chamber, and we must commend her Department for the considerable contribution that it has made to upgrading and modernising our built heritage as a tourism product for the future.

We have the telehouse investment and Project Kelvin, but that came only after a struggle. Those welcome

investments will improve the look and feel of our city centre and will give it connectivity. However, on their own they will have limited impact.

I mentioned earlier that Derry should be a thriving city. Other regional and peripheral cities on this island have enjoyed sustained economic and social growth over the past two decades as a result of planned investment from government, followed by private sector investments and jobs.

Derry could do that if it had the proper investment. We give a good return on investment. Even though the Magee campus is the smallest, the science park in the University of Ulster is the most successful, given the number of jobs and new companies that are being created. We have attracted and retained major IT giants, including Seagate, Fujitsu and Northbrook Technology. We have also Allstate and HML. As Martina Anderson said, we have Stream, and, with our Minister's help, we hope that the jobs that are under pressure there can be saved. We also have the chemical giant Invista, formerly DuPont, and we are very good at growing locally owned companies in software development, engineering and creative industries.

We have good, highly skilled people. We have excellent schools with committed parents, teachers and children. We have highly creative people, a superb environment and quality of life, and we are prepared to invest in ourselves. For example, ratepayers contribute significantly to the running costs of City of Derry Airport. However, we need to get another 10,000 people in our city into employment, which would just bring the employment levels up to the Northern Ireland average. Derry cannot do that by itself. We need determined and sustained investment in our regional infrastructure. If the Executive are serious, they need a subregional plan that involves all the Departments, as well as strong cross-border work. That is why the SDLP tabled its amendment to the Sinn Féin motion.

Key investments should and could be made. For example, there could be substantial growth in university education and research that is related to current and future industries for the region. That is the most important long-term investment that the Executive could make to the north-west. We need decentralisation of Departments and a rethink by the Department of Finance and Personnel of its concerns about the costs of doing that. There was great hope and expectation in the north-west, particularly in Derry, that we would get a good, thriving Department.

We also need increased investment in motorways and dual carriageway links to Belfast. I made the point earlier that the nearest motorway to Derry is 55 miles from there. That is not acceptable. Around those investments we need to ensure that we have a proper marketing package for foreign investment and tourism

and that there is development of local enterprise, and we need to exploit our cross-border location and the attractive corporation tax regime in the South. An all-island — North and South — approach to the north-west would maximise the potential of both jurisdictions and turn a barrier into a powerful advantage.

The SDLP wants to see a planned, comprehensive and sustained approach to the development of the north-west, incorporating all government Departments with an economic remit — North and South — that will address the economic legacy issues and get Derry moving. We support the motion with the incorporation of our amendment.

Mr Campbell: I rise to speak on the motion and to note the amendment. There is no doubt that, in the past three years in particular, Northern Ireland as a whole has suffered a downturn that is not virtually unprecedented, but actually unprecedented. Across almost every sector people are reporting drops that they have not seen previously in their working lives.

I and others have lobbied Invest Northern Ireland (INI) intensively over many years. I do not expect to be on Invest NI's Christmas card list, because I have lobbied it substantially to try to ensure that it increases the number of potential inward investment visits. I understand the problem; neither Invest Northern Ireland nor anyone else can direct, dictate or instruct inward investors on where they should go. I suspect that, if she could, the Minister — given the constituency that she represents and the unemployment that it suffers — would say that perhaps investors should go there. That is evidence that private sector investors will go where they wish to go. However, Invest Northern Ireland can give assistance and advice.

In the past I have christened the organisation “invest greater Belfast” because I think that that was its mindset. Having said that, I have known the new chief executive, Mr Hamilton, for some considerable time. He comes from the private sector, and I am impressed with his commitment to ensuring that areas of high unemployment are targeted and that potential inward investors be directed to that realm. He also holds the view that the small and medium-sized enterprises — the indigenous local companies — are the way to go. That is potentially very good for the future.

As I have said, the issue of the last three years is one that cannot simply be removed from the equation. The downturn is unprecedented, and has defied almost anyone's belief or expectation. With that in mind, at the beginning of last month I tabled a question for written answer to the Minister of Enterprise, Trade and Investment regarding the changes in unemployment in every council area over the past three years, from July 2006 to July 2009. The statistics contained in the answer make for remarkable and horrendous reading.

It is somewhat ironic that the largest percentage increase in unemployment — a 220% increase — is in the Minister's constituency, not in the north-west. Members represent areas throughout the Province that have been affected by unemployment. I represent a north-west constituency, and there are others who represent Fermanagh, Armagh, or mid-Ulster. In Cookstown, for example, there has been a 167% increase in unemployment. Therefore, the issue is not that we do not agree with identifying areas of high unemployment; that should continue to be done, and it must be ensured that the concentration of effort is increased in those areas. The problem is that, if the motion were passed, would Members from mid-Ulster say that their area should be identified as an area of special need, and would Members from Armagh and Fermanagh say that their areas should be similarly targeted?

12.00 noon

The DUP tried to table an amendment to say that those areas should be targeted. I am sure that the Minister will agree that that should be done. For example, in the next eight years, there will be more than £1 billion of public expenditure on road building in the west of the Province.

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

Mr Campbell: We should build on that for the future, target the areas and ensure that employment is brought to areas of very high unemployment.

Mr Cree: I thank the Members who tabled the motion. However, the proposers of the motion and the amendment seemed to confuse the north-west with Londonderry.

It is obvious that the north-west region has been hit hard by the recession. In the past 12 to 18 months, 2,500 jobs have been lost in the greater Londonderry area, and the workload of jobs and benefits offices in the city of Londonderry has increased by 60%. However, I caution against the premise in the motion that suggests that the north-west has been hit disproportionately harder than any other region in Northern Ireland. Job losses have been significant and concentrated in areas such as Antrim, Belfast and, as was mentioned by the previous Member who spoke, mid-Ulster.

The Ulster Unionist Party recognises that the north-west started the recession from a much weaker position, and the party is committed to addressing it. The north-west has some of the highest concentrations of long-term unemployment-related benefit claimants, with areas in Strabane District Council and Derry City Council having the greatest percentage of working-age claimants. The figures are particularly worrying for working-age men in those areas. Equally, job density

in the north-west is not as high as it should be, with Strabane disproportionately affected.

There is clear evidence that the north-west is suffering economically. Economic deprivation can lead to social breakdown, ill health and inequalities. We must do all in our power, in a modern society, to cultivate the elements necessary to create economic growth and employment. The question we must answer is: would declaring the north-west an area of special economic need deliver the results that we all wish? I believe that it would not.

We must look at the steps that have already been taken to address the immediate crisis of the recession. The Minister for Employment and Learning has been robust in his response to the recession, creating numerous workshops and doing all that he can through the benefit offices to assist people who have become redundant to get back to work. In the north-west region, the Minister for Employment and Learning, the Minister of Enterprise, Trade and Investment and the Minister for Regional Development have implemented many changes that are needed to facilitate economic growth and job creation as we head out of the recession.

The proposer referred to the paper that Derry City Council produced in 2003. The key aspects of the strategic areas of intervention that that paper calls for are now happening. The Minister for Regional Development has invested to improve the rail link between Londonderry and Coleraine. The A5 corridor will provide an excellent new opportunity to develop business with the Republic, including Dublin. The Minister has adjusted the regional development strategy to ensure that the needs of the north-west are adequately met.

Similarly, the Magee campus of the University of Ulster has received further investment. It is striving, and, hopefully, it will develop further in the future. Londonderry has been designated as a Northern Ireland signature tourism project, and Project Kelvin, which was referred to earlier, will bring millions of pounds of direct investment and countless business and communication opportunities. To date, progress has been good. However, there is, of course, much more to be done.

We face markedly different circumstances, not least of which are the north-west and Londonderry's natural and infrastructural assets, compared with those of the western valleys, for example, to which reference has been made. However, investment in the economy is not solely about investment in infrastructure or technology. First and foremost, it is about people. I suggest to Members that that is a cross-cutting Executive issue.

Education is also an extremely important element. I urge the Members who tabled the motion to persuade their Minister to introduce a strategy to address

educational underachievement and an early-years strategy.

Cultivating economic growth and employment is a wide-reaching and complex issue. Sinn Féin wants to narrow that process and merely find someone to blame.

Londonderry and the north-west have a key role to play in the economic future of Northern Ireland plc. That would be undermined by hiving off the north-west from the rest of Northern Ireland. I oppose the motion and, indeed, the amendment.

Mr Neeson: My party and I have always believed in equality of opportunity. We must remind ourselves that all areas of Northern Ireland have been adversely affected by the global downturn, as have all areas of the British Isles — the Republic of Ireland in particular. In recent times, my constituency has seen major job losses at Nortel, Ryobi and FG Wilson.

I have witnessed the impact of a major economic downturn before. During the 1970s and 1980s, there were factory closures at Courtaulds, ICI and Carreras, with the loss of more than 6,000 jobs in Carrickfergus. The local community's response was to establish Enterprise Carrick, one of the first local enterprise agencies in Northern Ireland. I recognise that excellent work has also been carried out by local enterprise agencies in the north-west.

In my constituency, there are three successful local enterprise agencies: Carrickfergus Enterprise, Larne Enterprise Development Company (Ledcom) and Mallusk Enterprise Park in Newtownabbey. My point is, therefore, that there is an onus on local communities to get involved to try to resolve the problems that the global economic downturn has created. In my area, those enterprises have shown the importance of local community involvement in local job creation.

Furthermore, in the Assembly, I have raised the importance of job mobility, which is particularly important in the Belfast area. I understand that the entire question of unemployment differs from one area to another. However, if the Assembly were to approve the motion, that would discriminate against the people of west Belfast. How would Sinn Féin and the SDLP justify that to their supporters in that area? The motion is discriminatory.

I agreed with Martina Anderson when she stressed the importance of training. That is why it must be encouraged. I know that Sir Reg Empey is committed to addressing that issue in the north-west.

Some confusion arises when the north-west is discussed. When Pat Ramsey spoke, all that he talked about was Derry city. I thought that the north-west extended beyond Derry. In East Londonderry, major job losses have occurred in Limavady. Are they to be ignored?

Mr Dallat: Will the Member give way?

Mr Neeson: I am sorry, but I will not. I do not have much time.

Are those job losses to be ignored? I say no. Therefore, the Member needs to be clear about what he means by the “north-west”.

Gregory Campbell was quite right to say that the Minister of Enterprise, Trade and Investment cannot simply force companies to invest in a particular area. They will invest in the areas in which they believe that they will be best serviced by a particular community.

I encourage and fully support Derry city's bid to become the European capital of culture. Pat Ramsey spoke about the importance of tourism, and the city's bid presents an opportunity to benefit from that.

I recognise the problems in the north-west and the recent job losses in the region. However, as I said, I believe that the motion is discriminatory and that it is not in the best interests of all the people of Northern Ireland. For that reason, our party will support neither the motion nor the amendment.

Mr G Robinson: I represent a constituency that has borne the brunt of the economic downturn, with more than 1,000 job losses. I therefore welcome this debate, which gives me the opportunity to acknowledge the efforts that the DETI and DEL Ministers have undertaken to try to encourage investment in the north-west and other areas of Northern Ireland.

I point to the great support that Minister Foster has given to Limavady Gear Company. She opened the new plant at the former Seagate site; it was like the phoenix rising from the ashes. Despite what some people may think, much has been done to ensure that potential investors know of the many benefits that the west has to offer. Chief among those benefits is a willing workforce that has the opportunity to retrain or upskill on a lifelong basis, thanks to the DEL Minister. That underpins the efforts that have already been made to attract investment. Employers need a highly qualified and motivated skills base from which to draw.

It must be remembered that companies that traditionally brought hundreds of jobs to an area are no longer able to fund such projects owing to the economic downturn. That adds another difficulty to the list for my colleague Mrs Foster, who travels the Province and much further afield in an attempt to attract employment to Northern Ireland in general and the west in particular. I thank the Minister for her perseverance. It is worth pointing out that no Minister can dictate to an employer in which area they should locate jobs. That is a decision for the investor, not the Minister.

We must also concentrate on other issues, such as infrastructure. The problems surrounding road access are well known and must be addressed. I acknowledge

what is planned in that respect, but I warn that much more needs to be done if we are to have the road network that twenty-first century employers demand.

I refer Members to page 23 of the ‘Independent Review of Economic Policy’. Paragraph 2.2 states:

“the performance of the NI economy depends on national and international influences, and hence on factors beyond the control of local policy”.

I hope that the critics of the Minister of Enterprise, Trade and Investment will pay attention to that. Northern Ireland is dependent on global economic conditions. Therefore, the options that are open to Mrs Foster are restricted. However, as I said before, that has not prevented her from trying.

Paragraph 2.3 of the review states:

“NI has achieved a rapid rate of economic growth relative to other parts of the UK.”

Those two quotations show that Minister Foster and her predecessor have helped to achieve economic growth, despite the downturn. However, the Members who tabled today's motion seem happy to overlook that very important fact.

Finally, I do not want the west of Northern Ireland to be classed as an area of special economic need. Such a label might do the area a great disservice in the medium to long term and will certainly create divisions among geographical areas in Northern Ireland, which I do not condone.

The Ministers referred to in the motion are doing their utmost for Northern Ireland, not just the west, and deserve the credit that the ‘Independent Review of Economic Policy’ gives them. I therefore support the Ministers but not the motion.

12.15 pm

Mr Brolly: Go raibh maith agat, a LeasCheann Comhairle. I support the motion.

As one who has lived in the north-west for a few years — it is recorded that my family has lived in the north-west for over 1,000 years — I have the abiding impression of a great people living in a condition that has ebbed and flowed, particularly since the establishment of this state. But, unlike the tides in the Foyle, unfortunately, that condition has ebbed rather more regularly than it has flowed.

In my lifetime, up to the present day, I have always been aware of uncertainty and poverty. In my childhood, Derry city was a mini-Third World, with large families depending largely on the income of women working in the shirt factories for Third World wages. Male employment was sparse; some men were dockers and some went to war, but most, as Phil Coulter's song says, walked the dog. When the manufacturers discovered an even lower-waged Third World economy, Tillie and Henderson

and the other factories made no more shirts. Tillie and Henderson's factory is now a hole in the ground.

In my rural area, farmers could afford to employ some labourers, many of whom — boys, girls, women and men — were hired for a half-yearly pittance. Children got potato-gathering holidays, which were an essential addition to the meagre family income. The better off were the tradesmen and professionals, but the north-west was a home for general poverty.

Ironically, World War II was a boon to the area. Although hundreds of our young men were being slaughtered on the battlefields, thousands were working on the urgent building of military aerodromes at Eglinton, Ballykelly, Aghanloo and Aghadowey. When the war was over, the aerodromes were abandoned in stages, bar one: the City of Derry airport, which contributes very little to the economy. The aerodromes resumed their role as wastelands — more holes in the ground.

The fly-by-night provision continued with the expensive wooing of manufacturers, mainly from America. That razed the unemployment seeds fleetingly and, in fairness, paid better wages. Where are those manufacturers now?

Urban and rural development was a solid contributor to employment and to the economy, reaching unprecedented heights in the past decade and providing wages beyond our dreams.

Mr Campbell: I do not know whether I misheard the Member, because I know that it has happened on previous occasions when people have misheard things. However, he indicated that Londonderry airport did not contribute anything to the local economy. All the information and evidence that I have seen indicates that the airport contributes millions of pounds to the economy. However, the Member said that it does not contribute to the local economy.

Mr Deputy Speaker: The Member has an extra minute.

Mr Brolly: We all understand that the City of Derry airport is subsidised by the ratepayers of the area. However, if the Member is right, I stand corrected, and I thank him for his intervention.

Another devastating ebbing — another great hole in the ground — was created when the American manufacturers, who came here and were paid well for doing so, left when their subsidies ran out.

The building trade, which proved to be very precocious, has left thousands of our people disillusioned, demoralised and facing debt, want and anxiety to a degree that would not have happened in what we might have considered to be the bad old days.

Development of the only real natural resource in the north-west — our physical, historical and cultural areas of beauty — is essential for the creation of a lasting bedrock. We should direct resources into beautiful areas, such as Limavady borough, which includes the potential offered by Magilligan Strand and Lough Foyle, and all the points northwards towards Coleraine, Portstewart and Portrush. Those places are hidden jewels and could form the bedrock of continuous support for our economy and employment. Resources must be used to deal with the present and with the legacy of a past that is marked by an often deliberate neglect of our area.

Mr Irwin: As a Member who serves Newry and Armagh, I cannot speak for the people of the north-west. However, I can relate to the pressures and the circumstances that affect the whole of Northern Ireland. Businesses and employees in Newry and Armagh are no different to those in any other area.

Last week in my constituency, Redrock Engineering Ltd, which is a local firm that employs 80 people, had to call in the administrators. That firm has a 33-year history in the Armagh area and has one of the most recognisable brand names in construction and agriculture circles in Ulster. I know that all the representatives for that region who are in the House hope that that firm can be saved, along with the significant number of jobs that it has provided.

There is no safeguard against recession, nor is there a guarantee of a safe future for any company, regardless of whether it is in Londonderry or Armagh. There is no immunity from the current economic climate, and the wording of the motion divides the country unfairly by referring to the north-west as being unique in its economic difficulties. The difficulties experienced by businesses in Londonderry are no different to those being experienced by businesses in my constituency and in the wider United Kingdom, of which the north-west is an important part.

The Enterprise Minister's efforts to alleviate the pressures felt during the economic downturn are proactive and sincere. It is not helpful to declare that one portion of the country is more susceptible to economic pressures than others. I urge the Minister to push on with her good work on a Province-wide basis without giving any region special status.

Mr McClarty: I thank the Members who tabled the motion for bringing it before the House. Like my colleagues, I recognise that there is a serious underlying problem of unemployment and economic inactivity in the region. I will not repeat statistics already mentioned by Members.

Historically, the economy of the north-west centred on the textile industry and on manufacturing. In the past 10 years, there has been a 20% reduction in

manufacturing jobs across Northern Ireland, and areas such as the north-west have been particularly hard hit. The reduction in historical industries has been one of the main causes of the long-term economic difficulties that the region faces.

We must be aware that economic inactivity and long-term unemployment have serious social and health ramifications. In areas of the north-west, deprivation has become cyclical and generational. That is a cycle that we must break.

I welcome the steps taken by the Minister for Employment and Learning, my colleague Sir Reg Empey, to alleviate the immediate impact of job losses, and I thank him for the personal interest that he has taken in the region.

However, as other Members mentioned, the problems in the north-west are more underlying and were not caused merely by the recession. The basic premise of the motion is, unfortunately, flawed. The north-west, including Londonderry, Limavady, Strabane and Coleraine must become more integrated into Northern Ireland's economy, not separated from it by a potentially divisive designation. I share my colleague Mr Cree's belief that the Minister for Regional Development is doing a great job in improving infrastructural and transport links with the north-west, the rest of Northern Ireland and, indeed, the Republic of Ireland.

Given Northern Ireland's size and population density, it is crucial to have adequate links that facilitate an integrated economy in which Londonderry is a driving force. It is obvious that more infrastructural developments need to be made, and we are, thankfully, making progress. The reduction in industry has created something of a mismatch between local skills and job opportunities. That issue must be addressed, and it must start with the education system. I reiterate my colleague's call for the Minister of Education to introduce an early-years strategy and an educational underachievement strategy.

Developments at the University of Ulster and the North West Regional College are improving the situation. The recent review of Invest Northern Ireland also provides an excellent opportunity to further co-ordinate our economic strategies to the benefit of Northern Ireland and the north-west. The review offers an opportunity for the Minister of Enterprise, Trade and Investment to provide a more dynamic economic vision that the Minister for Employment and Learning and other Executive Ministers can use as a basis for their strategies. However, the fundamental premise of a new economic vision must be that Northern Ireland works as one to drive economic growth. We must demand that the north-west becomes a key driving force in that vision, not a sideshow or an afterthought.

I suggest that Members urge their Executive colleagues to work more closely to create a genuine four-party

coalition that is capable of making the changes that we all want. The north-west, like all regions of Northern Ireland, has been hit hard by the recession. However, the answer to long-term and sustainable recovery lies in a co-ordinated approach across the entire region that recognises Londonderry's assets and seeks to utilise them in driving the localised economy and Northern Ireland's economy as a whole.

Mr Deputy Speaker: The Business Committee has arranged to meet during the lunchtime suspension. I propose, therefore, by leave of the Assembly to suspend the sitting until 2.00 pm, when John Dallat will be the first Member to speak.

The sitting was suspended at 12.28 pm.

On resuming (Mr Deputy Speaker [Mr Molloy] in the Chair) —

2.00 pm

Mr Dallat: Mr Deputy Speaker, I am sure that Sean Neeson will be relieved to know that the SDLP has chosen me to represent east Derry.

When the Army base at Ballykelly became available, I wrote to the then First Minister, Dr Paisley, and the deputy First Minister, Martin McGuinness, asking them to make a case for gifting the 800-acre site for economic development, but I am afraid that the answer was no. A golden opportunity was missed in an area of the north-west that was about to lose 800 jobs at the Seagate factory and several hundreds of jobs in other places of employment in Coleraine and Limavady.

Not to give up, I wrote to the then Minister of Enterprise, Trade and Investment, calling for the setting up of a special economic task force, but, again, I got a Dear John letter. I have written and tabled questions to the Minister for Regional Development, Conor Murphy, on a number of occasions, believing that he was the person with the right credentials to come to the rescue of the north-west. I told him about the discrimination against the people of Dungiven, who have been waiting for a bypass for 30 years, but it was no good. There is to be no bypass for Dungiven during the life of this Assembly, nor, I fear, in the next one.

I told Conor Murphy about the clapped-out railway, the funding crisis that affected the Lough Foyle ferry service and other issues, but I am afraid that it was a case of eat horse and you will get grass. There is no decent intercity service on the horizon and there is more uncertainty about the ferry service. Infrastructure is, of course, essential to economic and social equality, but what has been decided to make it happen during the lifetime of this Assembly? We are being told today that there is no discrimination against the north-west. There is not a brass penny for the Lough Foyle ferry service, but the Strangford Lough service gets almost £1 million every year. Folks, is that not discrimination on a grand scale?

If the Assembly is serious about economic development, surely those issues are central to the expansion of our tourism industry on both sides of the border. I will not dwell on the future of the Belfast to Derry railway except to say that there is still no decision on a passing loop or, indeed, where to put it, so that we can have a decent intercity timetable. The terminus at Derry is no more than a shed, and there are no plans to construct a new facility that is fit for purpose. Indeed, the new footbridge across the River Foyle will not link up with the railway, and there are no plans to move the terminus for at least another five years.

I will move on to matters academic, or science-based, so to speak. Recently, I tabled a question for written

answer to the Minister of Enterprise, Trade and Investment enquiring about the £4.25 million that was set aside some years ago for investment in a science park development in Coleraine and Derry, only to be told that the cash had been returned. The Minister's reply of 30 October 2009 states:

"In 2003, within the Science Park's Phase 1 budget, £4.25 million was allocated for investment in the North West in association with the University of Ulster (UU). This was earmarked for the development of the Science Park at Magee and Coleraine, a total of 40,000 sq ft. The University of Ulster subsequently decided that it was unable to utilise the funding and it was returned ... in August 2005."

As I understand it, neither Coleraine Borough Council nor Derry City Council was told about that, despite the fact that both councils strongly supported the initiative. The pillars to the site are now lying in a recycling yard near Articlave — testimony to failure to support the project.

In the meantime, the University of Ulster is planning to spend £250 million in the centre of Belfast because it is popular with students and staff. Jordanstown is to be vacated, despite the fact that it is full to capacity, it is oversubscribed and its buildings are newer than those at Coleraine. Serious questions hang over the funding package that will leave future generations of students and staff to pay for failure.

I do not want to depress Members too much on this glorious autumn day, but the people of the north-west, many of whom have lost their jobs, will want more than fine speeches in the Assembly. Let no one tell me that the north-west has not been discriminated against. It is a special case: if the Assembly cannot accept that, and if it cannot acknowledge the injustices of the past and the need to redress poverty, social inequalities and the curse of centralisation, we are only stacking up further inequality for the future.

Mr Hamilton: I apologise for not being in the Chamber for the early part of the debate. Having examined the topic of the discussion, I am reminded of the famous baseball player Yogi Berra, who said: "It's like déjà vu all over again."

Only two weeks ago, many of us were present to hear an orchestrated whinge about west Belfast. Now, the caravan of constant complaining appears to have moved to the north-west. I wonder where the travelling circus of grumbling and complaining will move to next.

Ms Anderson: Will the Member give way?

Mr Hamilton: I will give way in a minute.

Although the previous contribution raised important issues about the Member's constituency, the use of terms such as "injustice" and "discrimination" do little or nothing to create a sensible and wise debate on any issue. The Member's complaint, without any grounds for justification, that his area has been discriminated

against and has suffered injustice was detrimental to his argument, which may have had its good points.

No one doubts that the recession has affected all parts of Northern Ireland. In the north-west, the Seagate closure and problems at the Stream International call centre grabbed the headlines. Equally, however, other parts of Northern Ireland have suffered in the downturn. The north-west is not my part of Northern Ireland, and I have no family roots there. However, rather than wanting to talk it down, I look for the positives in the area and can see that it has good things going for it. It is strange that people from outside the north-west want to talk it up and be positive, but those elected to the Chamber to represent the area and its interests do nothing but whine and complain.

The Ilex project is doing much good work, and Project Kelvin will give Londonderry and other parts of that region the advantage of direct connectivity to North America. The investment of around £9.5 million or £10 million in the Walled City signature project has also been positive for that part of Northern Ireland.

I commend the efforts of Minister Foster's Department and, in the current economic climate, Reg Empey's Department for Employment and Learning (DEL), in doing all that they feasibly can to arrest the problems in the north-west. My bone of contention is the call for the north-west to be designated as an area of special economic need. Why would anyone wish to have their area labelled as such, thereby doing it down?

Ms Anderson: The Member was not present for the early part of the debate; I accept that people are busy. As last week's figures from DETI show, the north-west has the highest level of income deprivation, one of the highest rates of child poverty and the highest level of unemployment. What we are asking for is not revolutionary. We are asking for the fulfilment of a Programme for Government commitment to tackling regional disparities.

We have studied best practice elsewhere, and the Welsh Assembly is able to designate areas of special need. The Member should take account of where that has worked in practice and try to apply it to the north-west.

Mr Deputy Speaker: The Member has an extra minute in which to speak.

Mr Hamilton: No one doubts that there are issues and problems in the north-west. Equally, however, I could go round every part of Northern Ireland and highlight various indicators of similar problems. I could go to parts of this city and point out socio-economic problems —

Mr Shannon: Will the Member give way?

Mr Hamilton: No, I have a lot of points to make.

Many areas in Northern Ireland are experiencing similar problems. I have been following the debate, and I have not heard any detail to flesh out what the designation of the north-west as an area of special economic need would achieve. If it could achieve something, it would be worthwhile.

Ms Anderson: *[Interruption.]*

Mr Deputy Speaker: Order. I ask all Members to make their remarks through the Chair.

Mr Hamilton: Other than acquiring a label as an area of special economic need, nothing has been put forward that would positively address the problems there. It would simply brand the north-west as some sort of economic basket case.

I could make a similar case on economic need for parts of mid-Ulster, such as Cookstown, Magherafelt and Dungannon. Statistics show that there have been much bigger rises in unemployment in those places than in the north-west of Northern Ireland. The figures in January — the situation has worsened since the start of the year — indicated that unemployment had increased by 161% in Dungannon, 186% in Magherafelt and 149% in Cookstown. Those three local authorities had the highest rises in unemployment in the entire United Kingdom, but no one bounced up to make a special case for that part of Northern Ireland. Indeed, that area was particularly adversely affected by the downturn in the construction sector.

I could also make a case for Ards or Strangford as areas of special economic need by comparing the level of investment that Invest Northern Ireland has made there with what it has invested in the north-west in the past 10 years, but I will not do that. I ask the Members on the Benches opposite to think seriously about why they wish to talk down their area. Why do they not want to talk up the positives of their area? Why do they always want to talk about injustice and discrimination?

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

Mr Hamilton: Why do they not point to the positive things that their area has to offer Northern Ireland? The north-west has a positive contribution to make, and the people of that area are not helped by the negative, doom-merchant behaviour that we regularly witness in the House.

The Minister of Enterprise, Trade and Investment (Mrs Foster): I thank the proposers of the motion and the amendment for providing us with an opportunity to discuss some important issues. I have listened carefully to all the contributions and welcome much of what has been said in this important debate about developing the economy in the north-west. I acknowledge the impact that the economic downturn has had on the north-west

and, as many Members said, on the whole of Northern Ireland.

It is important to point out that, although the Londonderry city council area has the highest level of unemployment, it does not have the highest increase in unemployment. We must take account of that nuance, because Londonderry has, historically, had high unemployment; it has not happened as a result of the recession. Nevertheless, that problem must be dealt with, and strategies have been put in place to do that, to which I will refer later.

These are difficult times, but we must recognise that official statistics show some stabilisation in the pace of economic decline. The last quarter has seen modest growth in service sector output for the first time in two years, and we can perhaps take some encouragement from the fact that the recent increase in unemployment levels is the lowest in the past 15 months. However, that still means that job losses continue to increase, and they are likely to do so for some time to come. That is particularly true in the north-west, where the redundancies at Seagate and Stream have been a major blow.

We must never forget — I am sure that the House will never forget — that behind those unemployment statistics are real people whose lives have been dramatically affected by what has happened globally. I am in no way complacent about the issue, and, as many Members acknowledged, my Department, Invest Northern Ireland and the Department for Employment and Learning are working hard together to help those who have lost their jobs to find alternative employment or to consider starting their own businesses. That is an important measure that we should consider, and I will come to the relevant figures for the north-west in due course.

However, I do not support the call for the north-west to be defined as an area of special economic need. If I thought that such an initiative would make a difference, I would lay my full weight behind it. However, I have seen no evidence that indicates that that idea would make a difference to the people of the north-west. In a debate about west Belfast on 20 October 2009, we heard about the many strategies and the perceived, and often real, lack of delivery on those strategies. Do we really want to go down the road of having yet another strategy rather than considering how to deliver for the people of the north-west?

We should concentrate our efforts on seeing through the many and varied steps that we are already taking. I say to the Members on the Benches opposite that the people of the north-west need delivery rather than another strategy; I hope that they will agree with that. We should redouble our efforts to deliver the wide range of programmes and initiatives that contribute to the development of the north-west in its widest sense. Key high-level, cross-departmental initiatives are the

north-west gateway initiative, to which many Members referred, and the Ilex urban regeneration company.

The north-west gateway initiative provides a strategic, integrated and joined-up approach to economic growth across the council areas of Londonderry, Limavady, Strabane and, indeed, Donegal. It covers infrastructure; further and higher education; employment and skills development; science, technology and innovation; business development; strategic regeneration; and, importantly, tourism.

2.15 pm

At the moment, Ilex is developing proposals for taking forward its regeneration plan, which includes a strategy board to provide a single voice for the city, building on the current civic regeneration forum, and working relationships are being established with representatives from other councils, including Donegal County Council, to underpin the strategic approach of the north-west gateway.

I heard what the proposer of the motion had to say about the Welsh model. I listened very carefully, but surely the Member must recognise that Ilex is contributing greatly to regeneration in the city of Londonderry, and, therefore, the establishment of another regeneration area for the city would be duplication. Hopefully, she will be able to acknowledge the work that is going on in relation to Ilex.

Ms Anderson: On a point of information, the difference between Ilex and the Welsh initiative is that Ilex does not have a budget, but the National Assembly for Wales is looking at the area that it has designated so that it can put a budget towards the plan for implementation.

The Minister of Enterprise, Trade and Investment:

I thank the Member for that. We are in constrained times, and she will recognise that public finances are at a premium. Ilex is working innovatively with the private sector and will be able to bring in funds that perhaps would not be available if it was a public sector-led initiative. Frankly, we will have to get real. There is not an unending amount of money available. We have to deal with the realities of our situation.

Invest Northern Ireland has been working through two phases of the north-west action plan, and it is very committed to working in partnership with local councils to identify the best way to deliver the necessary joint projects and initiatives going forward. Although I accept that it is only human nature to dwell on bad news, I want to repeat the point that was made by my colleague Simon Hamilton. There have been significant recent job losses in the north-west, but we should not obscure the fact that the region has much to offer as an investment location. We recently heard a welcome announcement that some retail companies, Next, Mothercare and Dreams, have all signed up as new

tenants of Londonderry's Crescent Link Retail Park. That shows that the retail sector, yet again, despite the downturn, is doing well in the north-west and along the border with the Republic of Ireland and in many of our towns.

The Limavady Gear Company, to which Mr George Robinson the Member for East Londonderry referred, is utilising the Seagate Limavady site. Singularity, Allpipe Engineering, Maydown Precision Engineering and 8over8 are all examples of companies that are forging ahead despite the economic difficulties that we all face. Despite our difficulties, we should celebrate those successes and learn from their achievements in order to build further growth and prosperity.

Invest NI has been making major efforts in the north-west, and I will give the House some figures. Since 2002, Invest NI has made almost 3,000 offers of support to client companies in the north-west. In the period from 2002-03 to 2008-09 the number of start-up companies per 10,000 adults in the north-west was 194, and that was higher than the Northern Ireland average of 154. We have also supplied £138 million of assistance, contributing to planned investment of £642 million. Furthermore, 43% of that assistance has been offered to locally owned companies, and £8.5 million has been used to support indigenous business, pre-start and start-up projects, with planned investment of £42 million.

If we take the north-west region's population as a percentage of the overall Northern Ireland figure, Invest Northern Ireland's assistance in the north-west averages at £634 a head, compared to £618 a head for Northern Ireland as a whole.

I recognise Mr Pat Ramsey's point that no Department has its headquarters in Londonderry city, and the Finance Minister will, undoubtedly, want to discuss that point with Executive colleagues in the near future.

However, he needs to recognise that there is a higher proportion of public servants in Londonderry than the Northern Ireland average. I think that if the people of the south-west, whom I represent, had as many civil servants as Londonderry, they would be very happy. However, I accept the point that he made. I am sure that he will continue to make that point with my colleague.

I am very pleased that a number of contributors made reference to the strong tourism offer in the north-west. It is a huge initiative for us. I am very pleased to be associated with initiatives such as the Walled City signature project, the tourism development strategy and the north-west destination marketing. They are all designed to make it a much better and more attractive place to visit.

Now that Belfast is out of the running for the UK city of culture, I presume that Londonderry will be the

sole city going forward from Northern Ireland. My Department will very much want to support that bid. It is a huge opportunity for the city, and I very much hope that Members will get behind that bid because it will put the city on the map and help its tourism offer. Tourism is a good news story for the city and the entire region, and I hope that people will recognise that.

Telecommunications is obviously vital for a modern economy. Building on private sector investment, the Department has a history of making significant investment in the telecoms infrastructure of the north-west. We will continue to invest heavily in that area. Telecommunications provision in the north-west, particularly in and around the city, is strong, with a full range of technologies available to meet the needs of the area.

Of course, the most notable current investment is being delivered under Project Kelvin, which is the north-west direct international connectivity project. I see why the title was shortened to Project Kelvin. It will provide Northern Ireland, for the first time, with a direct communications link with North America, as well as improved connectivity with the rest of the UK and Europe. It is a huge opportunity for the area, and, indeed, for the whole of Northern Ireland. I hope that we will work very hard to market the project. I know that Invest NI stands ready to help local companies in the north-west to take maximum advantage of the opportunities with Project Kelvin. Indeed, I am aware that Derry City Council is leading a group of stakeholders working to develop a marketing strategy and action plan for selling the north-west in an enhanced way because of the international connectivity. Invest Northern Ireland stands ready to help in relation to that exercise. I hope that Members will be encouraged by that.

I am running out of time, but I have indicated what my Department is doing in the north-west. Obviously, work is also being done by Invest NI and DEL. DEL is equally committed to the economic development and regeneration of the north-west, and has a range of programmes that are designed to increase the employability of people in the north-west. The Department works very closely with the further education and higher education sectors in that area and wants to help local businesses to make sure that they have the skills that they need to develop.

Mr Pat Ramsey mentioned that student numbers had, from an aspirational point of view, decreased from 10,000 to 5,000. I took the opportunity over lunchtime to check that out, and I was told that the figure of 10,000 included part-time students whereas the figure of 5,000 was just in relation to full-time students. Mr Campbell made a point that was taken up by a number of people: we cannot tell inward investment where to go, but if there are specific reasons why we should take people to a particular place, we can point out those issues to them. Leslie Cree acknowledged that

the north-west had been hit very hard — but not disproportionately, in his words — and he called on my Department, DEL and DRD to play their roles in relation to the north-west.

Sean Neeson, in a very considered contribution, pointed out that we needed to use all of our tools to deal with the economic recession. That is absolutely right. The local enterprise agencies have played a critical role in relation to a number of areas, including helping people to find work and to develop in their own ways.

Francie Brolly gave us his unique historical view on the city. At one stage, I did not know whether it was a pre-war or post-war view. In any event, I want to address the issue that he raised in relation to American companies walking away after being well-subsidised to come here. There is no doubt that there have been redundancies from large American companies, but it is important to consider the contribution made by those companies when they were here. Mr Brolly will recognise the amount of money put into the local economy by such firms.

Seagate put in £120 million of capital; £216 million in wages and salaries was made available to the local economy; £57 million in taxes; and £1.5 million a year on research and development activities. In 2007 alone, the Limavady plant purchased £10 million of goods and services from Northern Ireland companies. Therefore, although I understand Mr Brolly's point, the benefit and added value that those companies bring to our local economies must also be recognised.

In conclusion, although I accept that the north-west has been hit hard by the recession, I have not been persuaded by any arguments that I have heard in the debate that special designation as an area of economic need is the answer to its problems.

Mr Durkan: The debate has been very useful, and I thank Martina Anderson and her colleagues for tabling the motion. Unfortunately, it is a debate during which some Members may have mischaracterised the motion and the amendment. Some have sought to suggest that the motion is an attempt to state that economic need is unique to the north-west and Derry. Clearly, nobody speaking in support of the motion or the amendment was making that claim.

In proposing the motion, Martina Anderson spelt out very clearly some of the identifiable economic need that is particular to the north-west and that can be remedied and addressed if the specific means to do so are marshalled. The essence of the motion is a request for that to be done.

We tabled our amendment because we do not think that the motion goes far enough. I was interested to hear the Minister cite the north-west gateway initiative as one of the existing high-level commitments to the

north-west. Recently, many people have been asking where the north-west gateway initiative has gone. It was created back in the days of Peter Hain, who jointly launched it with Dermot Ahern to respond to a particular, visible, describable, identifiable need in the north-west, encompassing the Donegal County Council, Derry City Council, Strabane District Council and Limavady Borough Council areas. Therefore, if the Minister is prepared to accept that the gateway is a high-level initiative that recognises particular need in the area, I do not see the problem with designating an area as having distinct and particular needs. If the Minister identifies the north-west gateway initiative as an acceptable measure, maybe we need to develop and enhance that initiative's capacity, because, at present, it does not seem to be carrying out the sort of all-singing, all-dancing, cross-cutting, cross-sectoral roles that the Minister described. However, that was certainly in the prospectus for the gateway initiative, as we understood it.

Unfortunately, in this period of devolution, the gateway initiative has not been adopted by the North/South Ministerial Council. It should be and it could be, and we have suggested as much, in response to North/South Ministerial Council statements that have been made in the House. The north-west gateway initiative could be adopted, and it might then become a vehicle for ensuring that matters crossing Departments and jurisdictions in the wider north-west could be taken forward effectively. That is why we have tried to amplify the motion with that reference in the amendment.

Some Members have asked what designation would mean. The measures that we would like include something that would not be unique to the north-west: we have called for it before, and it is the restoration of the integrated development fund.

2.30 pm

The Minister rightly paid tribute to ILEX's good work and innovation. Some of its best work to address the needs of Derry and the wider north-west area has been in the context of putting together many of the bids to the integrated development fund. Many of the positive things that have happened in Derry, some of which were referred to by my colleague Pat Ramsey, including the public realm scheme in Guildhall Square and Waterloo Place, were funded entirely by the integrated development fund. The funding for the Intelligence Systems Research Centre at Magee College, which was badged as Invest NI funding, came, in fact, from the integrated development fund. Similarly, the money for the dualling of the A2 near Maydown came from the integrated development fund.

Restoring the integrated development fund would mean that ILEX and the strategy board would have a coherent fund to go to when they put forward cases for the north-west. They would not have to spend time

busking around various Departments trying to get money for this or that project. Those who supported dissolving the integrated development fund in the Executive's first Budget should look again at that decision, because restoring the fund would give every area in the region the capacity to move towards recovery and to make better use of the prospects that the Minister said exist. Everywhere, not least the north-west, could benefit from the opportunities that restoring the integrated development fund would afford.

Mrs McGill: Go raibh maith agat, a LeasCheann Comhairle. I thank all Members who contributed to the debate. The diversity of views was interesting. Sinn Féin did not table the motion with the intention of being divisive, and I am disappointed that some Members implied that Sinn Féin wants something for the north-west that it is not entitled to. One Member even spoke about north-west whingers. I was glad to hear the Minister accept and acknowledge that the north-west has had difficulties. I am not sure whether she used the word "disadvantaged", but my party's view is that, historically, there has been underinvestment in the north-west.

Mr Cree said that my party colleague Martina Anderson and Pat Ramsey both spoke a lot about Derry. Although the motion refers to the north-west, it was Sinn Féin's intention that, although we would take in the scope of the motion, Martina Anderson would speak about Derry, Francie Brolly would speak about Limavady, and I would speak about Strabane, so we would each speak about our own area. That is how we divided our response, and I make no apologies for defending Strabane. Furthermore, in a previous debate, my council colleague Allan Bresland MLA, spoke about the difficulties that west Tyrone is experiencing.

Mr Shannon: Will the Member give way?

Mrs McGill: I am not going to take any interventions, because I would lose my train of thought, which I do not wish to happen because this is a very important issue for us. Whether Members were here or not, many of them have had the opportunity to listen to the debate and, if they were in the Chamber, they would have had the opportunity to speak.

Before I come to Members' contributions, I shall make a couple of my own points. A number of issues are important to the north-west, one of which is tourism, and the Minister made the same point, both today and when she contributed to a debate in the Chamber the week before last.

She said that she was surprised that no Member mentioned tourism, but I will certainly mention it. The Minister referred to the Walled City signature project, and I have no difficulty with that. However, other areas have been neglected. I do not mean that they have been

discriminated against; I do not use that word, but they have been neglected for whatever reason.

In his contribution, Mr Campbell used the word "mindset". I could not agree with him more. I had the word "mindset" written in my notes, and I intended to use it specifically in reference to tourism. I heard Alan Clarke interviewed recently about the reopening of the Ulster Museum. Mr Clarke spoke of how the reopening would increase footfall and how Belfast would benefit. I listened to the whole interview, and Mr Clarke talked about Belfast for some considerable time. I was tempted to phone him to ask what about the rest of us —

Mr Shannon: In Strabane?

Mrs McGill: No; the rest of us in the North of Ireland. At the end of the interview, he mentioned the Causeway and Antrim, which redeemed him somewhat. However, the issue is about mindsets. There are tourist issues beyond Belfast and the Antrim area, and I mean no disrespect to the people from those areas. The potential of the Sperrins was not mentioned. I know that tourism in the Sperrins is encouraged, but a lot of work remains to be done.

I have two other points, the first of which is about higher and further education. Martina Anderson referred to the proposals for development at the Magee campus of the University of Ulster. The Committee for Employment and Learning was briefed by Professor Deirdre Heenan and Professor Barnett, and tomorrow, the Committee will receive a further briefing.

There is potential at the Magee campus for an amazing amount of good work. A number of members of the Committee talked about the scope for the development of a medical school. We hear about junior doctors not being attracted to the north-west, but, between Derry, Strabane, Limavady and Donegal, there is scope for an enhanced medical school. I know that there is a nursing faculty at Magee, but such a school would work wonders for the whole of the north-west, including Strabane. Health inequalities were mentioned, and I see a link between those issues. Such a medical school at Magee would have a positive knock-on effect, and medics would want to come to the area. The Barnett report focused on innovation and research and development, which, in the north-west, should start at Magee.

Last week, Minister Empey again visited Strabane, and he was most welcome. When we met him, we discussed further education and our plans for the Strabane campus of the North West Regional College. Minister Ritchie also visited, and DSD must be lobbied. Minister Foster is present for the debate. All those Departments have a contribution to make, and I am trying to make them see that.

In the time remaining, I will address regional disparity. A lot of Members said that the north-west is no worse off than anywhere else. The Minister did not

say that, and I am glad about that. Some Members may be unaware of the figures. The statistics that I have are from the information pack, and they were published in the 'Belfast Telegraph'. The September unemployment figures show that, in Derry, unemployment stood at 7·2%, which is the worst of the 26 council areas; in Strabane, it stood at 6·8%, which is second worst; and in Limavady, it stood at 6·5%, which is third worst. Therefore, that covers the whole north-west. I know that people sometimes do what they want with statistics, but those are fairly graphic.

I will not dispute what Mr McClarty said about his area of Coleraine, but I think that he wants the north-west to be more integrated into the North's economy. He rejected the motion, and I was disappointed about that.

In a recent Assembly debate on Invest NI, Mitchel McLaughlin said that that body did not have a remit to deal with regional disparity. If the motion falls, it would be an opportunity for Invest NI to deal with regional disparity.

A number of Members made different points, and I think that I have time to comment on a couple of them. Sean Neeson talked about the enterprise agencies, and he spoke quite a bit about Carrickfergus.

George Robinson complimented the Minister on the work that she did. I will compliment any Minister for any work that is done. However, I come back to the point that my council colleague Allan Bresland made, which was that we need jobs.

I thank all Members who contributed to the debate. Go raibh míle maith agat, a LeasCheann Comhairle.

Question put, That the amendment be made.

The Assembly divided: Ayes 40; Noes 48.

AYES

Ms Anderson, 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 Doherty, Mr Gallagher, 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 McHugh, Mr McKay, Mr McLaughlin, 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 Ayes: Mr Attwood and Mr Burns.

NOES

Mr Armstrong, Mr Beggs, Mr Bresland, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Craig, Mr Cree, Mr Dodds,

Mr Donaldson, Mr Easton, Mr Elliott, Sir Reg Empey, Dr Farry, Mr Ford, Mrs Foster, Mr Gardiner, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr Kennedy, Ms Lo, Mr McCallister, Mr McCarthy, Mr McClarty, Mr B McCrea, Mr I McCrea, Dr W McCrea, Mr McFarland, Miss McIlveen, Mr McNarry, Mr Moutray, Mr Newton, Mr Paisley Jnr, Mr Poots, Mr G Robinson, Mrs I Robinson, Mr K Robinson, Mr P Robinson, Mr Ross, Mr Shannon, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr B Wilson.

Tellers for the Noes: Mr Bresland and Mr T Clarke.

Question accordingly negated.

2.45 pm

Mr Deputy Speaker: As Question Time is at 3.00 pm, I suggest that Members take their ease until then. The vote on the motion will be taken immediately after Question Time.

3.00 pm

Oral Answers to Questions

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

ENTERPRISE, TRADE AND INVESTMENT

Economy

1. **Mrs M Bradley** asked the Minister of Enterprise, Trade and Investment for her assessment of whether the Northern Ireland economy is beginning to recover from recession, given that statistics indicate the lowest monthly rises in the rate of job losses for more than a year. (AQO 303/10)

The Minister of Enterprise, Trade and Investment (Mrs Foster): It is clear that the Northern Ireland economy is still experiencing difficulties as a result of the global recession, with unemployment continuing to rise. However, recent trends have revealed a slowdown in the rate of decline. The September increase in the unemployment claimant count was the smallest increase in the past 15 months. Additionally, output levels for the service sector stabilised in the second quarter of 2009, and revised figures for the first quarter of the year registered growth for the first time in two years.

It is also encouraging to note that forecasts that my Department commissioned suggest that the Northern Ireland economy is expected to return to marginal growth as we move into 2010. However, we must not be complacent, not least because, as the latest UK output figures indicate, the national economy continued to contract in the third quarter of 2009.

In summary, the growth prospects for the Northern Ireland economy remain subdued, and it is for that reason that I remain committed to doing all that I can to support businesses at this challenging time.

Mrs M Bradley: I agree with the Minister that there is no room for complacency. Given the situation, I ask the Minister to ask tax offices to go easy on our businesses until the economy has made a full recovery.

The Minister of Enterprise, Trade and Investment: I know the matter to which the Member refers, because I have encountered it in my constituency. As I recall, at the beginning of the recession, the Chancellor of the Exchequer announced that tax offices would work with companies. I have found that one sometimes has to go back to the local tax office and push it to deal with

those issues. If other Members have experienced a similar situation in their area, I am happy to take the matter up with their local tax office. Recently, I did some work with HM Revenue and Customs, which indicated that it was prepared to work with the local Administration. Therefore, I am happy to take up any specific instances with the local tax office.

Dr Farry: Will the Minister give her opinion on the risk of a so-called double-dip recession in Northern Ireland? Given our high dependence on the public sector and the looming reality of public sector cuts, is there a possibility that we may fall back down? If we were to be at risk of a double-dip recession, would that highlight the need to tackle the structural problems in the economy, such as the high dependence on public sector employment?

The Minister of Enterprise, Trade and Investment: The Member is correct: there is the prospect of a double-dip recession, and that concerns me. I listened carefully to the CEO of the Northern Bank's announcement this morning of the bank's latest results. He said that he was cautiously optimistic about the economy.

However, cuts are coming to the public sector, which makes up a third of the economy in Northern Ireland. We should be concerned about the implications that that will have, and we must remain vigilant. That is one of the reasons why Invest Northern Ireland and, indeed, the Executive in their Programme for Government stated clearly that the economy needs to move away from public sector dependence to having more private sector growth. It remains the case that we wish to grow the private sector. It is difficult to do that in the current circumstances, but we will continue to work with companies, not only to try to help them through the recession but to help them to grow.

Mr K Robinson: I thank the Minister for her answer. Given that we must always take into account all methods of developing the economy, does the Minister anticipate any new foreign direct investment as a result of the investment conference in May 2008?

The Minister of Enterprise, Trade and Investment: I am glad that the Member mentioned last year's US/NI investment conference. He will be aware of one of its very good outcomes, which was the recent announcement that the New York stock exchange is to make a considerable investment in the Northern Ireland economy. We sometimes overlook the significance of some announcements in the hubbub of politics. That was a hugely significant announcement, because other investors in that field will look at it and realise that, if an organisation that is as stellar and blue-chip as the New York stock exchange is investing in Northern Ireland, they should also be looking to Northern Ireland.

The New York stock exchange came here because NYSE Technologies had already acquired the indigenous

company Wombat Financial Software. It had, therefore, seen local people's skills and how they worked for the company. It also saw the technology that had been developed in Belfast. It saw an opportunity to grow here. It is a tremendous boost and vote of confidence in the Northern Ireland economy, which came about because of the investment conference that took place last year.

We continue to work with different prospects in the US and with other emerging economies. The Member will be aware that I visited India in September 2009. That was a profitable exchange, not only for me and the companies there, but for the 27 companies that I took with me on that occasion. I hope that there will be more foreign direct investment (FDI). Obviously, it will not be at the same rate as it was before the recession. However, the Department continues to work on the FDI pipeline.

Mr G Robinson: How does Northern Ireland's unemployment rate compare with that in other regions?

The Minister of Enterprise, Trade and Investment: The Member will be aware that, as with other United Kingdom regions, Northern Ireland's unemployment rate has increased. It currently stands at 7.1%, which represents 57,000 individuals. As I always say, and as I said during the previous debate on the north-west region, we get hung up on statistics sometimes and do not look at the people behind them. The figure is strikingly large.

Although Northern Ireland has a substantially higher-than-average economically inactive population, which concerns the Executive greatly, our unemployment rate is among the lowest — joint fourth lowest, I believe — of the UK regions. Indeed, Northern Ireland's unemployment rate is lower than the UK average of 7.9% and the Republic of Ireland's rate, which is currently 12.5%. Therefore, although difficulties remain in the Northern Ireland economy, we should rejoice in the fact that it is certainly not among the worst. Much work needs to be done.

Mr Deputy Speaker: I remind Members that, if they wish to be considered for supplementary questions, they must stand in their places.

Gas Market

2. **Mr Durkan** asked the Minister of Enterprise, Trade and Investment to outline the time frame for the establishment of the all-island gas market, and if she envisages a consequential reduction in gas costs for consumers. (AQO 304/10)

The Minister of Enterprise, Trade and Investment: The time frame for an all-island gas market is dependent on the establishment of a common system for operation

of the two transmission networks. That includes agreement on system-operator arrangements that will give government and industry confidence that the transmission of gas across the two networks will be handled independently, efficiently and cost-effectively.

Primary legislation will be needed in both jurisdictions. It is unlikely that that legislation could be passed by the Northern Ireland Assembly before late 2011.

The quantifiable operational benefits of the project are modest. However, they could still help to combat any future increases in the cost of gas. Significant benefits for consumers could, however, come from enhanced security of supply, greater transparency, investor confidence and future opportunities to develop competition in the retail gas market.

Mr Durkan: I thank the Minister for her answer, which acknowledges the benefits of a potential single gas market.

Is there no room for improvement on the timetable, particularly with regard to legislation? To say that it will be the end of 2011 before legislation is passed through the House sends a signal to the sector that the Assembly is not serious and is not pushing the matter forward.

The Minister of Enterprise, Trade and Investment: From this jurisdiction's point of view, the reality is, actually, quite the contrary. On 22 October 2009, I met my counterpart, Minister Ryan, at the IBEC-CBI Joint Business Council energy summit in Edinburgh. We both confirmed our support for the development of common arrangements for the transmission and trading of gas based on the mutual benefits that regional co-operation on gas can bring.

There is an issue about the independence of the systems operator. Northern Ireland has an independent systems operator. However, the Republic of Ireland currently does not. It is carrying out work on the different models that it can adopt to satisfy its energy regulator. Frankly, until it does so, we cannot move forward on the issue. Therefore, the delay is not of Northern Ireland's making. There needs to be an independent operator in the Republic of Ireland, as well as in Northern Ireland. We must wait to hear from the Department of Communications, Energy and Natural Resources in the Republic before we can make progress.

Ms Anderson: Go raibh maith agat. Is the Minister engaging with her Executive colleagues to address the failure to make natural gas available in social housing? I am aware that the heating replacement programme for social housing has ground to a halt. I am also conscious that there is a pipeline outside Altnagelvin Hospital that could be used to serve the hospital and other public buildings. Is the Minister in discussion

with her ministerial colleagues about how the situation can best be improved?

The Minister of Enterprise, Trade and Investment:

I am awaiting the results of a consultation on further roll-out of the natural gas network in Northern Ireland. The Member will not be surprised to hear that I believe that that would bring benefits to consumers other than those who currently have the advantage of a natural gas supply. I hope to receive the report very soon. When we know the outcome of the consultation, we will be able to speak more about engaging with other Departments.

Mr Moutray: Will the Minister indicate what can be done for gas customers who wish to change supplier?

The Minister of Enterprise, Trade and Investment:

A lot of people wish to change to natural gas. I am encouraged by that, because we want to move away from high dependency on fossil fuels, including coal. The Belfast gas market has about 112,000 domestic consumers. That market has been fully open to supply competition since January 2007. The current switching system is capable of switching up to 50 customers a week. Significant investment in the customer switching system has not been justified, given the level of competition in the Belfast gas market. However, a number of companies hold gas supply licences in the greater Belfast area, and a number of business customers have switched supplier. However, as yet, no new gas supply licence holders are actively competing for business in the domestic gas market. Hence, the switching systems have not been developed to support anything more than a moderate level of domestic switching.

In order to obtain an independent assessment, the Utility Regulator intends to engage consultants to determine the exact capabilities and limitations of the existing gas switching systems and to conduct an assessment of the cost of the proposals. The Utility Regulator is discussing the optimal solution with Phoenix Natural Gas and potential suppliers with a view to reaching consensus on the way forward. I welcome the work that is being done on the issue of gas switching, and I look forward to the Utility Regulator's report.

Mr Cree: This issue is important. Is the Minister aware of any plans to create strategic gas storage on the island of Ireland and to provide for the importation of natural gas in a liquefied state?

The Minister of Enterprise, Trade and Investment:

A number of companies have shown an interest in developing gas storage off the coast of Northern Ireland as well as on the land mass. To date, companies have concentrated on carrying out research to determine whether gas storage can be provided by creating caverns in underground salt strata in the east Antrim area. That is a very exciting prospect.

The Department has recently completed a study on the geology of the offshore area along the Antrim coast to determine whether the suitable geological formations exist to store energy such as natural gas and compressed air below the seabed. I know that the Members for East Antrim — Mr Neeson in particular — are interested in that issue. That work is continuing, and it is very exciting for the area and for Northern Ireland.

Mr Deputy Speaker: Mr Armstrong is not in his place for question 3.

Invest NI

4. **Mr Elliott** asked the Minister of Enterprise, Trade and Investment how Invest NI intends to encourage innovation and the development of incubators in small and medium sized enterprises. (AQO 306/10)

The Minister of Enterprise, Trade and Investment:

Through its current corporate plan, Invest Northern Ireland is committed to increasing its focus on innovation and research and development activities, with its associated budget for R&D set to rise from £15 million to £42 million during the 2008-2011 corporate plan period. That work is being undertaken across a range of support programmes. In particular, the new grant for the R&D scheme has been developed to help address the R&D deficit in Northern Ireland by providing streamlined, transparent and accessible support for R&D and technical innovation at all stages of company development.

Since the scheme's launch last December, assistance totalling more than £13 million has been offered to businesses for research and development projects, and more than £9 million of that has been committed to SMEs.

3.15 pm

Invest Northern Ireland recognises the value of separating the provision of a business incubation process from the provision of incubator buildings. The development of high-quality managed workspace is recognised as a commercial matter and, with significant incubator space already available across Northern Ireland, Invest Northern Ireland does not believe that there is evidence of market failure in that respect.

Mr Elliott: Does the Minister believe that there is sufficient knowledge in Invest NI and other agencies about the operation and development of incubators and their spin-out from innovation in colleges and universities?

The Minister of Enterprise, Trade and Investment:

Yes, I do. Through Northern Ireland Spin Out (NISPO), we are helping to facilitate some of the spin-outs from the universities. The NISPO funds allow companies to make the move from universities, where a lot of our innovation happens, into marketable competitive companies. The NISPO fund manager is required to

proactively help increase the volume and pace of development of spin-out companies emerging from Northern Ireland's research base and centres of excellence. I am content that that work is going well. Within NISPO is the proof-of-concept fund, which is specifically for universities. Through Invest Northern Ireland, we are keenly concentrating on R&D and innovation as we move forward. We believe that that is where the next big thing will come from.

Mr Butler: The Minister talked about new grants for research and development. However, given that the Barnett review recommended a new emphasis on innovation and research and development, does the Minister agree that there must be fundamental changes in Invest NI to bring that about?

The Minister of Enterprise, Trade and Investment: I welcome the comments that Richard Barnett made about R&D and innovation. Members need to remember that the Barnett report looks at Invest Northern Ireland historically, and it is acknowledged that, already, Invest Northern Ireland is making moves in relation to innovation and research and development. For example, in December last year, I announced a new grant for R&D. That grant cuts down on the paperwork, is a user-friendly way to apply for money, is streamlined and transparent and provides accessible support for research and development.

The new programme will help to underpin the delivery of the MATRIX imperatives, and I hope to say more about the MATRIX report and what we are doing on those issues. As we move forward, MATRIX will be key, and I hope that the Member agrees with that. Through MATRIX, science, academia and industry will work together, facilitated by us, to look for the next big thing and move it forward into the commercial field. I am very excited about what MATRIX can do for people in Northern Ireland, and part of that will be the work that Invest Northern Ireland is doing already.

Mr A Maginness: The Minister seems to be suggesting that the increases mean that funding for incubators has reached its ceiling. Will the Minister encourage more partnerships between North and South on incubator businesses so that we can exploit that potential for the good of both jurisdictions?

The Minister of Enterprise, Trade and Investment: As far as I am aware, that is, in part, happening through InterTradeIreland's Acumen programme. I hope that I have named the right programme; sometimes, between Invest NI and InterTradeIreland, there are so many programmes that one gets confused. However, I think that it is the Acumen programme in which work is done with the universities to help with initial ideas and then to exploit those ideas. For example, at the last NSMC meeting, a company in Monaghan made a

presentation to me and Minister Coughlan on the work that it had been able to carry out with the University of Ulster. Therefore, some of that work is already happening. Invest Northern Ireland and its chief executive have made it clear to me that they see their work being increasingly concentrated on research and development, innovation and looking to the future.

Mr Spratt: How will the innovation vouchers scheme help small and medium-sized enterprises?

The Minister of Enterprise, Trade and Investment: The innovation vouchers programme was run as a pilot project last year, and it exceeded all our expectations. Our target for the pilot was 50 participants, but 250 vouchers were issued, so we significantly exceeded our target. The scheme gives businesses £4,000 on an innovation voucher to work with higher education colleges, universities or the Agri-Food and Biosciences Institute to develop their ideas into commercial projects. Recently, I had the opportunity to visit Orchard County Foods in Craigavon to see its work. That small company had innovative ideas, and it was able to work with one of the agricultural colleges to help to develop them. The innovation vouchers scheme is working well. The scheme has been brought into the mainstream, and I hope that it will provide many small and medium-sized enterprises with the support that they require.

Credit Unions

5. **Mr Molloy** asked the Minister of Enterprise, Trade and Investment to outline the time frame for the introduction of the legislative framework for credit unions. (AQO 307/10)

The Minister of Enterprise, Trade and Investment: The Committee for Enterprise, Trade and Investment's report on its inquiry into the role and potential of credit unions in Northern Ireland was published in February 2009. HM Treasury published its independent review's report on the legislative framework for credit unions and industrial and provident societies in July 2009. I responded positively to the findings of both reports.

The reports include recommendations about credit unions in Northern Ireland that will require new legislation to be enacted in Northern Ireland and Great Britain to bring them into effect. Discussions to determine the most appropriate legislative options are under way with HM Treasury, but final decisions have not been made. When those decisions are made, a timetable setting out indicative timings for the implementation of the necessary legislation will be drawn up. If possible, the timetable will be included in a joint consultation document on credit union reform by the Treasury and DETI, which will be issued in Northern Ireland and Great Britain. Our best assessment is that the consultation

document will be issued at the end of the year or early next year.

Mr Molloy: Go raibh maith agat. I thank the Minister for her answer. Does she recognise the important role that the credit union movement has played? Does she agree that the new legislation will present an opportunity for credit unions to expand their roles and move into different areas such as social housing?

The Minister of Enterprise, Trade and Investment: I have always recognised the value of the credit union movement. Credit unions are vital, especially in such difficult times. Many people have turned to credit unions because they think that they are the safest place to deposit money. Credit unions are part of the community and part of who we are. I welcome the role of the credit union movement in Northern Ireland.

Before the proposals were published, the credit union movement told me that it wanted to extend its services to local communities. Therefore, the change in legislation will be a huge opportunity for credit unions that want to extend their services. The credit union movement mentioned child trust funds. Credit unions cannot currently provide that service, but, when they are regulated by the Financial Services Authority, they will be able to do much more. However, being able to offer more services will mean that credit unions will be further regulated, and many of them have realised the impact that that will have. Regulation will not be an issue for larger credit unions because they will be ready for it. My concern is that some smaller credit unions may find regulation a little burdensome, and we must be alert to that as we move forward.

Mr Dallat: I pay tribute to the Minister's Department for the excellent support that it provides to credit unions and the working relationship that it has with them.

Given current debt levels and the number of people who have got into financial difficulties with licensed and unlicensed loan sharks, expensive credit cards and other forms of borrowing, does the Minister have any plans to help the credit union movement to reach out to wider groups of people, particularly those who are socially disadvantaged and are, perhaps, not aware of the credit union movement and the enormous benefits that it can bring?

The Minister of Enterprise, Trade and Investment: My Department will continue to support the credit union movement, because we believe that is a force for good in Northern Ireland. I know that credit unions have great plans to be more proactive when they become regulated by the FSA. That will enable the bigger credit unions in particular to become more proactive. I understand that some have great plans for moving forward into their communities, and I welcome that very much. However, increased regulation is the price of being allowed to do that, and some of the smaller credit unions

have expressed concern about that. The Department is alert to that concern, and I will have to take it on board when I look at the legislation.

Mr Irwin: Given that credit unions and the Presbyterian Mutual Society are run on a similar basis and given the seriousness of the situation with the Presbyterian Mutual Society and the concern about that in the community, can the Minister provide an update on the current position of that body?

The Minister of Enterprise, Trade and Investment: That is still a huge issue in society, and we are reminded continually of the hardship that members of the Presbyterian Mutual Society face. On 14 October 2009, the First Minister and deputy First Minister, the Minister of Finance and Personnel and I met the ministerial working group, which is chaired by the Chief Secretary to the Treasury, to review progress on finding a solution to help members of the Presbyterian Mutual Society. Initial discussions have begun at official levels with some local banks. It was agreed that those talks should progress and that officials should, as a matter of urgency, continue discussions with local financial institutions to identify a satisfactory outcome for PMS members. When we know the outcome of those discussions, we plan to present a paper to the ministerial working group that outlines the full range of options that are open to resolve the PMS problem.

The administrator of the PMS is engaged fully with the process. He has advised PMS members that it is in their best interests to await the outcome of the Government assessment and the assistance that they can provide. I agree with him about that. I assure the House that I remain personally committed to doing all that I can to bring forward proposals to deal with the difficulties that PMS members are experiencing. The ministerial working group hopes to meet again soon to review the current situation.

Economic Policy

6. **Mr Doherty** asked the Minister of Enterprise, Trade and Investment when she plans to make a statement on the independent review of economic policy.

(AQO 308/10)

The Minister of Enterprise, Trade and Investment: I made a statement on the independent review of economic policy in the Assembly on 5 October 2009. At that time, I welcomed the publication of the independent panel's report and indicated that it will require the most careful consideration by everybody who plays a role in economic development. That is why I launched a six-week period of public consultation on the report and its recommendations. After the consultation period, which will conclude on 16 November 2009, I will

consider stakeholders' responses before detailing how I propose to act upon the report's findings.

Mr Doherty: I thank the Minister for her answer. In the light of Minister Wilson's recent comments in which he expressed opposition to the decentralisation of public jobs, will the Minister assess what impact that might have on her Department?

The Minister of Enterprise, Trade and Investment: The Minister said that he has reservations about decentralisation, or the Bain report as it is commonly known, because of the costs that it will incur on the block grant in the future. The Minister would most like to have a discussion around the Executive table on the implications of implementing the Bain report — or not, as the case may be. I would welcome such a discussion. It will not surprise the Member to learn that I have some concerns about the Bain report, which identified some places as being suitable for public sector jobs and others, such as Enniskillen, as not being suitable for those jobs. Therefore, I have concerns about the Bain report from a parochial point of view.

As I see it, our strongest infrastructure is that of our telecommunications system. It is my hope that, if we are looking to the future and being innovative about public sector jobs, we should consider telecommunications a way of delivering jobs as well as physical infrastructure. I have to take that up in the context of the Bain report.

Mr Deputy Speaker: Members should take their ease while we prepare for the Question to be put on the debate on the north-west region.

3.30 pm

PRIVATE MEMBERS' BUSINESS

North-west Region

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

Debate resumed on motion:

That this Assembly recognises the impact which the economic recession has had on the north-west region; and calls on the Minister of Enterprise Trade and Investment and the Minister for Employment and Learning to declare the north-west an area of special economic need; and to take new and innovative measures to mitigate the economic crisis in the region. — [*Ms Anderson.*]

Main Question put.

The Assembly divided: Ayes 42; Noes 47.

AYES

Ms Anderson, 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 Dallat, Mr Doherty, Mr Durkan, Mr Gallagher, 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 McHugh, Mr McKay, Mr McLaughlin, Mr Murphy, Ms Ni Chuilin, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane.

Tellers for the Ayes: Mr W Clarke and Mr McKay.

NOES

Mr Armstrong, Mr Beggs, Mr Bresland, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Craig, Mr Cree, Mr Donaldson, Mr Easton, Mr Elliott, Sir Reg Empey, Dr Farry, Mr Ford, Mrs Foster, Mr Gardiner, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr Kennedy, Ms Lo, Mrs Long, Mr McCallister, Mr McCarthy, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr McFarland, Miss McIlveen, Mr McNarry, Mr Moutray, Mr Neeson, Mr Newton, Mr Paisley Jnr, Mr Poots, Mr G Robinson, Mr K Robinson, Mr Ross, Mr Shannon, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr B Wilson.

Tellers for the Noes: Mr Bresland and Mr T Clarke.

Main Question accordingly negatived.

PRIVATE MEMBERS' BUSINESS

Northern Ireland Human Rights Commission

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

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. 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. A valid petition of concern in relation to the motion was presented on Monday 2 November. The effect of the petition is that any vote on the motion will be decided on a cross-community basis.

3.45 pm

Mr Kennedy: I beg to move

That this Assembly considers the Northern Ireland Human Rights Commission's advice to the Secretary of State 'A Bill of Rights for Northern Ireland' incompatible with the provisions of the Belfast Agreement; notes with concern that the proposals would undermine the democratic role and authority of this Assembly and the Parliament of the United Kingdom; and urges the Secretary of State not to implement the report's recommendations.

I wish to inform the House that, almost immediately after I make my speech, I will have to leave the Chamber to meet the Minister of Enterprise, Trade and Investment on a matter concerning jobs in my constituency. I intend no discourtesy to the House.

I wish to thank Members who signed the petition of concern, because they have, by their actions, made it explicit that there is no consensus in this House on a bill of rights for Northern Ireland. They have also confirmed their belief that a majority in the House opposes the recommendations made by the Northern Ireland Human Rights Commission. I am almost tempted to resume my seat at this stage —

Some Members: Go on.

Mr Kennedy: I am tempted, but not fully so.

The petition of concern demonstrates in the clearest possible terms that any attempt by the Northern Ireland Office to act on the basis of the Northern Ireland Human Rights Commission report would be to reject the democratically expressed will of the majority in this Assembly.

This is not the first time that this matter has been considered by the Northern Ireland Assembly. On 8 April 2008, a majority in the House supported a motion that expressed concern at the lack of cross-community

support for the report of the Bill of Rights Forum and urged the Human Rights Commission to ensure that it had cross-community support for its recommendations to the Secretary of State. It is obvious that the situation with the Human Rights Commission report is the same as that with the report of the Bill of Rights Forum.

Perhaps unsurprisingly and most disappointingly, the Northern Ireland Human Rights Commission arrogantly decided to ignore the views of the House and the need for cross-community support. That leaves me wondering where exactly the Northern Ireland Human Rights Commission and the political parties that support its report think we are now and what, precisely, has changed since 8 April 2008. Here we have another report that lacks cross-community support and cross-party support in the House. Nothing has changed.

That is why Members on the Benches opposite decided to sign a petition of concern. They know all too well that no serious attempt has been made to reach consensus. They know all too well that the Northern Ireland Human Rights Commission report does not have the necessary cross-community or cross-party support, and they know that, without such support, that report will never be acceptable to a majority in the House, hence their reliance on a petition of concern.

The lack of support for the Northern Ireland Human Rights Commission report is not limited to this House; it is found within the commission. It is startling that the chief commissioner allowed a situation to develop in which two commissioners who obviously identified with the unionist political tradition were forced to issue statements distancing themselves from the published report. They were unable to support that report. Clearly, the Northern Ireland Human Rights Commission's contempt for the need for cross-party and cross-community support runs very deep. It seems that ideological commitments and partisan agendas are more important to some in the commission than forging a shared future built on consensus and agreement.

What is now a decade-long debate started with an innocuous sentence in the Belfast Agreement:

"The new Northern Ireland Human Rights Commission ... will be invited to consult and to advise on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights, to reflect the particular circumstances of Northern Ireland".

The agreement mandated the commission to engage in a modest task, not one of industrial proportions. The commission was merely invited to consult and advise on the scope for supplementary rights, nothing more. It was not mandated to devise a new bill of rights or to change our socio-economic context through the creation of numerous new rights; it was merely mandated to examine the scope for rights supplementary to the European Convention on Human Rights. Quite how we

got from that very modest, realistic task to a 189-page document from the Northern Ireland Human Rights Commission that proposes to hand over significant sections of public policy to the courts — taking them from democratically elected representatives — is something of a mystery.

That said, we should perhaps express our thanks to the chief commissioner and her commission because they have succeeded in producing a report that this Assembly will not support and that no Westminster Government would consider legislating on. That deserves an ironic “Well done”. Together with the Members opposite, the chief commissioner is responsible for the present state of affairs — for the whole process of a bill of rights ending in downright failure. That is what happens when narrow, partisan agendas and ideological dogma prevail over the need for consensus and agreement.

That leaves matters in the hands of the Secretary of State, whose preoccupation, frankly, lies elsewhere. One is almost moved to have some sympathy for him because he is attempting to manage the very delicate process of the possible devolution of policing and justice. On top of that, he has to deal with another flawed and utterly compromised report, namely the Eames/Bradley report. He now has the unwelcome distraction of the Northern Ireland Human Rights Commission report. Of course, he has to go through the motions of welcoming it and consulting on it, although it is somewhat strange that nearly a year has passed and nothing has happened in relation to consultation. We remind ourselves that the Eames/Bradley report was published on 23 January 2009 and the consultation was launched on 24 June, less than six months later. The Northern Human Rights Commission report was published on 10 December 2008, but, nearly a year on, consultation has yet to begin.

One could be forgiven for suggesting that the Northern Ireland Office regards the commission's report as damaged goods. What should our beleaguered Secretary of State do now? Should he consult on the basis of a report that lacks cross-community and cross-party support? Should he consult on such a report during the final days of his Government? Should he consult on a report that is so provocative and divisive that it has led to a petition of concern being put down in this House? Should he consult on a report that will not lead to legislation from Westminster before the next general election? I am quite sure that the Secretary of State is aware of the views of the likely next Government of the United Kingdom.

My party colleagues will address the other issues that are raised by this motion, including the manner in which the Northern Ireland Human Rights Commission report undermines the democratic authority of this House and of Parliament by seeking to transfer significant public policy decisions to the courts. My focus, at the

beginning of this debate, has been to emphasise that the commission has entirely disregarded the very modest mandate that was given to it by the Belfast Agreement. In so doing, it has abandoned any pretence of seeking cross-community or cross-party support for its proposals.

The commission's report is, therefore, unacceptable. It should not be regarded in any other way by the Secretary of State. I urge Members to support the motion.

Ms Purvis: I beg to move the following amendment: Delete all after “Assembly” and insert

“notes the Northern Ireland Human Rights Commission's advice to the Secretary of State, ‘A Bill of Rights for Northern Ireland,’ and calls on the Secretary of State to publish the consultation document as soon as possible.”

My amendment would modify the motion to encourage the Secretary of State to move forward with the public consultation, which is the next stage in determining the need and scope for a bill of rights specific to Northern Ireland.

The amendment is intended to ensure that the public have a chance to participate in the bill of rights process. This has been a long process, and there are important reasons for that. Defining the terms of a possible bill of rights for Northern Ireland is a massive undertaking and is not one without disagreement or conflicting views, as the motion illustrates clearly. However, that commitment is enshrined in the Good Friday Agreement and in the St Andrews Agreement, and it is a process that the parties in the Chamber have not only endorsed and participated in: it is one that they have created.

A rights instrument has been a fundamental part of the peace settlement here throughout. To seek now to derail that process, particularly at the stage at which the public have the chance to give their views, is unhelpful and unfair. Several arguments raised here in opposition to the Human Rights Commission's recommendations assert that they would shift policymaking powers on a number of social and economic issues from the legislature to the courts. Indeed, that is the assumption at the heart of the motion.

Many of the same objections were raised around the Human Rights Act 1998 and have proved unfounded. The courts can find that the provision of a law is incompatible with human rights standards, but the effect of such a finding is that Parliament is notified and encouraged to amend or repeal the law in question. Whether a Parliament acts is an entirely different matter, and responsibility for that remains wholly with the legislature.

There are protections in the recommendations for a Northern Ireland bill of rights to ensure that the Assembly and Westminster retain the primary role in legislating and policymaking in the Province. For example, amendments to a bill of rights would have to be approved by the Assembly, and the Human Rights Commission

has recommended that cross-community approval be required to validate any amendments.

The commission has also recommended the establishment of an Assembly Standing Committee on human rights and equality, which would review the compatibility of all legislation against relevant human rights and equality standards. Such a Committee would also be empowered to conduct inquiries into human rights issues, and that would go a long way to ensuring the primacy and pre-eminence of the Assembly in legislation for devolved matters.

Mr Weir: I thank the Member for giving way. I welcome the commitment in the proposals that amendments should require cross-community support in the Assembly. However, surely one of the things lacking is that the bill itself, rather than simply the amendments to it, should require cross-community support in the Assembly.

Ms Purvis: That is why I am arguing for a public consultation to hear what the public have to say and to establish whether there is cross-community support for a bill of rights. A public consultation is the next step in the process, and it would allow for comments on those protections.

Concerns have also been expressed that the Human Rights Commission has exceeded its mandate — its intended scope of work — and engaged in a form of human rights expansion. That puzzles me. The purpose of the forum and the commission's work was to produce recommendations for a bill of rights that addressed the specific circumstances of Northern Ireland. Clearly, more than just the right to private ownership and the right to privacy have come up in that process.

Mr Hamilton: Will the Member give way?

Ms Purvis: No; the Member will have his chance to speak.

The commission cannot deny or ignore the fact that more issues have arisen. It is obliged to consider and to include all the issues that came before it. This was never to be just a meaningless paper exercise; all the commission's work has been about making specific recommendations for implementation.

As legislators, our job is to ensure that that process reaches its final stages. We need to support a public consultation to see whether the people of Northern Ireland think that the rights that are contained in the proposals need more recognition and protection.

4.00 pm

It is no secret that my unionist colleagues have not been as enthusiastic as other parties in the Chamber in their approach to human rights. Conspiracy theorists may find a convenient link between the new political alliance of the Ulster Unionist Party and the Conservative

Party and their recent more visceral distaste for the Human Rights Commission's recommendations.

Mr A Maginness: Will the Member give way?

Ms Purvis: The Member will have an opportunity to speak later. I want to develop my argument. I hope that those parties' response is sincerely based on policy issues and that it is not an exercise in alignment for the sake of political housekeeping and elections preparation. That would not only be unfortunate but misguided, because, as some of our unionist and Conservative brethren may have been interested to learn at the Tory Party conference, the foundations for the Human Rights Act 1998 were laid by none other than Sir Winston Churchill.

Unionists' relationship with human rights is worthy of further examination. It can be a confused and slightly duplicitous relationship. I understand that the DUP and its leader, the First Minister, have had a recent conversion and that, when it comes to marches and parades, they are looking for recognition for the rights of unionists. That is certainly an important step; the Protestant people of Northern Ireland have a right to enjoy a full and rich culture. However, human rights do not stop there. We have a right to much more than that.

The role that social and economic inequalities played in bringing about the Troubles and keeping them alive for more than 40 years is undeniable, and those enduring and remaining inequalities, including sectarianism, are the fault lines along which the potential for a return to violence sits. They are at the heart of the discontent, deprivation, anger and isolation that led to the conflict in the Province, and if they are not addressed with honesty and sincerity, they could be so again.

The lack of honesty from the other unionist parties in the Chamber is disheartening. Are they afraid that if the Protestant working class fully understand and recognise their rights that they will have expectations of a more equitable society? Are they afraid that they could not deliver such a society, or do they just not want to deliver such a society?

The duplicity continues. Every week, those parties come to the Chamber and wax lyrical about how hard they are working on the issues that they encounter in their constituency offices, including problems with housing, access to medication, inadequate care, mental-health services, post-primary transfer and the guarantee of a decent education. What exactly do they think those requirements are? They are rights for which people are seeking protection and assistance, so that they can exercise and enjoy them in full. They are rights that belong to nationalists, unionists and everyone else who lives in the Province.

Why do we respond to those rights when we think that it could help us to get re-elected, but, otherwise, we refuse to recognise them? This is a critical conversation

for unionism, and it is one that public consultation on the recommendation for a bill of rights could facilitate. Therefore, I encourage all Members to support the amendment. Let the public consultation process commence and proceed as outlined. Let us hear what the people have to say about the commission's recommendations.

Miss McIlveen: When the Belfast agreement was put to the people of Northern Ireland, I am not ashamed to say that I voted against it. I voted against it for a number of reasons, not because I did not want peace for Northern Ireland — despite the emotional blackmail of the “Yes” campaign that a vote for the agreement was a vote for peace, which in some way implied that those of us who voted against it were somehow against peace — but because of its content and the ramifications of that content. Should we really be surprised when people seek to push to their absolute maximum the boundaries of the terms of reference of something that was created under such vague terms and expressed in a hotchpotch agreement? I do not think so.

When I compare the words in the Agreement that were meant to guide the Northern Ireland Human Rights Commission with those in the document that it submitted to the Secretary of State, I have no hesitation in supporting the motion.

In essence, as the proposer has so aptly stated, matters turn on the definition of the phrase “particular circumstances of Northern Ireland”. Some have used that phrase as *carte blanche* to dismantle and rebuild as they wish and to introduce socio-economic and cultural rights to the fray.

However, that interpretation is wrong in a number of ways. First, the European Convention on Human Rights (ECHR) is essentially a civil- and political-rights document. Socio-economic rights flow from the sister document of the ECHR: the European Social Charter. If the Belfast Agreement mentions the Social Charter, I am at a loss to find it in the text. The agreement specifically states that the Commission will:

“advise on the scope for defining ... rights supplementary to those in the European Convention on Human Rights”.

That means that it will be added to those rights contained in the ECHR and, as I have said, since the ECHR is a civil- and political-rights document, rights supplementary to it should also be civil and political. I understand that the SDLP is keen to have socio-economic rights attached to any Northern Ireland bill of rights, so perhaps the absence of a reference to the Social Charter is a piece of poor negotiation on its part.

Secondly, the Belfast Agreement offers further guidance on the types of rights that the Commission should consider. It states:

“These additional rights to reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem”.

Those are the words that should be used to interpret the phrase “particular circumstances of Northern Ireland”. They do not open the door to economic, social and cultural rights. Sadly, the Commission and, to an even greater extent, the Bill of Rights Forum seem to believe that, in regard to the drafting of a bill of rights for Northern Ireland, the agreement mentions nothing after “particular circumstances of Northern Ireland”.

A further thing that I noted in the advice given by the Commission is that it is largely a cut-and-paste job, made up from various international instruments. Granted, the agreement allows the Commission to draw on international instruments, but does it not attach the caveat that that should be “as appropriate”? The implication is that it should always be done in relation to the “particular circumstances of Northern Ireland”.

Instead, we have a list of rights that are not contained in and are not supplementary to the ECHR, such as: the right to work; environmental rights; social security rights; the right to accommodation; the right to an adequate standard of living; the right to health; language rights; and the right to identity and culture. It truly says something when one of the main advocates of a bill of rights for Northern Ireland, Professor Brice Dickson, states that critics of the proposals for a bill of rights for Northern Ireland have a point.

Unfortunately, we do not have time to go into the intricacies of whether we should have a bill of rights for Northern Ireland, or indeed a UK bill of rights, or whether Northern Ireland or the UK needs one. Some of the countries with the most wonderfully worded human-rights-centred constitutions are the greatest abusers of international human rights. I invite everyone in the Chamber to read the constitution of Zimbabwe.

However, to involve ourselves in such discussions serves only to distract from what is an extremely pertinent motion. I am happy to support it.

Ms Anderson: Go raibh maith agat, a LeasCheann Comhairle. Tá mé ag labhairt in éadan an rúin agus ar son an leasaithe.

I support the motion, but I wish to speak in favour of the amendment. Sorry, I mean that I oppose the motion and wish to speak in favour of the amendment. Got it all wrong there.

Mr B McCrea: We are so disappointed.

Ms Anderson: I know, I know. I was just giving you some hope where there is none.

As a former member of the Bill of Rights Forum, I welcomed the handover document from the Human Rights Commission and the advice to the British Secretary of State last December. I want to see the consultation document published as soon as possible. Therefore, I agree with the amendment.

After many long years of waiting, the document represents considerable progress. Although I do not necessarily agree with everything that the Commission says, for example, on the issue of national security limitations, the advice constitutes a genuine and rigorous approach to the mandate it was given, despite what was said by the proposer of the motion.

The commission is to be commended for the work that it has done. The United Nations, Amnesty International and many other domestic and international human rights organisations have called on the British Government to enact the bill of rights. Unfortunately, it seems that there are still some people who do not want to extend permanent rights and superior protection to the most vulnerable in our society.

Of course, rights can be protected through ordinary law. There is nothing to prevent any Government from introducing protections in legislation that are additional to those that are enshrined in any bill of rights. However, the purpose of a bill of rights is to set down the limits for guaranteed minimum standards, below which legislation and legislative rights protection may fall. A further purpose of a bill of rights is to shield in many ways the particular subset of rights in ordinary legislation from the political whims and rulings at any time by any Government or Executive, regardless of whether they are unionist, nationalist or other. Therefore, the purpose of the bill of rights is to set the floor, not the ceiling, for the guaranteed rights in our society for future generations. Can Members imagine sending out that message and setting that context for the next generation?

The extent of the bill of rights does not stop any Government from introducing ordinary legislation or ordinary legislative protection. Those rights can be extended to make the ceiling as high as possible. However, at the same time, if proposals do not violate or otherwise undermine any of the rights that are subjected to a bill of rights guarantee, ordinary legislation will also be necessary. In so far as ordinary legislation is supplementary to a bill of rights, it serves an entirely different purpose. It is important to remember that the rights that are set out in ordinary law are not guaranteed, as we all know and as we have been subjected to. As such, they can be reversed at any time and be removed by a ruling party or coalition that is opposed to them.

Those who oppose the concept of the protection of fundamental rights consider the ability to reverse ordinary law as one of its most attractive features. Those people will prefer to use ordinary law, rather than permanent, law to set the rights.

Those who argue that we do not need a bill of rights are out of step with ordinary people, and I hope that the consultation will prove that. They are out of step with the ordinary people who remain convinced that it

will help cement the peace. For example, they are out of step with the young people in the lower Shankill who mounted a highly successful campaign recently on the right to play, as well as the many marginalised groups supported by the community foundation who are arguing that they are entitled to be treated with dignity and respect.

The fact that growing numbers of disadvantaged people from across the community feel more comfortable with the language of rights is, arguably, one of the greatest achievements of the peace process. It is also striking that there is such a high level of support across the community for the inclusion of social and economic rights. Do we not care that so many of our older population die every year because there is no bill of rights?

Mr Deputy Speaker: Will the Member draw her remarks to a close?

Ms Anderson: I am sure that the unionists will explain to their electorate why they rejected all the bill of rights protections that were discussed in the Bill of Rights Forum. Go raibh míle maith agat, a LeasCheann Comhairle.

Mr Attwood: The SDLP will support the amendment and oppose the motion.

I have three substantive points to make. I am trying to look at this debate in a positive light. During yesterday's debate on the rights of Christians in India, I talked about the visit to Belfast in December 2000 of the then UN High Commissioner for Human Rights, Mary Robinson. She said that the part of the Good Friday Agreement in which the world was most interested was our human rights provision. Given the conflict from which we were emerging and the abuses of rights by those who were opposed to the rights of individuals and those who were opposed to a democratic culture on our island, she said that the steps that we took to recognise those and to guarantee rights in the future could be shared with the rest of the world, especially those in areas that are in conflict or coming out of conflict.

It is in community minority rights and parity of esteem that this could shine through, more than in any other aspect of our rights experience. Therefore, I was surprised by Michelle McIlveen's comments, which were contradictory. On one hand, she and her party have beaten up on the Human Rights Commission because it has proposed rights on language, identity and culture. However, one minute earlier in her speech, she quoted favourably from the Good Friday Agreement, which specifically signposts issues of identity, ethos and parity of esteem. Michelle, you cannot have it both ways: you cannot rely on the Good Friday Agreement's promotion of identity, ethos and parity of esteem and then beat up on the Human Rights Commission for doing precisely what the Good Friday Agreement signposted it and others to do. It was a very revealing

inconsistency, and I look forward to other Members from the DUP reconciling that inconsistency.

4.15 pm

The second broader point is that we cannot bury our heads in the sand when it comes to the intentions of those who framed the Good Friday Agreement. Virtually every aspect of that agreement, which was endorsed by the people of Ireland, outlined proposals that were particular to the individual circumstances of Northern Ireland. For example, the part of the Good Friday Agreement that dealt with the commission on policing and justice highlighted that policing had had such a particular impact in the North that proposals dealing with our particular circumstances were required. Furthermore, when the Good Friday Agreement dealt with arrangements between the North and South of Ireland and between Britain and Ireland, it proposed the political architecture that would be required to fit the particular circumstances of our experience. Moreover, when the Good Friday Agreement addressed the principle of inclusion, which is now to be abandoned, it did so because of the particular circumstances that affected this part of Ireland. In every other aspect of the Good Friday Agreement, models were proposed that reflected our particular experience and circumstances to ensure that we did not do to ourselves what had been done to us over the previous 40 years. Given that we threw the rulebook out —

Mr Weir: The Good Friday Agreement and, indeed, all of the other arrangements that have been set up in relation to the Assembly, are based on the notion of cross-community support for governance. Where is the community support for the proposals on the bill of rights for Northern Ireland?

Mr Attwood: I will come back to that.

At the heart of Human Rights Commission's proposals is the principle contained in the Good Friday Agreement that our particular circumstances mean that we have unique proposals and measures to guarantee the rights and identities of the people in this part of Ireland. However, the DUP and the UUP are telling us that that model does not fit when it comes to a bill of rights.

If we are to learn one thing from our experience it must be that denial of civil and political rights, denial of economic and social rights, and denial of cultural and community rights brought us into the situation where conflict, which had existed for decades, became a violent conflict that others imposed on our country against our will. If we do not learn from the fabric that gave rise to that and all the issues of rights that were at its heart, for all our people, we will not be fulfilling our duty to the people of Ireland.

The DUP Member for North Down Peter Weir made a point about consensus. I say to him that I seek consensus: it is clearly the preferred model. However,

he should not reinterpret the will of the people of Ireland in the Good Friday Agreement and he should not reinterpret what particular circumstances mean, and say that one cannot make progress without consensus.

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

Mr Attwood: Sometimes, one has to aim high and dream big so as not to return to the past.

Dr Farry: I have some sympathy for the Ulster Unionist Party's motion, given the content of the Human Rights Commission's draft report and the process that has led us to this point. However, the Alliance Party will not be supporting the motion, and I will explain why shortly. My party will be supporting the amendment, which is a neutral amendment, in that it reflects the fact that a draft bill of rights has been published and asks the NIO to follow through on a consultation. Despite differences over content, we should be able to unite around that.

The Alliance Party has always supported enhanced human rights protections for Northern Ireland. We believe that rights are inherent and universal, but different jurisdictions have the right to reflect different aspects of rights in their domestic law or to domesticate international conventions. Indeed, the debate on a bill of rights in this Chamber goes back to 1962 when one of my predecessors, the Liberal MP for Queen's University, Sheelagh Murnaghan, first proposed a bill of rights for Northern Ireland. To an extent, that was met by the Human Rights Act 1998, which brings into domestic law the European Convention on Human Rights. Of course, the Good Friday Agreement predates that Westminster Parliament Act. However, we recognise that the European Convention on Human Rights is deficient in a number of respects — two notably. The first is in dealing with the realities of a divided society, and the second relates to social and economic rights.

We also respect the right of the —

Mr Beggs: Will the Member give way?

Dr Farry: Yes.

Mr Beggs: Does the Member not accept that the fact that there is such division in the attitude of political parties and in communities to a consultation represents a flawed start and, therefore, means that any public consultation will be a complete waste of funding. Those who came up with a set of words should have put consensus at the heart of a bill of rights: we have to reach consensus in order to reach agreement. The Human Rights Commission's advice is flawed, so let us not waste any more public funding on the exercise.

Dr Farry: Many contentious issues have been consulted on, but I have some sympathy for Mr Beggs's comments. It is true in one sense that both unionist parties failed to engage in the process, going back to

the foundation of the Human Rights Commission. Equally, those who drafted and are lobbying —

Mr Kennedy: Will the Member give way?

Dr Farry: Yes.

Mr Kennedy: Does the Member not accept as a matter of factual record that the Ulster Unionist Party and other parties engaged positively in the Bill of Rights Forum? We worked very hard to find consensus but were unable to do so because others were obstructive or had a particular, narrow agenda.

Dr Farry: Mr Kennedy is a wee bit premature, and I may have some comfort for him in what I am about to say.

Equally, it is important to note that those who drafted and are now lobbying for a bill of rights have done so without considering the political reality of achieving cross-community support. In particular, I think that the Bill of Rights Forum was a complete waste of time, and people ploughed on, regardless of the need to ensure political buy-in from all quarters. That document was dead on arrival, because parties rejected it. It was not a neutral waste of time. We have, in some senses, missed a window of opportunity, given that we may be in the last days of a Labour Government. Even if the NIO publishes a consultation document, the prospects of any legislation in the lifetime of this Parliament are nil, so we are looking to the future.

However, I respect the right of the Human Rights Commission to produce a draft bill of rights. Doing so is consistent with the mandate given in the Good Friday Agreement. It is an enabling mandate, not one that is prescriptive in exactly how the advice is to come forward. Nevertheless, my party has major difficulties with the mandate for the terms of reference for a bill of rights, as we find it contradictory and sectarian.

Mrs D Kelly: Will the Member give way?

Dr Farry: I am afraid that I am running out of time.

The Alliance Party voted for the Good Friday Agreement, but we did so despite that element, rather than because of it. We are apprehensive about what a future Conservative Government would mean for a bill of rights. In one sense, we are open-minded about a UK bill of rights — one, perhaps, with a Northern Ireland chapter. Indeed, we in Northern Ireland are not a place apart but part of a wider UK and all-Ireland framework.

However, my concerns are twofold. First, I do not think that the Conservative Party appreciates the subtleties of Northern Ireland, and, secondly, I am extremely wary of any attempt to unpick the Human Rights Act 1998. That has to be the platform on which we build, and any attempt to undermine that would be extremely destructive. I urge caution in that regard.

In my last few seconds I will set out some of our concerns about the current draft bill of rights. The Alliance Party certainly respects the right to have a debate and for a consultation to occur, but, as a liberal party, we are concerned about the focus on collective rights at the expense of individual rights, and we see the potential for further sectarian divisions to be institutionalised in this society. We also have some concerns about how far socio-economic rights will go. We support them in principle, but we support rights based on equality of access and equality of treatment, and we are wary of measures that go towards equality of outcome and actually interfere with the rights of the Assembly.

Mr Hamilton: I am glad that Dr Farry corrected his comments about contributions to the Bill of Rights Forum, because, having spent a year on that body alongside him, I still bear the mental scars of trying to make a contribution to that.

I join Mr Kennedy in thanking those who have submitted a petition of concern for the way in which they have clearly illustrated the lack of cross-community support for the proposals put forward by the Human Rights Commission. I noted Mr Attwood's comments with some concern, though not surprise, and I think the cat is out of the bag. There is regular preaching from the Benches opposite about consensus and the need for cross-community support for everything, but he has let the cat out of the bag by hinting that, on the issue of a bill of rights, it does not matter what those of us on this side of the Chamber think, or what the people who we represent think: it will be forced on us anyway. That is an unfortunate line to take.

Mrs D Kelly: Will the Member give way?

Mr Hamilton: Yes, I will; perhaps you can tidy up the mess your colleague has made.

Mrs D Kelly: You said that it does not matter what the people who you represent think, but, as Ms Purvis said, we should allow the public to have their say by having the consultation. Do you not agree with that?

Mr Hamilton: I have no doubt that, if the public were consulted, the views expressed by my party and the Ulster Unionist Party would be prevalent within my community. I would not say that if I did not believe it. There is clear concern on this side of the House — indeed, there should be concern right across the House — about the lack of cross-community support for the proposals that have been put forward, but that does not seem to concern those who are desperate for a bill of rights to push their own political agenda.

"There is no pressing need for a Bill of Rights to supplement the European Convention in far-reaching ways in Northern Ireland. The human rights situation in Northern Ireland is not so bad, or so precarious, as to require a Bill of Rights that is more penetrative than any other such document in the world."

Those are not my words, but the words of Professor Brice Dickson. I do not know whether he or I should be more worried that I am quoting his remarks so favourably, but he certainly encapsulated many of the concerns that there are about the draft proposals and advice that have been put forward by the Human Rights Commission.

I am concerned about the misrepresentation of the mandate of the Human Rights Commission. Mr Kennedy talked about the issue of scope, and other Members have referred to the fact that the mandate of the commission is to give advice on:

“the particular circumstances of Northern Ireland”.

It is not to give advice on the “specific” circumstances, as Dawn Purvis said. There is a distinct difference between the words “specific” and “particular”. “Specific circumstances” would allow for this wide over-extension of the mandate, but “particular circumstances” does not.

Many of us engaged positively in the process because we did not rule out the idea of a bill of rights per se. There may be scope for additional rights relating to particular circumstances for Northern Ireland. When thinking of particular circumstances, some of us might think of issues like parading, yet there is absolutely nothing in the advice about parading. We might think of things like the strong feeling in Northern Ireland about the right to life, particularly in relation to abortion, but there is nothing about that whatsoever.

Ms Ní Chuilín: Does the Member not agree that there is specific reference to parading? People have a right to live free from sectarian harassment; that is quite specific.

4.30 pm

Mr Hamilton: The Member misses the point that I am making. We would all agree that parading is a circumstance that is particular to Northern Ireland, certainly in the fashion in which we do it, yet the advice that the Human Rights Commission submitted makes no reference to it in any regard from one side of the argument or the other. It contains many references to issues such as how elections are to be run, which are not relevant or important to people, but it completely dismisses things that are important to many people in Northern Ireland. It also argues for provisions that are well catered for by existing laws in Northern Ireland.

Page 16 of the document contains a section entitled:

“Freedom from violence, exploitation and harassment”.

That section says that people should be free from all forms of violence or harassment, including domestic violence, sexual violence, gender-related violence, sectarian violence and violence or harassment motivated by hate. All those are abhorrent, and everyone opposes them, but every one of them is already outlawed by existing legislation in this country.

There is no need to introduce additional rights just for the sake of it.

I will finish by talking about social and economic rights. It should be in the domain of the Assembly, not the courts, to direct where our limited resources go. At times, I might have an argument with the Health Minister about his use of resources, but neither he nor any other Member would disagree that we all want the highest attainable standard of health for the citizens of Northern Ireland. However, I believe passionately that the decisions on where limited resources should go should lie with the Assembly and with other elected institutions; it should not be in the domain of unelected judges to make up laws and spend resources from the bench. I would oppose that very strongly.

If a bill of rights were put into the whole raft of health, environment, education, social security and accommodation policy —

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

Mr Hamilton: Some accommodation rights might be contrary to immigration law. As Lady Trimble said, a bill of rights would create the possibility of rights tourists travelling to Northern Ireland. There is much for us to be worried about, and a lack of cross-community support is the death knell for the commission's advice.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. Ní nach ionadh, tá mé ag labhairt in éadan an rúin agus i bhfabhar an leasaithe a thairg Dawn Purvis dúinn.

Sinn Féin opposes the motion and supports the amendment. It is difficult to comprehend how any Member or any political party could oppose the enshrinement of a bill of rights.

A bill of rights should be the cornerstone of this society as we emerge from conflict. It should be a charter of all that we wish for the future and a crucial building block for remaking and reshaping society for future generations so that everyone can be treated equally in a society where there are strong and effective mechanisms to protect against the discrimination upon which this state was founded. It would be a society that recognises the right to housing, adequate healthcare, education, freedom from sectarian violence and fear and equality before the law.

DUP and Ulster Unionist Party spokespersons in the Chamber often speak exclusively about the rights and entitlements of the unionist community, yet a bill of rights could be the very mechanism that guarantees the rights of the entire community and all traditions. Is any Member of the DUP or the Ulster Unionist Party prepared to admit that they do not want a future that is based on equality? Is one Member from either of those parties prepared to admit that they do not want to provide

people with equal access to healthcare or a future that is based on the rights of every man, woman and child to freedom, prosperity and happiness?

This is the time for our society to equip itself for the future, and, surely, that entails the institution of a strong and effective bill of rights. A strong and effective bill of rights will help to deliver and guarantee for everyone a decent standard of living, the highest possible standard of healthcare and social care, a decent home, jobs with fair wages and proper working conditions and a healthy and safe environment for people to live in. Surely, a bill of rights would enshrine that for everyone.

Hitherto in the debate, neither the DUP nor the UUP have been persuasive or convincing in their arguments for opposing those values. Members from those parties who remain to speak have the unenviable task of persuading the rest of the Assembly that there is something wrong with creating a legal framework to protect rights. That will do me.

Mr Weir: I will, perhaps, start from where the previous Member left off. He said that my party said nothing to persuade him of its case. I suspect that he and many Members on the opposite Benches are utterly unpersuadable. Before a word was even spoken in the debate, a petition of concern was presented to ensure that the motion would not be passed. Although the Member complains about the failure of members of my party to persuade him, he has, in fact, no interest in listening to our comments.

I also want to deal with a point that was made about ordinary people. I have no doubt that, if there were to be some level of consultation, synthetic concerns would be produced, and lobby groups would engineer responses. During the summer, I, in common with many other Members, spent several weeks knocking on ordinary people's doors to canvass for the European election. Many issues were raised with me, not least of which was a constant complaint about politicians' expenses. Despite the vast range of issues that were raised, not a single person that I canvassed in North Down or, indeed, in any of the other constituencies that I visited asked why there was not a bill of rights for Northern Ireland. I suspect that my experience was not unique.

Let us, therefore, kill the myth that there is an outcry from ordinary people. Synthetic concerns may be produced, and lobby groups may come forward. However, that does not reflect what people are saying on the doorsteps. I am sure that other Members share that experience.

The Assembly and structures of governance in Northern Ireland are based on the concept of cross-community votes, as outlined by the Members who oppose the motion. It is their right to call for a cross-community vote on the motion. The debate is presided over by a Deputy Speaker who was elected by a

cross-community vote. With respect to the Deputy Speaker, if his position in the Assembly is important enough to be decided in that way, why would a bill of rights that has the potential to be the most important piece of legislation for decades not be decided by a cross-community vote? Is it to provide for the imposition of a bill of rights on unionists, should they oppose it? That is how it comes across.

Before the Northern Ireland Human Rights Commission produced its report, it should have listened to the warning signals. The previous commission's report did not find cross-community support, and it simply ran into the sand.

Many genuine people will have raised genuine concerns at the Bill of Rights Forum. However, the forum did not adopt any cross-community voting procedures. The end result was that it produced a report that unleashed an entire stable of hobby horses. Few, if any, of its recommendations had that level of support.

When it came to the Human Rights Commission's draft report, two of its members, representing two of the main political parties in Northern Ireland, made it clear they had difficulties with it and could not sign up to it. Those members were Daphne Trimble of the Ulster Unionist Party and Jonathan Bell of the Democratic Unionist Party. By that stage, in normal circumstances, the alarm bells that were already ringing should have been deafening. Instead, the Human Rights Commission went ahead with its report.

I am no defender of the Belfast Agreement. However, the report drives a coach and horses through the remit given to the Human Rights Commission.

Other Members mentioned the scope to define, rather than simply to produce, a bill of rights. To seek rights that are supplementary to the European Convention on Human Rights would be to send out a message that we do not believe in equality. However, that is not the case. There is no blank legislative page: we have equality legislation and a raft of equality provisions. The European convention is part of this country's domestic laws. Every aspect of the European convention is not being supplemented; it is being incorporated directly into the bill of rights.

The particular circumstances in Northern Ireland have been mentioned. I acknowledge that accommodation, health, social security rights and a range of additional issues are important. However, are they particular to Northern Ireland? Is housing not an issue for someone in Birmingham? Is health not an important issue for someone in Dublin? Are social security rights not an important issue for someone in Glasgow? The reality is that those issues are not particular to Northern Ireland, and a coach and horses are being driven through them.

If a bill of rights were adopted, it would tie in the Assembly and Executive —

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

Mr Weir: It would tie in the Assembly and Executive to a range of issues that should ultimately be decided by the Assembly, not by judges. That is why we oppose a bill of rights and support the motion.

Mr Elliott: Given that Mr Weir started his contribution where Mr McElduff finished, I will start with the point that he finished on about the Government being so tied up in knots by rights that they cannot move. My point is that it would be worse to tie the economy up in knots and thereby ruin the prospect of creating more jobs.

Mr A Maginness: Will the Member give way?

Mr Elliott: I will give way in a moment. If the Member would let me start, I might have the opportunity to give way.

The difficulty that a bill of rights will present to the entire population of Northern Ireland, not just the Assembly — it is tied up in enough knots — has not been addressed. I am thinking of the wider economy.

Mr A Maginness: Does the Member not accept that the rights to which he refers are special in the sense that they deal with social and economic issues but that the law-making facility for them remains with the Assembly? Those rights are progressively realised. In other words, they are in a different category from other rights. That is the international practice. Therefore, there is nothing to fear, and government will not be tied up in knots because of those rights. This is common practice throughout the civilised world.

Mr Elliott: It is good to hear Mr Maginness argue against the report that he claims to support.

My colleague Danny Kennedy outlined the abject failure of the Northern Ireland Human Rights Commission to gain the cross-community and cross-party support that are required. Today's debate underlines that. Can any Member seriously imagine that it would be in the interests of the stability of the devolved institutions for the Secretary of State to even contemplate imposing the Northern Ireland Human Rights Commission's recommendations and their outworking on the House?

The fact that Members on the Benches opposite felt it necessary to table a petition of concern emphasises the utter lack of consensus and agreement. It would be foolhardy in the extreme for the Secretary of State to proceed in implementing the Northern Ireland Human Rights Commission's recommendations in any significant way.

I am interested to hear how Mr McElduff thinks that those recommendations would guarantee people good housing, because I cannot figure that out. Perhaps he will explain that to me. Devolution is meant to be about taking decisions at the level of government that

is closest to the people, and that is what we in the House are meant to be about. We are accountable to the people of Northern Ireland. Thankfully, that is what democratic governance and accountability are about. However, the Northern Ireland Human Rights Commission's recommendations fundamentally undermine that.

Instead of abiding by the mandate given to the commission in the agreement, the Northern Ireland Human Rights Commission report introduces a whole swathe of socio-economic rights that are unknown to the rest of the United Kingdom. Matters of public policy that spend taxpayers' hard-earned money are meant to be addressed by the democratically elected representatives of the House, but the Northern Ireland Human Rights Commission report wants them to be handed over to the courts.

Mr Beggs: Will the Member accept that much of our limited funds will end up being spent on lawyers' fees and that there will, therefore, be even less money to improve housing, health and education?

Mr Elliott: The Member makes a very valid point. That is just what I was trying to emphasise. It is the hard-working taxpayers of Northern Ireland and the rest of the United Kingdom who are going to suffer from the outworking of this matter. As my colleague said, the rights to health, an adequate standard of living, accommodation, work and social security would, therefore, be subject to the courts through that provision.

4.45 pm

The provision on social security matters poses a very interesting question. Such matters are settled at Westminster, with the House accepting the convention of parity. Social security is inextricably linked to taxation, and it is for Westminster to decide how to achieve the balance between taxation and social security provision. In other words, it is a matter for those elected by the people and not for unelected judges in courtrooms. Judges are meant to interpret the law, not make policy. It is that fundamental principle of the United Kingdom constitution that the Northern Ireland Human Rights Commission has blatantly disregarded. This, after all, is mainstream British politics.

In July 2007, the Government produced 'The Governance of Britain' Green Paper, which stated:

"some have argued for the incorporation of economic and social rights into British law. But this would involve a significant shift from Parliament to the judiciary in making decisions about public spending and, at least implicitly, levels of taxation."

The same principle works in the constitution of the Republic of Ireland. Article 45 of that state's constitution explicitly declares that the socio-economic rights set out in the constitution are merely to guide the Republic's Parliament and are not a matter for the courts.

Imagine if the Northern Ireland Human Rights Commission report was implemented here.

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

Mr Elliott: If that happened, not only would it be the case that one part of the United Kingdom — Northern Ireland — would labour under a regime of economic rights that applied nowhere else in the United Kingdom, but what would the Republic of Ireland do?

I support the motion.

Mr A Maginness: In his opening speech, Mr Kennedy completely misrepresented the bill of rights and the terms of the Good Friday Agreement. In relation to a bill of rights, the agreement is clear that the Northern Ireland Human Rights Commission will:

“be invited to consult and to advise on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human rights, to reflect the particular circumstances of Northern Ireland, drawing as appropriate on international instruments and experience. These additional rights to reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem, and — taken together with the ECHR — to constitute a Bill of Rights for Northern Ireland.”

That is not, as the Member said, an “innocuous” sentence. It was deliberately designed to bring about a bill of rights in Northern Ireland, because those who signed the agreement were committed to creating a culture of rights here. For so long, rights in this jurisdiction were trampled upon, ignored or abused; we have to remedy that with a culture of rights. That is what a bill of rights is all about.

Members on the opposite side of the House said that those rights were extant. They may be extant in various pieces of legislation; however, the point of a bill of rights is to entrench those rights so that they cannot be taken away from the people of Northern Ireland. That is the important aspect of a bill of rights.

Mr B McCrea: Will the Member give way?

Mr Weir: Will the Member give way?

Mr A Maginness: I do not know who had first call, but I will give way.

Mr Weir: I thank the Member for giving way, and I thank my colleague across the way for letting me intervene.

Will the Member explain how those rights will be entrenched, given the fact that, presumably, a bill of rights would be included in a piece of Westminster legislation and, therefore, Westminster would be perfectly entitled to overturn it?

Mr A Maginness: Of course Parliament is sovereign. However, the point is that Parliament is committed to the process.

Mr Weir: A Parliament.

Mr A Maginness: A Parliament is committed to the process. Means of entrenchment, which have been identified in the advice to the Government, would be contained in the bill of rights. If the bill of rights were to be changed, the process for doing so would be very difficult. Therefore, it would be very difficult to remove those rights.

Given our past, the entrenchment of rights is important. For example, some Members said that housing should not be included in a bill of rights. Housing is one of the most important rights to be included, as the Troubles stemmed from the fact that people could not get houses. People who were destitute or homeless were deprived because of political patronage and prejudice. Therefore, it is important that we entrench people's right to accommodation.

In that same way, the Parliament that pre-existed this institution took away people's right to proportional representation. Had that right remained, the future of this jurisdiction could have been quite different. However, its removal destroyed proper representation in the House that preceded this one and meant that political change was frustrated.

Mr Kennedy: Will the Member give way?

Mr A Maginness: No. I am sorry; my time is running out.

Taking away the right to proportional representation meant that unionist hegemony was preserved in this jurisdiction. I believe that that was wrong. Had the right to proportional representation been entrenched, the history of this place might have been different. Some Members may say that rights are unimportant, but they are very important in our historical context.

Those who signed the agreement were committed to a bill of rights. Therefore, it is not right for those who signed it to try and change it. There is a mandate for a bill of rights. We can argue about its content, but we should not argue about the concept. That concept has been agreed, and the Government should therefore implement a bill of rights. The Government received advice on the matter some time ago, and it is unreasonable and quite wrong for them to have delayed acting on that advice for so long.

There is popular support for a bill of rights. Surveys have been conducted among the public, and I believe that unionist politicians are out of step with public opinion. Millward Brown Ulster, which is an independent market research company, conducted a poll of people across Northern Ireland and found that 83% of people regarded a bill of rights as quite important or very important. That was an increase from the 70% who answered the same question previously. Therefore, there has been a substantial increase in popular support for a bill of rights.

Ms J McCann: Go raibh maith agat, a LeasCheann Comhairle. I support the amendment and oppose the motion.

Contrary to what the motion suggests, a bill of rights will not stop any Government from introducing legislation that is necessary to protect people's rights. The distinct difference between ordinary legislation and a bill of rights is that the former can be removed or overturned, depending on the party that is in power at any given time.

As other Members said, one only has to look at recent history in the North of Ireland to see how one ruling party denied civil rights to a substantial section of the community for years and how that resulted in conflict. That shows that the protection of everyone's rights is essential if we are to go forward. People listening to the debate must be concerned, because it has shown that there are still some people who do not want to extend rights and protections to everyone in society, including the most vulnerable. The debate has also shown that there are people who want to remove existing protections.

The motion is an attempt to cloud the issue by claiming that a bill of rights will negate the role and authority of the Assembly. That is not the case, because primary responsibility for the enforcement of a bill of rights will lie with elected representatives. If we had a bill of rights, laws that are introduced to Parliament would be assessed to see whether they were compatible with the bill.

What counts today is what we do next. We have built a peace process, we have built power-sharing institutions, and we are forging ahead with the new policing dispensation. We still have to undo some of the damage of the past. A bill of rights, as outlined in the Good Friday Agreement, to protect everybody's political, civil, economic and social rights is the way forward. It is not only possible but necessary.

It is essential to build economic growth on a new foundation of justice and equality. In a transitional society that is emerging from conflict, such as we have in Ireland today, economic growth that does not systematically promote equality is not sustainable in the long term. To make progress, all Governments must write the need to meet the social and economic needs of people into their economic and social objectives.

The bill of rights contains a number of protections: the right to live free from sectarianism and racism; the right to a decent standard of living; the right to the highest possible standard of health and social care; the right to a decent home that is safe and affordable; and the right to work for a decent wage in proper working conditions. It contains other safeguards, including the right to a sustainable, healthy and safe environment and the right to adequate social security and pensions.

It is worth remembering that those basic human rights are not directed at one or other section of the community; they are the rights of everyone in the community. Moreover, it is a fundamental commitment of the Good Friday Agreement and the St Andrews Agreement, and it offers an opportunity to make real change and a positive difference to the quality of life of everyone here.

As other Members said, it is important to consider the feelings of people in the local community whom we represent. We do not represent ourselves in the House; we represent people in the community. Alban Maginness outlined some figures. I want to repeat those figures and provide others. A survey asked people how important they consider a bill of rights to be for the North of Ireland: 83% believed it to be "quite important" or "very important". Support was almost equally split: 85% of Catholics and 81% of Protestants supported the notion. Those figures illustrate that support exists for a bill of rights.

I listened to today's contributions, and it is important to protect those who are most vulnerable in society. A bill of rights should not frighten anyone, because it is set out for all people in society, and we require public consultation on the matter now.

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

Ms J McCann: I oppose the motion and support the amendment.

Ms Purvis: The heart of today's debate can be summed up in a few words: to reflect the circumstances in Northern Ireland. That is the cause of most of the disagreement among parties in the Chamber, and it is the cause of conflict in Northern Ireland. What came first: stinking, polluted politics or bloody, awful violence?

I have some sympathy with the Ulster Unionists and Conservatives, because they pose an ideological argument on the justiciability of social and economic rights. However, there are absolutely no grounds for that argument, because responsibility for those rights and for law-making lies with the Assembly. As Alban Maginness said, social and economic rights are progressively realised over a period of time and according to available resources. What will change if they are restricted in any way? The autonomy of this parliament, not the courts, is responsible for those rights.

The DUP supports some human rights. During a debate at Westminster on 27 October 2009, the First Minister, Peter Robinson, spoke about parading in Northern Ireland. He said:

"The strategic review stressed, and we agree, that if progress is to be made on parading, it is imperative to address the existing lack of cultural understanding through an effective education programme that includes reconciliation, tolerance, mutual trust, and the protection and vindication of human rights for all."

Members can read more about the DUP's advocacy of human rights in that Westminster debate.

Mr A Maginness: That is when they are at Westminster.

5.00 pm

Ms Purvis: Yes; that is when they have their Westminster hats on. The DUP's arguments, and the basis of its opposition to human rights, rely on its blinkered view of the causes of the conflict in Northern Ireland. It denies that discrimination existed and that all working-class people, particularly Catholics, endured slums, squalor, poverty and unemployment to preserve the power of the political elite. That view is best summed up by the words of my colleague Gusty Spence, who said:

"You'd neither on you nor on you, but we were in power."

By holding on to academic selection, the DUP continues to deny working-class children, Protestants in particular, the right to a decent education. The DUP must stop living in denial; it must examine what happened here and what caused the conflict, because it is doing a great disservice to working-class people — Protestant working-class people in particular — and to the most vulnerable people in society. My party supports the Good Friday Agreement and a bill of rights for Northern Ireland.

Mr Shannon: Will the Member give way?

Ms Purvis: No, I will not give way.

The purpose of a bill of rights is to entrench a culture of human rights in Northern Ireland. That was reflected in referenda that were held, North and South, and in successive public surveys, which have already been quoted.

It is up to us to support public consultation, not to deny people their right to be heard or to say that public consultation is not the way forward on this issue. It is the way forward; it works for every other policy or piece of legislation that comes out of this place. Let the public have its say; let the Secretary of State publish the consultation so that we can see what the public think about a bill of rights for Northern Ireland. I urge all Members to support the amendment.

Mr B McCrea: In making the winding-up speech on the motion, I declare an interest as a member of the Policing Board for Northern Ireland, and specifically as chairman of its human rights and professional standards committee. I do not speak in that capacity today, but I can inform the House that my membership of the Policing Board has brought certain issues to my attention.

Many Members talk in woolly terms, or in an 'Alice in Wonderland' way that has no basis in reality. However, many issues that come up when we talk about human

rights, such as attenuated energy projectiles (AEPs), plastic bullets, the use of Taser and the use of detention powers, are the same issues that are raised with members of the Policing Board's human rights and professional standards committee. Those who argue for public consultation do not understand the complexities involved. It is our role, as elected representatives, to know about and understand the issues.

As I listened to the proposer of the amendment, I was dismayed. I could use stronger language, but it is not appropriate to accuse elected representatives of being dishonest or of not taking into account what their electorate has to say. Unionists were accused of duplicity and of being confused. I say to the Member, who is present in the House, that I am not confused. I do not act in a duplicitous manner, nor do I act with any lack of honesty. The central issue is whether it is right to have a public consultation —

Mr A Maginness: Will the Member give way?

Mr B McCrea: I am sorry, but Members have had their chance to speak.

The issue is about having a public consultation on the Northern Ireland Human Rights Commission's advice when it is clear that at least two of the major parties in the Assembly do not support the commission's recommendations. It would, therefore, be a complete and utter waste of public money to go any further with that.

Martina Anderson said that we are out of step; that is not for her to judge. As I have heard her say before, we have a democratic mandate; we have an absolute right to be here. This Chamber has primacy; not some kangaroo court or any other form of court. The Assembly is the basis of democracy. This is where decisions are made, and we will not resile from that position.

Mr A Maginness: Will the Member give way?

Mr B McCrea: When the issue comes —

Mr A Maginness: Will the Member give way?

Mr Deputy Speaker: Order. Mr Maginness, the Member has said that he will not give way, so please resume your seat.

Mr B McCrea: Mr Attwood mentioned three things for which he thought that we were world-renowned. Those were our human rights position; our not being able to have it both ways; and our not being able to rewrite the Belfast Agreement, about which he challenged us. Although I listened to the arguments put forward by my colleague Miss McIlveen, I make no secret of the fact that I voted "yes". I may be the only unionist left who will say that they voted "yes", but I believe in the Belfast Agreement, and I take some cognisance that others on Benches to my left support some of the issues that we have put forward.

On the issue of rewriting things, I believe that the mandate that was given to the Human Rights Commission should not be rewritten. It should not be said that that mandate means something different now when it is quite clear that, as my colleague Mr Kennedy said, the particular circumstances for Northern Ireland and the responsibility in relation to supplementary rights are exactly as was originally outlined.

Simon Hamilton said that he understands and supports human rights, and mentioned specific issues such as parading.

Mr Shannon: Will the Member give way?

Mr B McCrea: Just one minute, Mr Shannon.

Do Members accept Article 11 of the European Convention on Human Rights, which relates to freedom of assembly and association?

Some Members: Yes.

Mr B McCrea: If that needs to be refined, so be it, but do not be duplicitous in how that is done.

I will now give way to Mr Shannon.

Mr Shannon: I thank the Member for giving way. I have not had a chance to speak.

Does the Member agree that a great concern is the number of people in the unionist community who are against what is being suggested? Members across the way do not seem to have grasped that. The Church of Ireland has published a document stating that a bill of rights would be divisive and would detract from the union. Legal specialists have also said that a separate bill of rights is not necessary as the rest of the UK is looking into that. That is why the unionist people are against it, and some Members have failed to accept that.

Mr B McCrea: I thank the Member for his intervention; I took it because I know that he has not had the chance to speak, unlike others who have had their chance to make their case.

In one way, I can answer the charge levelled at me by Ms Purvis, which was that I am confused; Dr Farry's argument confused me. He stated that he is sympathetic to our point of view; he talked about political reality not being taken on board; he used terms such as "ploughed on"; and he mentioned that he has major difficulties. In spite of all that, he stated that he would support the amendment and vote against the motion. What sort of 'Alice in Wonderland' world does he live in? Only four minutes and 45 seconds into his contribution did he mention problems, costs and other issues that his party does not like. He wasted the opportunity to argue his case, and that is why his argument does not convince me.

Barry McElduff challenged us by asking whether there was even one unionist here who was able to stand up and make an argument about why they are not supporting a bill of rights or why they resile from equality arguments

that I believe to be spurious. My reply to Mr McElduff is that I question any equality agenda that does not deliver for the very people for whom it should deliver.

Is it the right way forward to enact human rights legislation that will be a paradise for lawyers, bureaucrats and all sorts of jobsworths, enabling them to delay the implementation of measures that are badly needed? Ms Purvis is not the only person on the unionist Benches who cares about the Protestant working classes. How dare she make out that she is.

Our party argues for the social justice that all the people of Northern Ireland demand. We will not be browbeaten by Members, from whatever side of the House, who wish to rewrite history. Those who argue that the source of the Troubles was a socio-economic or housing problem miss the point that the terrorist activity that we experienced over the past 40 years was not about social deprivation but about a political aim for a united Ireland, and the terrorist activity was perpetrated by —

Mr A Maginness: Will the Member give way?

Mr B McCrea: I am sorry, but I have already made it clear that I will not give way.

The terrorist activity was perpetrated by people who believed that violence was the way forward. However, ladies and gentlemen, that is not the way forward. Mr Attwood mentioned moving forward without consensus. However, if we have learnt anything, surely it is that without agreement there cannot be progress. There is no way forward unless we all agree. As a democrat, I believe that this House, and this House alone, should have primacy in ensuring that we do what is right for all the people of Northern Ireland. Of the contributions made by my colleagues on the Benches to my left, I was particularly struck by that of Simon Hamilton, who quoted Brice Dickson.

No one here talks about responsibility or the cost of implementing a bill of rights.

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

Mr B McCrea: No one here talks about democracy, and, on that basis, those who support the creation of a bill of rights have failed as elected representatives and as democrats. If those people cannot convince us of their views and win the argument, they cannot win the peace.

Mr Deputy Speaker: The vote on the amendment will be taken on a simple majority basis.

Question put. That the amendment be made.

The Assembly divided: Ayes 46; Noes 39.

AYES

Ms Anderson, 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 Doherty, Dr Farry, Mr Ford, Mr Gallagher, Ms Gildernew, Mrs Hanna, Mrs D Kelly, Mr G Kelly, Ms Lo, Mrs Long, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Mr McElduff, Mrs McGill, Mr McGlone, Mr McKay, Mr McLaughlin, Mr Molloy, Mr Murphy, Mr Neeson, Ms Ni Chuilin, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Ms Purvis, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane, Mr B Wilson.

Tellers for the Ayes: Mr A Maginness and Mr McCarthy.

NOES

Mr Armstrong, Mr Beggs, Mr Bresland, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Craig, Mr Cree, Mr Easton, Mr Elliott, Sir Reg Empey, Mrs Foster, Mr Gardiner, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr Kennedy, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McFarland, Mr McGimpsey, Miss McIlveen, Mr McNarry, Mr Moutray, Mr Newton, Mr Paisley Jnr, Mr Poots, Mr G Robinson, Mr K Robinson, Mr Ross, Mr Shannon, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Kennedy and Mr B McCrea.

Question accordingly agreed to.

Mr Ford: On a point of order, Mr Deputy Speaker. Will you now invite Members to your left to withdraw the petition of concern?

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

Main Question, as amended, put.

The Assembly divided: Ayes 45; Noes 39.

AYES

NATIONALIST:

Ms Anderson, 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 Doherty, Mr Gallagher, 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, Mrs McGill, Mr McGlone, Mr McKay, Mr McLaughlin, Mr Molloy, Mr Murphy, Ms Ni Chuilin, Mr O'Dowd, Mr O'Loan, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane.

UNIONIST:

Ms Purvis.

OTHER:

Dr Farry, Mr Ford, Ms Lo, Mrs Long, Mr McCarthy, Mr Neeson, Mr B Wilson.

Tellers for the Ayes: Mr A Maginness and Mr McCarthy.

NOES

UNIONIST:

Mr Armstrong, Mr Beggs, Mr Bresland, Lord Browne, Mr Buchanan, Mr T Clarke, Mr Cobain, Rev Dr Robert Coulter, Mr Craig, Mr Cree, Mr Easton, Mr Elliott, Sir Reg Empey, Mrs Foster, Mr Gardiner, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr Kennedy, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McFarland, Mr McGimpsey, Miss McIlveen, Mr McNarry, Mr Moutray, Mr Newton, Mr Paisley Jnr, Mr Poots, Mr G Robinson, Mr K Robinson, Mr Ross, Mr Shannon, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Kennedy and Mr B McCrea.

Total votes 84 Total Ayes 45 [53.6%]

Nationalist Votes 37 Nationalist Ayes 37 [100.0%]

Unionist Votes 40 Unionist Ayes 1 [2.5%]

Other Votes 7 Other Ayes 7 [100.0%]

Main Question, as amended, accordingly negatived (cross-community vote).

Motion made:

That the Assembly do now adjourn. — [*Mr Deputy Speaker.*]

ADJOURNMENT

Primary School Provision in Ballymena South

Mr Deputy Speaker: I remind Members that the proposer of the topic for debate will have 15 minutes in which to speak, and all other Members who are called to speak will have approximately eight minutes.

Mr Storey: I welcome the opportunity to speak on this topic. On such occasions, Members make speeches that are so moving that they end up clearing the Chamber. Members from North Antrim are present, along with a few from other constituencies. We welcome all who have an interest in this issue, because education impinges on all constituencies.

I welcome the Minister's presence. I wish to draw to her attention, and to that of the House, the needs of primary schools in south Ballymena, especially in the controlled sector. That sector is vital to my community. For that reason, we must always ensure that the controlled sector is given its proper place and has equality with other sectors. We must no longer have a system in which there are inequalities among the sectors.

Because of the nature of the communities of Ballee and Harryville in south Ballymena, the role of their primary schools is vital in holding those neighbourhoods together. That is especially so because of the low level of economic investment and community infrastructural support that has been given to those small but very significant communities in my North Antrim constituency.

A panoramic view of the input from the Government and its related agencies is one of relative neglect. In short, there is little likelihood that either of those communities, Ballee or Harryville, has been given the support that is necessary to contribute effectively to the Northern Ireland skills strategy, even if that contribution were based on a long-term or phased joined-up strategy on the part of any of the Departments. The result is communities that have been abandoned by government and controlled primary schools that have been neglected and overlooked by the education and library board. That is a sad commentary on an area of Northern Ireland.

Ballymena has huge retail potential. Major employers are situated in the surrounding area, but there are communities that are suffering serious problems and difficulties, and they cannot be ignored. The 2005 Northern Ireland index of multiple deprivation ranked Ballee ward 335 out of 582 with respect to proximity

of services. That is worrying, and it is a warning that should have been noticed and taken account of by all who have an interest in the community, not least the Department of Education.

The information gathered from the Northern Ireland Neighbourhood Information Service and the Ballymena neighbourhood renewal area partnership profile indicates the overall statistical picture for those living in the Ballee ward on the basis of education. The census information collected in 2001 indicated that 79·2% of the Ballee population aged 16 to 74 had no formal qualifications. The Northern Ireland average was around 58%. Historically, education attainment in the area has been poor. That is a travesty, and it is not acceptable. In 2007, only 10% of school leavers aged 16 and over had obtained at least five GCSEs, and the Northern Ireland average was 64·7%. Those are harrowing statistics, behind which are real lives and real people who make up those communities. It is a problem that should be checked at its source.

I am particularly concerned about the North Eastern Education and Library Board's innovative strategy to address the special educational needs of local Ballymena communities such as Ballee and Harryville. Almost 30% of children in those schools are deemed to have special educational needs. Around 30% and, in some cases, more than 30% of children are deemed to have special educational needs in Camphill Primary School and some of the other schools. My colleague Rev Coulter will have something to say on that matter, because we have an issue with the provision for building in Ballymena. I know that Robert will deal with that issue when he is called to speak.

The Ballymena neighbourhood renewal area partnership profile survey of 2007 also indicated that most of the residents of Ballee were aware of further learning opportunities. However, the level of interest remained low for a number of reasons, such as overall non-interest; lack of time; the inability of participants to afford the fees or other associated costs; lack of childcare; lack of self-confidence; and transport difficulties. If ever there was a need for joined-up thinking between the Department of Education, the Department for Social Development (DSD) and other agencies, this is a classic one. The sad reality is that we all aspire to having joined-up government and a proper system in which we work collectively and collaboratively, and I think that we have often said that in the House. In reality, however, that is not the case. The overall effects of poor education attainment affect employment opportunities and economic activity, and place a stronger reliance on social welfare.

The 2001 statistics revealed that of the population grouping aged 16 to 74, 55% were economically active; 45% were economically inactive; 6·9% were unemployed, and 51·9% of that group were classified

as being long-term unemployed because they had not been in employment since 1999. Those figures indicate that the inactivity levels are higher than the Northern Ireland average, and the figures for unemployment and long-term unemployment are higher than the average for Ballymena, which is 3.1%, and for Northern Ireland, which is 4.1%.

That is the picture that exists in Ballymena South, and the proposed closure of Ballee Primary School that has arisen following the most recent meeting of the North Eastern Education and Library Board will not help the situation; in fact, it will compound the problems.

The Minister lectures us on the importance of equality and the rights of children. In my community and in my constituency, however, she has shown inequality and confusion by presiding over a series of decisions to merge schools in one community that do not meet her Department's criteria, while the board does her bidding in the other community with a robust rigidity that contrasts with the flexibility already shown.

Of course, I am referring to the merger of two primary schools in Ahoghill. Let me remind the House that that amalgamation did not cost the Council for Catholic Maintained Schools (CCMS), the organisation that made the decision, a single penny. Instead, the North Eastern Education and Library Board picked up the tab of £500,000 for a decision made in a sector that wants to have all of the benefits but doesn't want to pick up the tab. That will not be acceptable in the future, and it is the reason why we have a long way to go as regards bringing in any new institutions for the governance of our education system.

5.45 pm

The Minister's twin-track approach has led to confusing inconsistencies, which are reflected in the board's preferred options decision to deconstruct the structure of controlled primary school provision in south Ballymena. In the process of that deconstruction, the board, as part of its phase-two proposals for the rationalisation of primary school provision, is attempting to meet the Department's criteria for the review of controlled primary school provision in the town. Unfortunately, the board has failed to take a comprehensive approach, or consider a range of original options, when determining proposals for closures before they go to consultation.

Although I welcome the fact that Harryville Primary School has been given a reprieve in the proposals, it is only a reprieve. I have no doubt that the Minister will tell the House later this evening that there are 500 spare places and a need for rationalisation. That is a clear indication that although a decision will be in preference for Harryville Primary School today, there will be no preference tomorrow, and, as a result, Ballee Primary School becomes the scapegoat. Indeed, I have

brought a copy of today's 'Ballymena Times' with me, just as the Minister brought another newspaper into the Chamber yesterday, and the word "scapegoat" has been used in the paper in relation to the school's closure.

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

We must listen to the community. The Minister often tells me that I have neglected my responsibilities to the Protestant working-class community. If the Minister is listening and paying attention to what has been said in the debate, we, the elected representatives of the Protestant and unionist community in North Antrim are telling her that there is a problem in a Protestant working-class community. We are telling her that that community needs help and assistance and proper education provision. It is up to the Minister to prove that she is able to do the right thing, and that she will listen and put in place structures to help those schools.

Both schools that have been earmarked for closure adequately meet the six criteria and the associated indicators that have been set out in the Department's 'Schools for the Future: A Policy for Sustainable Schools.' However, all of that flies in the face of good practice, because the board has not carried out an economic appraisal of any of the options. The North Eastern Education and Library Board has consulted on several options, but one option that was never considered was that of amalgamation. That is despite that option being open to the two schools in Ahoghill, and the two maintained schools in Ballymena that amalgamated several years ago. That option was never considered in any of the documents that were produced by the North Eastern Education and Library Board. Why was that the case?

Now, we have a situation in which, in respect of the proposal that was put on the table at the last meeting, the sums have not been done to justify the decision that is going to be made. I ask the Minister to clearly examine the issue of the economic appraisal and the way in which the money is going to be spent.

I come now to the issue of special education, which I referred to at the beginning. I welcome the fact that the consultation on special educational needs has been extended to the end of November. I went to a public meeting in Ballee Primary School a couple of weeks ago, which was difficult because there are problems and challenges in that community, especially around special education. When PricewaterhouseCoopers carried out its analysis in 2008, eight issues were identified for underachievement in working-class boys. I want the Minister to agree to, and I want to work with the Department and my colleagues to attain, the establishment of an academy for children with special needs in that Protestant working-class area. That would send out a clear signal to that community that it is not being

ignored, neglected or sidelined. Therefore, I urge the Minister to listen to the community that is crying out for help in a dire and desperate situation.

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

Mr Storey: I wait to hear what the Minister has to say, and I hope that it is not the usual rhetoric that we normally get.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. I thank the Member for bringing this issue to the Floor, as it is of immense importance to that community.

The review of controlled primary school provision in Ballymena was carried out by the North Eastern Education and Library Board last year. The review recognised that Ballee Primary School and Harryville Primary School are based in socially and economically deprived areas; that should be taken into account when formulating any future development proposal.

There is significant surplus provision in the area, however, and there is no indication of a change in that pattern. These proposals were born out of that. There is a lot of strong feeling about the issue in Ballymena South, and I congratulate the parents, the children, the board of governors, the teachers and many others who have campaigned on the issue and have put across a strong argument to retain Ballee Primary School on behalf of the local community.

Of course, there have been other closures in the Ballymena area recently, mainly through amalgamations. Four other primary schools — St Louis' Primary School, St Joseph's Primary School, St Mary's Primary School and All Saints' Primary School — have been amalgamated into two. There have already been a number of reluctant closures in that area, which reflects the overall fall in enrolments that we have to deal with.

There is a requirement to publish a development proposal in the wake of the recommendation to close Ballee Primary School, and that will involve extensive local consultation with affected parties, including the school. That consultation must take into account the statistical picture that the Member outlined with regard to the socio-economic status of the area, as well as unemployment and other factors. I urge the Minister to ensure that children in that area continue to receive a first-class education, regardless of their background. The qualitative, rather than quantitative, value of the education received at Ballee Primary School should also be taken into consideration before a final decision is reached, and that should include the expertise that the school has in the provision of special needs education — as the Member said — and the social and economic impact that it will have on that area.

Rev Dr Robert Coulter: I declare an interest as I am the chairman of the board of Castle Tower School in Ballymena, which has an impact on the entire area of Ballymena.

I thank Mr Storey for bringing this Adjournment topic before the House. I approach it not from any sense of aggravation against the Minister, the board or the Department.

I come to the debate with a sense of sadness, because, living in that community, I have experienced the lowering of morale among its people. There is a sadness, which is creeping to despair. Mr Storey pointed out that special education needs in that area stand very high at 30%.

In my capacity as chairman of the board of Castle Tower School I will explain the background. There were three special schools in Ballymena covering the entire age range, from the beginning until the stage at which many young people, having gone through their school experience, are capable of work. We had the opportunity to bring those three schools together. It was an idea that would reach out to the entire community of Ballymena, especially to south Ballymena, with its special education requirements. The opportunity was given to us and we grasped it. We got a site to build a new school, but we have been struggling to move the project forward. Again and again, every effort to bring the project forward has come to nothing.

Special education needs heavily affect south Ballymena, yet schools have had their play areas closed because they are unsafe and their roofs leak, but there is no one to help them. One can walk through those schools and see the buckets on a wet day. That is the situation that special needs children have to live with — young people who are desperately in need of help.

Closing the schools in south Ballymena will create a transportation problem. Transportation difficulties lead inevitably to greater absenteeism, and absenteeism among young people with special needs cannot be overlooked.

There are rumours in the town that, even as those schools are being closed, officials are looking for sites for a new Irish-language school. People who see their schools being closed but who hear on the grapevine that a new school is to be built have reached the point of despair.

We ask that our children have the opportunity in south Ballymena to lay a good educational foundation so that when we build our new special education school we will be able to provide for all our children an educational foundation that will not only take them into the future with confidence but will give their families, and people in Ballymena generally, a confidence in the education system and its governance. Only an education strategy that puts our children first and considers their

needs can instil that confidence. We need a strategy that does not close schools because of statistics but that puts children first and gives them the equality of opportunity that children in other places have.

I plead with the Minister to take what we are saying seriously. Mr Storey has carefully laid out the issue, and we plead with the Minister to treat the matter carefully and help the children.

6.00 pm

Mr O’Loan: I thank the Member who secured the debate. It is a sensitive issue: when any proposal for significant school change is made, such as the proposal that we are discussing, it raises considerable emotions. Communities and parents invest much in their local schools, and changes in such matters are not at all easy.

I will review some of the history of the decision as it is known to me. In November 2007, the North Eastern Education and Library Board produced a large and important document, ‘Review of Controlled Primary School Provision in Ballymena Town’. That document outlined the broad issues that affected the board’s thinking at that time. It referred to the demographic downturn in the school population throughout Northern Ireland and the fact that Ballymena was also affected by that. One major and important issue that it raised is that of the rapidly deteriorating condition of Ballymena Primary School, which requires a newbuild solution. That raised questions about the size and location of that school, because its future would impact on the future of other schools.

The proper way to consider such issues is to take an area-based approach to planning for schools. The report referred to the Department’s ‘Schools for the Future: A Policy for Sustainable Schools’, under which, quite rightly, the thinking on schools in a given area is based on certain criteria. The viability of a school is assessed on the basis of a number of such criteria: quality educational experience; stable enrolment trends; sound financial position; strong leadership and management; accessibility; and strong links with the community. Schools in Ballymena score highly on many of those criteria. Ballee Primary School scores highly on a number of those issues, and there are others with obvious difficulties.

‘Schools for the Future: A Policy for Sustainable Schools’, which is based on the Bain report, recommends minimum thresholds for schools of different types: for urban primary schools, that is set at 140 pupils. None of us sees that as an absolute requirement, but we recognise that, if a school were to go significantly below that threshold, its ability to deliver a broad curriculum would be threatened.

The board considered other contextual issues. Its report referred to the increasing enrolment at Braidside Integrated Primary School and said that a heavy demand for integrated education meant that it foresaw

an enrolment of 350 pupils, which represented an increase.

The report referred to the maintained sector, which Mr Storey mentioned. It states that developments in the maintained sector:

“led to a reduction of over 500 spare places in this sector.”

I was involved in that issue, and, by way of correction, an amalgamation did not take place: four existing schools closed, and two new schools opened. Those two new schools — St Colmcille’s Primary School and St Brigid’s Primary School — are fine schools. They meet the best of modern building standards, and they are fine schools in every other respect.

Mr Storey: The Member mentioned the progress of the integrated sector. I worked with the newbuild for Braidside Integrated Primary School. There were alternatives to the amalgamation or, as Mr O’Loan put it, the closure of those schools in the maintained sector. Those schools were offered alternatives, but the only option for Ballee Primary School is closure and picking up the pieces. The problem is that the controlled sector is not being treated in a fair and equitable way.

Mr O’Loan: I will not comment on whether it is fair and equitable or identical treatment; the two situations are probably not the same in terms of the problems that are presented. However, I will say that all those situations are difficult and painful, and, sometimes, the accepting of the pain can lead to a good outcome. In the maintained sector, we got a very good outcome in two very fine, well-equipped schools that give great confidence, motivation and morale to parents, staff and the whole community. That is something that we should not lose sight of.

As for enrolments, I notice that Ballee Primary School has had a declining roll over the years, falling to 71 in 2006-07. I only have the newspaper information on this, but Ballee is quoted in one of the newspapers as having an enrolment of 45, so there seems to have been significant further leakage there. The board analysed the spare capacity in the controlled schools, and it has Ballee with a long-term enrolment estimate of 65. As I say, enrolment appears to have gone below that, if the newspaper figure is correct. Camphill Primary School, which is also in that area and also has a fine new building, is described as having a projected spare capacity of 64 — that must be a relevant factor. Harryville Primary School —

Mr T Clarke: This is not my area, but I am listening with interest because I have a particular interest in education. I have young children, and both are being educated in north Antrim. The Member gave some statistics in relation to Ballee Primary School, and he earlier mentioned other schools in Ahoghill. Can he remind us how many children were enrolled in the two primary schools in Ahoghill combined?

Mr O’Loan: I do not have the figures. I know that both had very small populations, but there was a need to provide education in the maintained sector in that area, and that need had to be addressed.

At that point, various options and mixes were proposed, with the potential closures of Dunclug, Ballee and Harryville primary schools. The board continued to work on and consult on these matters, and the next significant stage was when it got feedback. There was no absolute consensus on the outcome, but the board made recommendations in September 2008. For the north end of the town, which is served in part by the county primary, it deferred its decision until more clarity could be obtained on broader education issues. For the southern end of the town, it suggested not amalgamation but closure of one or both of Ballee and Harryville primary schools, with other specific recommendations about the nursery units, which are also important.

That led to a further consultation, which, in turn, has led to the eventual decision of the board to close Ballee Primary School — a painful decision, as I know. Mr Storey may be right that no economic rationale has been provided. I certainly do not know what the rationale is. I only know the outcome. I think that we all agree that the needs of this socially difficult and deprived area must be paramount, and deciding the best education solution for the area is a challenge for the board. Mr Storey made a particular proposal —

Mr Deputy Speaker: Bring your remarks to a close.

Mr O’Loan: He may be right; it may be a good solution. However, we need to be very careful that any proposed solution is truly in the best interests of the people. Sometimes, a solution that is painful is better in the long run.

The Minister of Education (Ms Ruane): Go raibh maith agat. Cuirim fáilte roimh an díospóireacht seo inniu, mar tugann sí comhthéacs do réimse polasaithe atá forbartha ag mo Roinn le heispéireas gach páiste a fheabhsú, beag beann ar an áit a bhfuil cónaí orthu nó ar an chineál scoile a bhfuil siad ag freastal uirthi.

I welcome today’s debate, as it will help to put into context a range of policies that my Department has brought forward to improve the education experience of all children, regardless of where they live, the type of school that they attend and which language they learn through.

The Member will know that I have visited Castle Tower school, and I had a wonderful morning there. An economic appraisal for its major capital works scheme is being revised by the North Eastern Education and Library Board. The board has advised us that that will be resubmitted shortly. Following approval of the appraisal, I have agreed that the project should progress immediately to project design and implementation stage.

The scheme will then be in a very strong position to compete for funding from a future capital funding announcement. I assure the House that my Department and I are treating the scheme as an urgent priority.

I know that the Member is not saying —

Mr O’Loan: Will the Minister give way?

The Minister of Education: No.

I hope that the Member is not saying that Irish speakers should not get the rights that they deserve, because they should.

Mr Storey: Will the Minister give way?

The Minister of Education: The Minister will not give way. I listened to the Member, and now it is my turn to speak.

It is very important that children in Ballymena are taught through their native language.

I share Declan O’Loan’s sentiment that change can be difficult, and that was my experience when I visited primary schools in Ballymena. Some of the teachers, groundspeople and parents to whom I spoke said that they had vociferously opposed the amalgamations in the maintained sector but that they were actually the best thing to happen. They said that they are wonderful schools and are doing very good work. Sometimes difficult decisions must be made.

Comments were made about the deficit cost of the amalgamation of two primary schools in Ahoghill. However, the costs not only of amalgamations but of closures must be met by the education and library board. The Department’s cost analysis indicated that there were no significant differences in cost between amalgamation and closure in that case.

The debate focuses on primary school provision in south Ballymena. I wish to highlight the fact that the Department has provided considerable capital investment for that area. There have been new schools for Camphill controlled primary school and St Brigid’s maintained primary school, which were completed in 2007 at a cost of almost £11.5 million and provide state-of-the-art, twenty-first-century facilities for almost 700 children. A major capital works scheme for the expanding Braidside Integrated Primary School is also at economic appraisal stage. In the 2009-2010 financial year, primary schools in south Ballymena received just over £4.6 million in common funding formula allocations, which is a per capita increase of more than 8% from the 2008-09 funding levels.

Harryville, Ballykeel, Camphill and Ballee primary schools work together in partnership as members of the same Ballymena extended schools cluster by providing services or activities outside the traditional school day to help to meet the needs of pupils, their families and the wider community. Since the programme was

launched in May 2006, those schools have received more than £300,000 in funding to improve the life chances of children and young people from deprived and disadvantaged areas.

I have listened to the arguments made today on behalf of Ballee Primary School. I understand that, following two years of phased local consultation on the future of controlled primary provision in Ballymena town, the North Eastern Education and Library Board has recommended the closure of Ballee Primary School. The school has been experiencing falling enrolments, primarily as a result of demographic changes in the area. Ballee Primary School has an approved enrolment of 220 places. Fifteen years ago, its enrolment was 198 pupils; today, its enrolment has fallen to 42 pupils, which is a further reduction of 19 pupils since last year.

6.15 pm

Nuair a mholtar gur chóir scoil a dhúnadh tá ceanglas reachtúil ann moladh forbartha a fhoilsiú, agus ba mhaith liom aird na gComhaltaí a tharraingt air sin.

I want to highlight that, when it is recommended that a school should be closed, there is a statutory requirement for a development proposal to be published. The development proposal process provides the opportunity for extensive local consultation. Before a proposal is published, there is a statutory requirement on boards, and, soon, on the ESA, to consult any schools that may be affected by that proposal. There is also a statutory duty on the proposer to consult governors, parents and teachers from the school or schools that are subject to the proposal.

The publication of the development proposal initiates a statutory two-month period during which representations, including objections, can be made directly to the Department. At the end of that period, I take into account all the information pertinent to the development proposal, including the representations that are received as part of the decision-making process. As I have a responsibility to consider and make a decision on all development proposals, I cannot and will not comment on a specific proposal in advance of that process. However, I assure the Assembly that in examining each proposal I consider the local circumstances on a case-by-case basis.

Since the institutions were re-established in May 2007, there have been 41 school closures, encompassing 25 primary schools, two Irish-medium units, two nursery units, two special schools and 10 post-primary schools. Of the 25 primary schools that were closed, 23 had fewer than 50 pupils at the date of closure, and nine of the 10 secondary schools that were closed had fewer than 100 pupils.

From 2004 to 2008, 47 schools have been involved in amalgamations, creating 21 new schools. Those

amalgamations involved 33 primary schools, five special schools and nine post-primary schools.

Tá ról ríthábhachtach ag an bpolasaí do scoileanna inbhuanaithe chun an córas a fheabhsú do gach páiste. In ainneoin ár n-iarachtaí ar fad, tá an córas oideachais ag teip ar an iomarca páistí.

I assure the Assembly that any proposal will be assessed thoroughly against the criteria outlined in the sustainable schools policy. That policy is crucial to improving the system for all children, because, despite our best efforts, the education system is letting down too many of our children. The policy will help to ensure that all children get a first-class education, regardless of background or where they live, and it recognises that we should maximise the impact of the resources that are available for education.

The policy sets out six criteria, both quantitative and qualitative, to help to assess the viability of schools. Consideration will be given to the education experience of the children, the financial position of the school, leadership and management of the school, accessibility, enrolments and links with the community. Above all, the provision of a quality education must be the overriding consideration.

The rural nature of the North of Ireland means that there will always be a significant number of small rural schools. I commend the contribution that some small schools make to educational attainment and community cohesion. However, I recognise that many small schools encounter difficulties in delivering the curriculum and find it difficult to operate within their budget.

In primary schools, the challenges become greater when there are composite classes with more than two age groups. The smaller numbers of children in each year group can limit opportunities for working alongside peers, for social interaction and challenge and for participation in extra-curricular activities. Teachers in small schools also face the problem of unduly demanding workloads and have less scope for professional interaction and mutual support.

The revised curriculum is now in place in all year groups. It focuses on raising standards in reading, writing and maths and on preparing young people for all aspects of life and work. Recently, I introduced 'Every School a Good School', a policy of school improvement to raise standards in all schools in the North of Ireland.

Good schools are already doing the things that are advocated in the strategy. However, there are still too many schools in which pupils are not reaching their full potential. I believe that all schools are capable of improvement, even good schools.

The school improvement policy is part of an overall focus on improving performance, and it must be

complemented and supported by the wider educational — *[Interruption.]*

Mr Deputy Speaker: I ask Members to allow the Minister right of reply. She has 10 minutes in which to reply, and the Member who proposed the Adjournment topic had 15 minutes.

Mr Storey: I thought that she had mixed up her script, that is all.

Mr Deputy Speaker: The Minister has the Floor, and I ask Members to respect that.

The Minister of Education: Go raibh maith agat, a LeasCheann Comhairle. It is interesting to hear Members across the way talking to themselves.

We are in a period of significant change and have many new policies, such as transfer 2010, the sustainable schools policy and ‘Every School a Good School’. We are building a world-class education system based on equality, social justice and academic excellence.

Adjourned at 6.20 pm.

NORTHERN IRELAND ASSEMBLY

Monday 9 November 2009

The Assembly met at 12 noon (Mr Speaker in the Chair).

Members observed two minutes' silence.

ASSEMBLY BUSINESS

Mr Simpson: On a point of order, Mr Speaker. You will be aware that this morning I submitted a question for urgent oral answer that relates to reports in today's 'News Letter' that concern the actions of the former Children's Commissioner. He said that language in a report should be couched in such a way as to protect the system and its stated position that the commission played the child abuse situation in the Republic "quite softly" because of "political issues". Moreover, a deal was reached between the Catholic Church and the PSNI following discussions with the Department of Health, Social Services and Public Safety to the effect that summary files only will be submitted to the police —

Mr Speaker: The Member should come to the point of order.

Mr Simpson: Under the criteria of urgency, public importance and availability of the Minister, on what grounds was the question refused?

Mr Speaker: That is an issue for outside the Chamber. If the Member wants to raise the matter with me, I am happy to talk to him outside the Chamber today, tomorrow or any time this week.

PUBLIC PETITIONS

Victims of Institutional Abuse

Mr Speaker: Mrs Carmel Hanna has sought leave to present a public petition in accordance with Standing Order 22.

Mrs Hanna: I wish to present a public petition that relates to support for victims of institutional abuse. It was presented to me by Margaret McGuckin and signed by several thousand members of the public who support the campaign.

Last week, the House passed a motion that called on the Executive to:

"commission an assessment of the extent of abuse and neglect in Northern Ireland, to liaise and work with the authorities in the Republic of Ireland and to report to the Assembly".

Furthermore, it called on the Executive to provide funding to support helpline and counselling services and to work through the North/South Ministerial Council:

"to ensure that all-Ireland protections for children and vulnerable adults are in place as soon as possible" — [*Official Report, Vol 45, No 1, p15, col 1*].

for all the victims of institutional abuse in Northern Ireland.

Mrs Hanna moved forward and laid the petition on the Table.

Mr Speaker: I will forward the petition to the Minister of Health, Social Services and Public Safety and send a copy to the Chairperson of the Committee for Health, Social Services and Public Safety, Mr Simon Hamilton.

MINISTERIAL STATEMENT

North/South Ministerial Council

Environment Sectoral Format

Mr Speaker: I have received notice from the Minister of the Environment that he wishes to make a statement regarding the meeting of the North/South Ministerial Council in environment sectoral format.

The Minister of the Environment (Mr Poots): In compliance with section 52 of the Northern Ireland Act 1998, I wish to make a statement on the ninth meeting of the North/South Ministerial Council (NSMC) in environment sectoral format, which was held in Armagh on 30 October 2009. The statement has been agreed with the Minister for Social Development, Margaret Ritchie, who also attended. As Minister of the Environment, I chaired the meeting and, with Minister Ritchie, represented the Northern Ireland Executive. The Irish Government were represented by John Gormley TD, Minister for the Environment, Heritage and Local Government.

The Council agreed proposals from the Environmental Protection Agency (EPA) and the Northern Ireland Environment Agency (NIEA) for the development and publication of a common set of environmental indicators. It is intended that publication will enable elected representatives, policymakers and others to track progress on changes to the environment in each jurisdiction. Ministers agreed that the common indicators will be published in 2011 as part of the North/South statistical profile or through appropriate reports of environmental indicators by the relevant agencies.

Ministers noted that the NIEA and the EPA are developing a joint paper on environmental research that will be brought to the next NSMC meeting in environment sectoral format. Ministers also noted that opportunities to maximise access to EU funding for environmental research, including the seventh framework programme and INTERREG, will be explored. Ministers further agreed that the environmental research information, which was available on the aNSwer website, will be made available on the NIEA and EPA websites.

The Council welcomed the continuing progress of the implementation of the EU water framework directive on shared waters and noted that the river basin management plans are due to be finalised by the end of 2009. The focus will then move from the planning phase to implementing the programme of measures that will be required in order to achieve the objectives of the directive. Co-ordinated efforts

between jurisdictions towards implementing the directive will continue.

The Council noted that the North/South market development steering group is working to exploit economies of scale in the market for recycled materials in both jurisdictions. The chair of the group will make a presentation at the next Council meeting. Ministers also had an opportunity to share views on policy developments on plastic bags and chewing gum.

The Council noted that a framework agreement was endorsed by the Environment Ministers in June 2009, relating, in the first instance, to the removal of illegally dumped waste at two priority sites at Slattenagh in County Fermanagh and near Trillick in County Tyrone. That agreement will form the basis for action on the remaining 18 sites. Ministers noted that it is expected that work on the two priority sites could commence shortly after the award of contract, which is likely to be in early 2010. The NIEA will prioritise the order in which the remaining 18 sites will be dealt with, based on the risk of environmental pollution, harm to human health and other factors. Ministers welcomed the joint concerted enforcement actions that are continuing to target shipments of waste and noted that future action is planned.

The Council agreed to meet again in environment sectoral format in March 2010.

Mr Speaker: Before I call Peter Weir, I wish to correct something that I said earlier when Mrs Hanna presented the public petition. The Chairperson of the Committee for Health, Social Services and Public Safety is Mr Jim Wells, not Mr Simon Hamilton. I apologise to the House for that mistake.

Mr Weir: I am sure that Mr Hamilton is recovering in the darkened room in which he has been lying since he was pushed over to Health.

I thank the Minister of the Environment for his statement. I note that the North/South Ministerial Council discussed the serious problem of cross-border illegal waste dumping. I appreciate that, as the Minister indicated, actions are being taken on that. Can the Minister provide any more detail on the actions that are being taken to tackle that very important problem?

The Minister of the Environment: The Member is right to point out that illegal cross-border dumping is a significant problem. It is largely a historical problem, and we are not receiving considerable reports that it is ongoing.

It has been established under a framework agreement that Dublin City Council is the competent Irish authority in this matter. It is responsible for procuring a contract for the excavation, examination and removal of the waste, and for the remediation of the site afterwards.

That will be done in consultation with the Northern Ireland competent authority, the NIEA. My officials in the agency will oversee the removal operations on each site to help ensure that the site is protected during the works. Once those two sites are cleared, that will give us a significant amount of information to work towards having all 20 sites cleared thereafter.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. I welcome the Minister's statement. There is a lot of fly-tipping going on along the border, especially in my constituency. Was there any discussion on how our council would be reimbursed? Currently it is dealing with that problem and meeting the cost.

I am disappointed, because I thought that there was an opportunity to talk about the North/South interconnector at the meeting. Will the Minister give his commitment that the issue will be addressed at the next meeting?

The Minister of the Environment: The member has raised two issues. First, if there is substantiated evidence that the fly-tipping is emanating from the Republic of Ireland, that waste will be repatriated to the Republic of Ireland, which will be expected to bear the costs of disposing of that waste. Secondly, the interconnector is an energy matter. Therefore, the environment sector is not the appropriate sector to deal with that.

Mr Kinahan: I welcome the Minister's statement, especially the fact that some EU funding will be used. However, when we went there the other day, it was made very clear that, if we are to influence legislation, we need to see it two years before it starts. What steps will be taken to ensure that we know the direction and detail being taken on the legislation that we will make in the future as part of that environmental research in the EU?

The Minister of the Environment: That matter was not discussed at the meeting; however, the Northern Ireland Executive office is fully engaged in Brussels. It is its job to alert us to relevant legislation in its incremental stages. Each Department then has the opportunity to respond to that legislation, so a process is in place.

I do not know how well it works and do not believe that we have much influence over the European Union with our small population vis-à-vis a very large albatross of government. That is why I prefer government to be delivered locally, either through local, regional or national government, as opposed to submitting our interests to Europe.

I note that others are quite happy to turn around and not to have elections that they promised to have and to walk away from the promises they made to the electorate in June last year. That is very notable here today.

Mr A Maginness: I welcome the Minister's comprehensive statement and the fact that a lot of good work is being done. In relation to the North/South market development steering group, which is working to exploit economies of scale in the market for recycled material, does the Minister hope that we can create a truly common market for recycled materials in Ireland as a whole in the near future? The establishment of a market with sensible prices would do much to stimulate the recycling of waste here and in the Republic.

12.15 pm

The Minister of the Environment: It is better to crawl before learning to walk, and, therefore, we should establish a unified market in Northern Ireland. I have put forward suggestions about the establishment of a single waste authority because that would bring clear economies of scale and marketing opportunities. We are considering the potential for the creation of a paper mill that would service Northern Ireland and the Republic of Ireland. We must seek to utilise all potential benefits for the interests of taxpayers and ratepayers and bring as much funding as possible back to the waste process. Fortunately, markets for recycled materials have recovered to 2007 levels after taking a severe dip in 2008. However, we need to market our product better, and that will involve good separation. If we do the job right, there will be markets for many of our products.

Mr Ford: I thank the Minister for the statement. The market development steering group features in every statement on an NSMC meeting. However, it seems that those statements are always couched in terms of reports to be presented. Is the Minister satisfied with progress in that area? Similarly, the Minister talked about the common set of environmental indicators between the Northern Ireland Environment Agency and the Environmental Protection Agency. Will the Minister give an assurance that those indicators will compare the progress, or lack thereof, that Northern Ireland is making with the progress that is being made by other UK regions?

The Minister of the Environment: We provide an annual fund of some £1 million to the waste and resources action programme. It works closely with businesses and supports initiatives to increase recycling and the use of recycled material. Opportunities to market materials increase as production of those materials increases.

The North/South market development steering group agreed that the market and the economic landscape have changed considerably since the inception of the project. Therefore, although proposals for the paper mill, for example, should be kept under active consideration, immediate progress is not

expected because the economic climate is not right. There is no point in investing huge amounts of public money if all the professional experts are advising that it is not the right time to do that because the market will not sustain it. We will take qualitative advice in attempting to bring about the best outcomes for taxpayers and ratepayers.

Mr Ross: I also thank the Minister for his statement, which included references to plastic bags and chewing gum. I have spoken to people in the industry in Northern Ireland, and they favour a voluntary arrangement on the use of plastic bags rather than the taxation route that has been taken in the Irish Republic. What are the Minister's thoughts on that? I assume that the discussions on chewing gum were about how to remove it from our streets rather than coming up with a new mouth-watering flavour.

The Minister of the Environment: Plastic bags previously accounted for 0.6% of all the material that ends up in landfill. Plastic bags are an obvious and visible problem; they blow down our streets and become attached to hedges in the countryside. We have sought to encourage people to use fewer plastic bags or use the same bags more often. As a consequence, plastic bag usage in Northern Ireland has reduced by 38% from some 20 million a year to about 12 million a year; that is good news. Plastic bag usage in the rest of the UK is down by 48%, which is even better news for them.

We must press ahead and set higher targets to encourage and cajole more people to use reusable bags. Some people have suggested that we should use paper bags, but it has been found that paper bags are more damaging to the environment than plastic bags and that their manufacture and delivery leaves a greater carbon footprint. Plastic bags accounted for 0.6% of all landfill material before the reduction in their usage, and they now account for about 0.4%. A much bigger exercise must be carried out to reduce the amount of packaging that we see in supermarkets and shops.

I want us to focus our attention on reducing the amount of packaging, because that will have a far greater impact than introducing a plastic bag tax levy, which will probably hit the poorest in our society the hardest. That is my initial assessment.

The clean neighbourhoods Bill will assist with the problem of chewing gum to some extent. However, our public realm needs to be designed so that chewing gum can be removed. Many streets in Northern Ireland are covered with brick pavements that are laid in sand. When pavements are laid, they look dreadful within six months because they have been covered in chewing gum. If chewing gum is power-washed off the pavements, the sand is also washed out and they are disturbed. The Department for Social Development needs to look at that problem and identify how the pavements can be

deep cleansed. Despite all our efforts to educate the public, I do not think that we will discourage everyone in Northern Ireland from engaging in the filthy habit of spitting out chewing gum on the streets.

Mr McKay: Go raibh maith agat, a Cheann Comhairle. I welcome the fact that the Minister has shared views on policy developments with respect to plastic bags. Unfortunately, his position remains flawed. That aside, climate change is a big issue. Does the Minister have shared views with his counterpart in the South on that issue?

The Minister of the Environment: I note that, although the Member indicated that my views were flawed, he did not indicate why. If he wants to hit the poorest in our society the hardest, that is a great departure from his party policy. Perhaps he should discuss with his party why he wants to introduce new taxes on the poorest and see how it responds.

I discussed climate change with my counterpart, and there are issues on which we do and do not agree. Ultimately, Northern Ireland and the Republic of Ireland can have a very significant impact on the introduction of energy from renewable sources. We are ideally placed to provide such energy in our society and beyond. We are in general agreement that there are huge untapped opportunities for using renewable energy sources. However, there are challenges: if we use marine measures, people will be concerned about marine life and marine biology, and if we use wind farms, some of the Member's colleagues will be strongly opposed to that. We are prepared to press ahead in that regard, and I am interested to see his party's policy on renewable wind energy.

Mr I McCrea: I sort of welcome the Minister's statement this morning, but, unfortunately, I do not see much substance in the 11 small paragraphs. That is not his fault; it was because the meeting took place with a small agenda. In light of the Member across the way referring to climate change, does the Minister agree that, in the interests of reducing his carbon footprint, he should reconsider the arrangements for the meetings and relocate them to his office, as, I believe, his ministerial colleague, the Minister of Culture, Arts and Leisure, has done, or introduce some form of videoconferencing?

The Minister of the Environment: I welcome the enthused response from my colleague; he makes a very valid point, because much of the work could have been done by an exchange of papers. Perhaps the Member will raise the matter with the Office of the First Minister and deputy First Minister and directly with the NSMC because there is, potentially, a small industry going on. Meetings are being arranged that do not necessarily have to take place. A lot of this is common sense that could be addressed through exchange of letters.

I exchange lots of letters on many such issues with colleagues in the United Kingdom, without needing to meet them. Outstanding issues can often be resolved by telephone, which, of course, has considerably less of a carbon footprint than holding meetings attended by hordes of officials.

Mr Beggs: I thank the Minister for his statement, in which he indicated that the Northern Ireland Environment Agency and the Environmental Protection Agency in the Republic of Ireland are developing a common set of environmental indicators. Will the Minister ensure that the finalised and agreed indicators remain consistent with those that are standard throughout the United Kingdom, so that we can assess progress in protecting the Northern Ireland environment in conjunction with that made in England, Scotland and Wales?

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

The Minister of the Environment: The indicators will have to be closely akin not only to those in the rest of the United Kingdom but to those in Europe, given that many indicators are associated with EU directives. We are slightly ahead in those indicators. It has been agreed that research can be published independently, so ours may be published before the Republic of Ireland's. For example, we are working towards a deadline of publishing our river basin management plans by 22 December. Therefore, we hope to get indicators out sooner rather than later.

Mr McGlone: Gabhaim buíochas leis an Aire as a ráiteas. I thank the Minister for his statement. A few issues have been touched upon. Those of us who, like the Minister, are aware of the repercussions and ramifications of climate change will want to see a commonality of spirit and policy development. What initiatives have been taken by the Minister's Department and by the Minister's Department in conjunction with the likes of the Department of Enterprise, Trade and Investment (DETI)?

The Minister has referred to renewables and the potential that they create for employment, and those of us who are deeply concerned about the economic downturn would like to see "green collar" employment prospects fully exploited. There is an overlap between the Minister's Department, which has responsibility for climate change, DETI and other Departments on the rest of the island. If he cannot do so here today, the Minister can, if he wishes, provide me with more details later. I am interested in what measures or initiatives can be taken by his Department, which is charged with mitigating climate change. What is the potential to roll out further employment from renewables and that "green collar" sector?

The Minister of the Environment: My Department and the Department of Enterprise, Trade and Investment

have already done considerable work between them on developing opportunities for the green economy in recycling and renewable energies. The Enterprise Minister and I recently visited Harland and Wolff, where a major offshore wind energy farm is under construction. The scale and opportunities of that project are extensive.

I will introduce the Department for Employment and Learning (DEL) into the equation. For example, Queen's University is doing very advanced research into wave energy that I hope to see for myself in the not-too-distant future. That has generated interest from across the Atlantic. We hope to talk to people from America who are interested in the renewable energy opportunities here in Northern Ireland. There is much work to be done and many opportunities to be created in the search to identify more sources of renewable energy and to reduce our reliance on fossil fuels.

12.30 pm

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom mo bhuíochas a ghabháil leis an Aire as an ráiteas sin, agus tá ceist agam dó.

I welcome the reference in paragraph seven of the Minister's statement to how the North/South market development steering group is working to exploit economies of scale in the market for recycled materials throughout the island of Ireland. Will the Minister tell us more about the steering group's membership and work and whether its minutes are available online?

Secondly, will the Minister recommend to his DUP part-time MP colleagues that they consider reducing their carbon footprints further by abstaining from Westminster?

The Minister of the Environment: At least some people's voices are heard through their elected representatives at Westminster, which has to make decisions on national security, finance, foreign affairs and a whole range of other important issues. I welcome that fact that we have nine DUP MPs at Westminster and that their attendance record, lobbying efforts and speaking records, and the number of questions that they ask, are streets ahead of the previous MPs for North Belfast, Strangford and many other constituencies. Having nine hard-working MPs at Westminster is to the benefit of Northern Ireland.

With respect to the element of the Member's question that actually relates to the statement, I advise him that the chairperson of the North/South market development steering group is expected to make a presentation at the next NSMC meeting. Perhaps the appropriate time to fully update the Member and the House about the steering group's work will be after that meeting.

Mr Shannon: I thank the Minister for his statement. There are concerns about co-operation on fuel laundering. Will the Minister indicate what his counterparts in the

Republic of Ireland are doing in their fight to stop illegal fuel laundering and smuggling? Are they as zealous and energetic as their counterparts in Northern Ireland? In addition, will the Minister indicate whether Northern Ireland can achieve its incineration obligations under the EU landfill directive?

The Minister of the Environment: Fuel laundering is a significant issue that has been ongoing for a long time, and it causes huge environmental damage. However, my Department does not deal directly with fuel laundering: HM Revenue and Customs is the first port of call. When there is evidence that fuel laundering has caused environmental damage, it is up to my Department to investigate. If a cross-border problem is identified, for example, when materials that have been used to launder fuel have been dumped on either side of the border, we will work with our colleagues in the Irish Republic to identify the source of those materials and to pursue the individuals who have been involved in dumping them.

The residue from fuel laundering is hugely polluting and it has the potential to contaminate groundwater, surface water and land. However, given the clandestine nature of such activities, it can be very difficult to identify the individuals who are behind them. I will always encourage people to co-operate with and pass information on to the relevant authorities — the PSNI, HM Revenue and Customs and NIEA.

MINISTERIAL STATEMENT

Planning Policy Statement 7: Draft Addendum

Mr Deputy Speaker: I have received notice from the Minister of the Environment that he wishes to make a statement with respect to Planning Policy Statement 7 (PPS 7).

The Minister of the Environment (Mr Poots): With your permission, Mr Speaker, I will now issue for consultation a draft addendum to Planning Policy Statement 7 on safeguarding the character of established residential areas. During the consultation, the draft policies contained in the addendum may be regarded as material planning considerations.

Increased housing density and concern over so-called town cramming or garden grabbing in some areas have continued to be the focus of much public attention and controversy right across Northern Ireland. There is already a significant body of operational planning policy and guidance that deals with housing development in established areas. That includes: PPS 6, 'Planning, Archaeology and the Built Heritage'; PPS 7, 'Quality Residential Environments'; PPS 12, 'Housing in Settlements'; DCAN 8, 'Housing in Existing Urban Areas'; and supplementary planning guidance 'Creating Places'. That policy and guidance promotes high-quality design, layout and landscaping. It emphasises sustainability, and it helps to create more balanced communities by supporting a mix of housing tenures and house types.

The existing policy also indicates that increased housing density should not result in town cramming. Arlene Foster reminded the Planning Service of that in her August 2007 circular, which emphasised that the impact of new residential development in urban areas, villages and other settlements should be fully considered in line with existing policies. PPS 6 and PPS 7 set out robust planning policies to protect conservation areas and areas of townscape character. They ensure that new development harmonises with the historic townscape and leaves the character and appearance of those areas unharmed.

In those special areas, proposals involving intensification of site usage or site coverage are permitted only in exceptional circumstances. Additionally, development plans can bring forward local policies for conservation areas and areas of townscape character. That will ensure that new development is in harmony with adjacent housing and does not detract from environmental quality, residential amenity and established character.

The majority of established residential areas, villages and smaller settlements do not have the

distinctive character of areas of townscape character or conservation areas. However, that does not mean that the quality of residential environment in those areas is unimportant. Those areas can also be vulnerable to change in the physical environment, particularly from redevelopment of existing houses and development on infill sites at higher densities than that of surrounding areas.

Where the demand for smaller households through apartment living exists, it will need to be catered for, but overdevelopment can lead to the erosion of an area's character, especially where the architecture, size and scale of the new development is not in keeping with that of the locality. New high-density housing can have a detrimental impact on the environment, on the amount of increased garden grabbing and the loss of green space.

Not all higher-density residential development is bad; on the contrary, it can often be beneficial to local areas by bringing much-needed housing. The redevelopment of derelict sites can assist with urban regeneration and support the drive to create more balanced communities by introducing a mix of tenures and house types.

Although we have policy safeguards to prevent town cramming, we need to do more. That is why I have published the draft addendum. It provides three operational planning policies, which will strengthen the existing planning policy framework. The first two will enable better management of proposals to redevelop existing buildings, infill vacant sites, including gardens, and convert buildings to apartments, including those for multiple occupancy. In particular, planning permission will not be granted to proposals where the density is significantly higher than that found in the locality, or where the pattern of development is not in keeping with the overall character and environmental quality of the neighbourhood.

The draft addendum also introduces space standards. Those will ensure that there will be adequately spaced dwelling units. This is the first time that space standards have been introduced for private housing in Northern Ireland. I see them as an important tool for controlling densification. The size of a home is a key factor in determining who can live there and how they will use the property. I want to ensure that all new housing units are sufficiently spacious, particularly if they are to prove attractive on a long-term basis to families with children.

With regard to conversions, all flats must be self-contained and not wholly at the rear of a property. Planning permission will not be granted when the original property is under 150 sq m. Additional policy criteria will ensure that there is no reduction in the space available for parking.

The draft addendum is not a blanket ban on redevelopment, conversion, infilling or the development of gardens. It is about the right development in the right place in order to provide good-quality homes. High-density development will continue to be acceptable in city and town centres and along public transport corridors and arterial routes in cities and larger towns. Those areas are, therefore, excluded from the definition of established residential areas.

The draft policies retain sufficient flexibility to allow for higher-density housing schemes through imaginative and innovative design. They can deliver significant benefits, while continuing to ensure that new residential schemes are sensitive in design and in harmony with the character of established residential areas.

Flash flooding, as we saw again last week, can cause significant damage and emotional stress and anxiety. Although my Department has already adopted a precautionary approach in Planning Policy Statement 15 to development that could result in increased flooding, I recognise that more can be done. Therefore, the final operational policy set out in the draft addendum encourages greater use of permeable paving in new residential developments. Permeable paving is a relatively straightforward example of sustainable drainage systems (SUDS), which can reduce the amount and speed of surface water run-off.

The addendum provides strong, clear policy, with no room for misinterpretation: it will strengthen the policy framework. This is the start of a four-month public consultation. This is an important issue, and I encourage everyone who has an interest in it to write to tell us what they think. We will carefully consider all the responses before finalising our policies.

The Deputy Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a LeasCheann Comhairle. I welcome the Minister's statement, and relay the apologies of the Chairperson of the Committee for not being here.

Committee witnesses expressed concern on several occasions about garden grabbing. Will the Minister ensure, as a result of the consultation responses, that the issue of garden grabbing is sufficiently addressed to restore public confidence in the planning system and that the interpretation of planning policy will be consistent across all divisional offices?

The Minister of the Environment: That issue has improved significantly since Arlene Foster's circular in 2007, as a consequence of which a significant number of planning applications from individuals seeking to engage in garden grabbing have been refused. This draft addendum will further strengthen and endorse that issue, and I encourage the Committee to look at it.

It is robust, and I want to see the Committee's views on it.

I also want to identify the public response to the issue, because the regional development strategy (RDS) was designed not to encourage people to exploit the opportunity of developing large gardens, but to make proper use of and develop brownfield industrial or waste sites. However, there was a weakness in the RDS, and certain planning policy statements have been of considerable help in dealing with it. The draft addendum should be the final piece in the jigsaw.

Mr Deputy Speaker: Order. The Speaker recently advised Whips that he intended to take a firmer line on the use in the Chamber of phones, Blackberries and similar devices. Even when switched to silent, they interfere with all the audio services, including the media feed, Hansard's recording system, streaming on the website, and the induction loop for hearing aid users. All such devices should be switched off before Members enter the Chamber. If Members need to receive urgent messages, the Doorkeepers will deliver them.

12.45 pm

Mr Weir: I am glad that, as a result of that ruling, any pearls of wisdom that the Minister or I utter will not be lost; that would be a great loss to society.

I thank the Minister for his statement. I come from an area that has suffered from town cramming in recent years. Does the Minister believe that the paving that has been proposed to help to alleviate flooding will complement the proposals that he announced in his addendum to reduce town cramming, which will place greater pressure on our water infrastructure? It is sensible that city and town centres and arterial routes will be excluded from that, because they are areas of high density. Will there be separate consultation or discussion on what constitutes a city or town centre or arterial route for the purpose of identifying which areas will not be affected by the proposals announced in the addendum?

The Minister of the Environment: The more hard covering that is laid, the more problems there will be with water run-off during periods of heavy rainfall. A reduction in the opportunity to establish properties in high-density areas will be of benefit in the first instance, and permeable paving will be a considerable help in absorbing much of the rainfall and releasing it more slowly. Consequently, less pressure will be put on our drainage systems.

The identification of what constitutes a town centre is an issue for development plans. If the Member is saying that there could be a question mark over what constitutes an arterial route, we will have to look at that issue in the consultation. We look forward to receiving responses on that. I suspect that they will not be carried out separately, but, if that issue manifests

itself strongly during the consultation process, it will be taken into consideration before the final policy is published.

Mr Beggs: The Minister rightly points out that overdevelopment can lead to the erosion of an area's character. That is evident in the North Road in Carrickfergus, where there has been a rash of apartment applications and approvals. Will the Minister advise the House of what assessment Planning Service has undertaken to establish the proportion of current approvals that will be affected by the new addendum? Will the draft addendum have an immediate effect, as the draft version of PPS 21 did? If not, how soon will it be completed? We do not want to suffer an avalanche of applications in many sensitive areas with developers trying to get approval before the regulations are changed.

The Minister of the Environment: No current approvals will be affected, because neither the Planning Service nor the Department has powers to take back approval once it is given. Current applications are already affected by how the documents that I mentioned in my statement are interpreted. The planning policy statement proposal will give greater weight to that. In the absence of the addendum being adopted, the Planning Service will accept the proposal as a material consideration when interpreting existing policies. Therefore, when consulting with planners, councillors and other public representatives will have the opportunity to make the case that this proposal has weight, as it does. It will not take full effect until the public consultation process is concluded and I present it before the House as a final document. Nonetheless, it should influence planners' decisions.

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

I thank the Minister for his statement. It brings into focus an issue that has been around for quite a while, and, as the Minister correctly said, one that his predecessor Arlene Foster previously issued direction on.

However, I require some clarity on the issue of conversions. In his statement to the House, the Minister said:

"Planning permission will not be granted where the original property is less than 150 square metres."

What type of conversions does that refer to? Conversions for those with disabilities may fall into that category, and I am unsure from the statement whether that is the case.

Furthermore, the operational policy that is set out in the draft addendum to Planning Policy Statement 7 encourages greater use of permeable paving in new residential developments. Members who have seen that paving and who have met manufacturers of SUDs will know of the huge advantages of such systems and how they can alleviate some of the worst aspects of flash

flooding. Will the Department merely encourage developers to use that type of paving, or will its use become mandatory in future planning policy?

The Minister of the Environment: On the issue of conversions, I assure the Member that the policy is not designed to discriminate against those with disabilities. If it did, it would not pass the equality impact assessments, and I am absolutely certain that the policy will not discriminate. However, the Department will seek to provide further clarity and assurance on that issue during the consultation process.

The Department will expect developers to use permeable paving in many proposed developments in our towns and cities, particularly in areas that are vulnerable to flooding. For example, Members will be aware of the considerable flooding in parts of south and east Belfast over the past few years, some of which is due, in large part, to the development that has taken place in those areas over the previous five or six years. That has contributed significantly to the water that has been caught on hard surfaces and which has immediately been deposited into our drainage systems. The Department wants to ensure that there will be a slower release of water from new developments when significant rainfall occurs.

Mr Ford: I welcome today's statement from the Minister as a step in the right direction at least. However, I will qualify that welcome until more detail is provided.

The Minister has spoken about high-density development being appropriate on public transport corridors and arterial routes, and everyone recognises that the Antrim Road from Glengormley to Belfast city centre is such a route. However, I refer the Minister to the Belfast Road and Greystone Road in Antrim, about which Antrim Borough Council has corresponded with his Department. Those roads have only a limited amount of public transport travelling along them. Surely that does not mean that that area, which, traditionally, has a particularly high townscape character, will be suitable for high-density development?

Furthermore, the Minister has stated that planning permission will not be granted to proposals where the density is significantly higher than that found in the locality. Will he assure the House that that means historically significantly higher and that it will not lead to some of the rather unfortunate developments that have been permitted in the past few years? Otherwise, the only alternative will be to put up a sign twinning the Belfast Road with Beirut.

The Minister of the Environment: I always find Mr Ford to be a great encourager who always sees the positive side of things. We always welcome positivity in the Chamber.

Thankfully, we are not heading towards Beirut, and the Department will take a rational approach to arterial routes. It is fairly evident that high-density developments already exist on arterial routes, and it is also fairly evident where further development might be appropriate.

The draft addendum seeks to tighten up on developments and to ensure that, for example, significant period dwellings that are located on bus routes are not pulled down and replaced with 20 or 30 apartments. That is the reverse of the policy's intention: the Member is reading into the policy something that does not exist. The Department is clamping down on that trend, not the other way around. The policy is not concerned with opening up opportunities for developers to destroy period dwellings. This is an opportunity for us to clamp down on them. It would be great if Members were more encouraged than Mr Ford is as a result of my statement. I think that most Members probably are.

Mr Ross: I thank the Minister for his statement. He referred to established residential areas. Will he, for clarity, provide a definition of an established residential area? He also referred to encouraging the redevelopment of existing buildings. Will he tell the Assembly what measures his Department will take to ensure that that happens?

The Minister of the Environment: Established residential areas are neighbourhoods, including towns, villages and smaller settlements, which are dominated by medium- to low-density single-family housing. A full definition of that is set out in annex A to the draft addendum.

Mr A Maskey: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement and welcome and appreciate his assurances about the intentions behind the draft addendum. However, I am a little concerned. I am grateful that the Minister acknowledged that there have been a number of incidents of flooding in parts of south and east Belfast. The need to take action on that has been well articulated.

I want to be positive on the issue, but in all the developments that have taken place in south Belfast that I have had any association with, through making representations, for example, at no time — in fact, on every occasion — the Planning Service has actually been —

Mr Deputy Speaker: The Member must ask a question.

Mr A Maskey: The question relates to the fact that the planners, at all times, have said that the developments would not negatively impact on the infrastructure in relation to flooding, and so on. Although I accept the Minister's clear personal commitment, can he assure the House that the fact that the Department has

given approval, and defended approvals, against local advice will be taken on board?

The Minister of the Environment: The policy is about taking us a number of steps further than existing policy, where the onus is on the Department, the Rivers Agency, or whoever the consultee happens to be, to demonstrate that a development would add considerably to the existing drainage system and thus cause substantial additional problems. The draft addendum to PPS 7 places the onus on the developer to provide a sustainable drainage system. In some respects, it shifts the onus from the Department and the Planning Service — the statutory authorities — to the developers. That will be of considerable help in ensuring that there will be better drainage systems in our towns and cities.

Mr I McCrea: I welcome the Minister's statement on the draft addendum to PPS 7. Unfortunately, as I am further down the list, most of the good questions have already been asked. I have an interest in the permeable paving that the Minister referred to, and I welcome the fact that the Department is trying to make it a requirement. Has the Minister witnessed any areas where permeable paving is in place, and, if not, will he accept an invitation to my constituency to visit Tobermore Concrete Products, which has been taking the lead on that issue?

The Minister of the Environment: There is substantial evidence in towns and cities across the United Kingdom where permeable paving has been put in place that it has made a significant contribution to reducing water run-off. I have no doubt that quality companies that can respond to market needs, such as Tobermore Concrete Products, would benefit from the introduction of the policy. I would be happy to visit that company at some point to look at the products that it is producing. I do not wish to give any company a distinct advantage, but I am always interested to see new development lines and companies that are taking steps that are of considerable benefit to the environment.

1.00 pm

Mr Kinahan: I thank the Minister for his extremely good statement, which I welcome.

The Minister is probably aware of my concern. The village of Dunadry has been destroyed already. Will its character be gauged from today or from a few years back, when it was a nice, pretty hamlet with two-storey houses and bungalows?

How will the character and harmony of an area be gauged? Will it be done solely from the councillors, or will there be some mechanism for gauging from the local community?

The Minister of the Environment: The Member has corresponded with me on the issue of Dunadry

village. He is aware that I also met the Member of Parliament with a delegation from the village about previous planning decisions. Issues were raised about how developments that seemed to be contrary to the development plan could have taken place. In such situations, questions need to be asked about the robustness of the Planning Service. I am happy to hear those questions, to refer them to the Planning Service and to take cognisance of them in future developments. If something that should not have happened has done, it should not open the door to further development in a village such as Dunadry. I trust that that assists the Member.

The new planning reform process will consider more upfront consultation with members of the public. Therefore, I see considerable opportunities to consult the public, both at development plan stage and at the stage where applications come in for individual sites.

Mr A Maginness: I warmly welcome the Minister's draft proposals. For a long time, I was a lonely voice on Belfast City Council on town planning. I welcome the draft proposals as another step towards reducing the problem of town planning.

I am a bit concerned, because the Minister said:

"planning permission will not be granted to proposals where the density is significantly higher than that found in the locality, or where the pattern of development is not in keeping with the overall character and environmental quality of the neighbourhood."

Is the latter condition to be based on the historic or the present character of a neighbourhood? Is the condition on density based on what one would regard as the previous density of an area, rather than its current density? Those are important factors to be clearly defined.

The Minister of the Environment: I am always glad to give the Member some company, and I am glad that he is no longer lonely in his battle.

Part of the problem with planning is that it is a judgemental process, as opposed to a scientific one. Where a significant amount of new development has taken place, the judgement may well be that it has gone so far that there is little left to save and that that is the current design of the area. However, planners may well take the view that some of the more original period dwellings in an area are considerable and, therefore, should not be removed.

I trust that, during the consultation process, further discussion can be had and that we can tighten down exactly what the policy means to the satisfaction of the Assembly and of the Planning Service, so that the Planning Service is certain that its decisions have widespread support and have been identified by the Assembly as the decisions that should be taken on behalf of the public of Northern Ireland.

Therefore, I am happy to look at the issue to ensure that there is substantial clarity for planners in their decision-making process.

Mr Craig: To labour that point a bit, I noted that the Minister said that the size of a home is a key factor in determining who can live in it and how the policy statement will be used. I have noticed that one of the biggest changes in character, which was discussed earlier, is that many settled family homes are converted into multiple-apartment buildings where families do not tend to dwell. That has a major detrimental impact on an area's entire infrastructure, for example, schools and roads. Will the addendum redress that significantly?

Will the Minister consider looking further at some form of legislation that would allow the Planning Service to take into account the overall impact that multiple changes have on a small area? We have noticed that the change of character in an area is not brought about by one application. In places such as Dunmurry, where at the most recent count, 800 applications were made, massive changes to the overall character of the area have had a huge detrimental impact on all the area's facilities.

The Minister of the Environment: We have all seen the result of poor development proposals that have been made during the past number of years. Much of that related to the boom in house prices, when people paid considerable sums of money for land and, consequently, tried to get as much back from their investment as possible. That led to densification and the development of homes that were either not necessarily suitable for, or changed the characteristics of, their area.

The Member rightly mentioned Dunmurry, and I know that he has been actively involved there and in other areas of Lisburn, such as Belsize Road, Magheralave Road, North Circular Road, Antrim Road and Ballynahinch Road, where considerable changes have been made. That replicates what has happened in other towns, villages and cities throughout Northern Ireland.

I am not sure that that cumulative impact would be as great if the policy were brought forward. That is because the policy provides a fair degree of clarity. It specifies that residential areas that have low-density housing and are considered to be for families should retain that character. Developments that move away from that character will normally be refused. Therefore, the document's considerable clarity would prevent much of the damage that has been done already from being repeated in the future.

It is deeply unfortunate that in Northern Ireland, substantial period dwellings in particular have been pulled down and replaced by apartments that leave a lot to be desired. Although we cannot undo what has

been done, we hope to prevent further damage to our built environment.

Mr Savage: I too welcome the Minister's statement. My concern is that there are legal implications when dwellings, particularly in green belt areas, have been demolished due to various factors, such as health and safety issues or fire damage. When a family applies for planning permission to build a replacement dwelling, they find that no procedure to deal with that is in place. That is a genuine concern throughout the Province, and I ask the Minister to take it on board.

The Minister of the Environment: That is not an issue for planning policy statement 7; rather, it relates to planning policy statement 21. I agree to look at that and to have the planning and environmental policy group examine it.

Unfortunately, buildings in many urban areas were demolished, and the sites were left for several years while developers watched their assets grow. It is unfortunate for those individuals that those assets stopped growing and started to decline, and the banks have come knocking at their doors. The developers were not as clever as they thought. We want to encourage development, and we do not want sites to lie vacant or remain half-developed. We will do anything that we can to encourage developers to get on with it and progress developments that have been left in a poor state.

COMMITTEE BUSINESS

Efficiency and Contingency Deficit Proposals in the Health and Social Care Trusts

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. 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.

The Deputy Chairperson of the Committee for Health, Social Services and Public Safety (Mrs O'Neill): I beg to move

That this Assembly calls on the Minister of Health, Social Services and Public Safety to outline the details of the efficiency savings proposals agreed with each health and social care trust; and to ensure that the efficiency savings proposals and contingency proposals for deficits in the current budget of each trust will not impact on front line services.

Go raibh maith agat, a LeasCheann Comhairle. The Committee for Health, Social Services and Public Safety brought the motion to the Assembly after it became clear through media reports that the health and social care trusts were having difficulties with their budgets. There were also concerns that the trusts were not meeting their efficiency targets. The motion, therefore, deals with efficiencies and deficiencies.

Another reason for the debate is the Committee's difficulty in obtaining information on the extent of the deficit from the Department of Health, Social Services and Public Safety (DHSSPS). In a way, the Committee's motion is an attempt to hold the Minister to account.

The Committee was dismayed, to say the least, that it heard about the deficits through the media. The Department made no effort to inform the Committee. Instead, the Committee began to hear about bed closures, about new mothers being asked to leave hospital nine hours after giving birth and about other drastic cuts via newspaper reports and the trade unions. The Committee was left in the dark, and it called on the Minister to make a statement to the Assembly to explain what was going on. Unfortunately, the Minister was not available to make such a statement, and the Committee was left with no choice other than to ask the Business Committee to schedule today's debate.

Over the past four weeks, in an attempt to get to the bottom of the situation by obtaining information that the Department will not, or cannot, provide, the Committee invited each of the six trusts to give evidence. We learned that each trust submitted a new

plan to the Department to deal with the deficit in its budget. The drastic cuts that were highlighted in media reports over the past few weeks had nothing to do with efficiency savings; they dealt with how trusts will stay within budget in this financial year. The trusts have a break-even duty, which means that they cannot overspend. They must break even or operate with a small surplus. Under the previous system, the trusts were allowed to operate within plus or minus 0.5% of their total budget, but that flexibility has been removed.

Each and every trust faces a difficult financial situation. The need to make efficiency savings, the break-even duty and debts incurred from the former legacy trusts create financial pressures, which are intensified by the increasing demand for services. Each trust told the Committee that the demand for its services has greatly increased. I do not have time to give examples from all the trusts, but I will cite one example from the Northern Health and Social Care Trust to illustrate what is happening. The Northern Trust services around 440,000 people, and, in the past two years, has experienced a 19% increase in hospital outpatient appointments and a resultant increase in demand for other services such as diagnostic procedures and drug provision.

However, the increased demand must also be measured against the fact that each trust also recycles money and receives additional moneys for new services that are designed to improve the Health Service. In many ways, making efficiencies is a matter of delivering increased levels of service with the same amount of resources. In other words, it is about being more efficient with what is available.

The Committee asked each trust about the duty to break even given that the trusts' plans straddle financial years. In evidence to the Committee, every trust was clear that it would be better to be able to run at a small deficit in one year in the knowledge that it could generate savings in the following year.

The trusts indicated to the Committee that they would prefer to have a 0.5% leeway, because the targets and financial challenges are spread over a number of years. Given that targets stretch over two or three years, the rigidity of the duty to break even every year is causing difficulties for the trusts.

1.15 pm

The Northern Health and Social Care Trust pointed out that the trusts occasionally run at a small surplus that must be spent by the end of the year. The trusts need to spend that surplus quickly, and that means that that money is not always spent wisely. The Committee realised that running a deficit from one year to the next can be dangerous and may lead to an increase in overspend that cannot be tackled. Therefore, on behalf of the Committee, I ask that the Minister revisit that issue.

Will the Minister indicate whether other systems in other jurisdictions have a break-even duty? Will he also indicate how he will ensure that the trusts do not end up in the same position next year? Unless someone deals with the issue, can we expect the same media circus this time next year? Can we expect the trade unions to be, rightly, up in arms and threatening strikes? Will the Belfast Health and Social Care Trust again make sounds about reducing beds and sending new mothers home after nine hours?

On behalf of the Committee, I express my disappointment at the press statement regarding the contingency deficit plans that the Minister released on 27 October, given that he did not see fit to inform the Committee of how he intends to deal with deficits in the trusts. Instead, we were left to hear about that through a press statement. The fact that that statement was released during recess only exacerbated the situation. The Committee understands that the Minister was unable to be clear about the extent of the deficits when he gave evidence to the Committee on 15 October because of the financial situation regarding swine flu. However, once the swine flu budget had been issued and settled, the Committee would have appreciated hearing directly from the Minister about the proposals to tackle the deficits. Instead, the Committee was given a one-page press statement that lacked the required detail.

Returning to the pressures that the trusts face, the Committee has some sympathy for the trusts, and members realise just how difficult it is for them at the moment. However, after speaking to all the trusts, the most striking fact was that some were able to live within budget, deliver on all or most of their efficiency plans and incur only a modest deficit. For example, the Southern Health and Social Care Trust opened its books this year with a deficit of £4 million that it inherited from the legacy trusts. However, it is now on target to make efficiency savings of £36 million over three years, even though, according to media reports, its deficiency proposals were for under £4 million. That is a remarkable performance.

The Committee was impressed with the frankness of the Southern Trust, which said that the process had not been easy. It said that it was painful but doable and achievable. Indeed, not only has the Southern Trust basically achieved its targets, it has done so while experiencing an increased demand for its services and while improving its standards.

However, the fact that targets in some of the trusts are not being met is not always the fault of the trusts. Consider the programme for the regional procurement of drugs. In essence, that is an excellent idea that will generate savings through increased buying power. Yet, the trusts told us that there has been a shortfall this year, and that is backed up by information from the

Department that the shortfall for 2009-2010 is £4 million. The trusts were relying on that £4 million, which now has to be found elsewhere.

The Northern Trust pointed out that the efficiencies gained by the regional procurement of drugs are sometimes wiped out by large increases in cost by the drug companies or by increased demand for existing and new drugs from a growing number of patients. Will the Minister outline how the issues around regional procurement of drugs will be addressed?

Some of the trusts' plans for efficiency savings are dependent on finances from other Departments or other programmes or on access to capital funding, and there appears to be a problem with that. The problem lies with the resettlement programmes that are dependent on revenue funding from the Department for Social Development's (DSD) Supporting People programme. All the trusts rely on making efficiency savings through resettlement programmes. By resettlement programmes, I mean programmes that involve resettling back into the community patients who have been in long-term institutional care or in statutory homes.

DSD has indicated that it is reviewing the moneys for Supporting People. We understand that there is a difficulty with the revenue element; however, the trusts had hoped to know how much was available so that they could progress their own schemes. The revenue contribution is important because it enables the trusts to provide care in the community, and if that is constrained it will have an impact on what the trusts are able to do.

The trusts' efficiency plans also rely heavily on moving care and treatment away from acute care to primary and community care. The Committee is clear that if trusts move to that type of model, there needs to be investment in primary care across the North; it needs to be seen and be evident. The Committee heard that there have been delays in that investment. New primary care centres that were promised two years ago are being delayed, and communities are worried that those have been postponed indefinitely.

I now return to the issue of cuts in administration and management, which I think will be of great interest to people.

In giving evidence to the Committee, the Belfast Trust noted that it could remove all of its administrative and bureaucratic costs and still only achieve less than half of the total savings that it has to find. The Committee accepts that the level of efficiencies that are to be delivered require the trust to look at business areas and not just at management and administration.

Trusts must be innovative in how they find savings, and, quite often, that has meant finding new and better ways of doing the same thing and increasing productivity.

That is important to the Committee: staff are an asset not only to the Health Service but to everyone across the North who uses it. However, it is clear that productivity levels here are lower than those in Scotland, England and Wales. Nevertheless, the Committee and the general public expect to see that efficiencies and deficit funding proposals are taken from management and administration as far as possible and not from front line services.

Mr Easton: Will the Member give way?

The Deputy Chairperson of the Committee for Health, Social Services and Public Safety: No, I am nearly out of time.

In their presentations to the Health Committee, the trusts went to great lengths to make it clear that they have greatly reduced their administrative staff, mainly through the review of public administration (RPA) process. For example, the South Eastern Health and Social Care Trust now has four assistant directors of finance. Prior to the RPA, each trust had one financial director supported by perhaps two assistants. The Western Health and Social Care Trust has set a target of achieving £9.4 million in RPA efficiencies. The Northern Trust has provided the Committee with evidence that administrative and clerical posts have been reduced to 271 from a total of 506.

When taking evidence over the past few weeks, the Committee asked each trust to quantify how much of its turnover is being spent on administration. It appears that most trusts are keeping administration costs at around 4% of turnover, and, on the face of it, that seems reasonable. However, there are some variations: the Western Trust runs at a figure of 4.6% and the South Eastern Trust has the lowest figure of 3.4%. In addition, we have yet to compare the figures with those in other jurisdictions.

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

The Deputy Chairperson of the Committee for Health, Social Services and Public Safety: I want the Minister to answer the questions raised by the motion. Given that the new trusts have had to deal with the legacy overdrafts of the previous trusts, find millions of pounds in efficiency savings, and do all of that with a zero tolerance approach to budget overspends, will the Minister assure the Assembly and the people of the North that front line services will not be impacted upon?

I will finish, Mr Deputy Speaker, by saying that although the Committee agreed unanimously on the motion, it has not taken a position on the proposed amendment.

Mr McCallister: I beg to move to the following amendment: At end insert

“; and further requests that the Executive exempts health and social care services from further budget reductions or requirements to deliver any further efficiency savings.”

I thank the members of the Health Committee for tabling the motion, which we will support as amended. With the kind support of Dawn Purvis, the Ulster Unionist Party has proposed an amendment that seeks to add to the motion. Although we all believe in transparency, the Ulster Unionist Party believes that the best way to ensure that front line services are not affected is to make health and social care services exempt from further budget reductions, including any additional efficiency savings.

The additional sentence proposed in the amendment brings us to the crux of the issue. Despite what some Members may believe, we cannot have our cake and eat it. Since the beginning of this budgetary period, certain Members and parties have held contradictory positions. On the one hand, when it came to negotiating the draft Budget, the DUP chose to back the Finance Minister instead of the Health Minister. That was done despite the DUP stating in its 2005 manifesto that Northern Ireland has suffered from relative underfunding for decades, and that more than 20% extra spending per capita on healthcare is required to achieve the same levels of service as in England. Such pronouncements did not stop the DUP, and others, from supporting a reduced budget for the Health Minister or from voting, on two occasions, for efficiency savings. It is those efficiency savings that are now the source of the DUP's concerns.

The former Chairperson of the Health Committee even went so far as to accuse the Health Minister of being left wing, and, in more recent times, of being in cahoots with the trade unions simply because the unions happened to agree with the Minister. Yet again, we hear the DUP attacking the Minister and the trust for implementing policies that the DUP supported. Does Mrs Robinson not realise that by attacking the trade unions she is attacking the people that work at the very heart of the Health Service?

The contradictory nature of the DUP's position was epitomised by the number of Members who demanded efficiency savings two years ago. However, in recent months, we have seen the hypocritical nature of the DUP. The very same Members, including Mrs Robinson and her sidekick, Mr Easton, have opposed all the efficiency saving proposals that have been put on the table. Their pathetic behaviour smacks of hypocrisy and opportunism.

Mr Hamilton: You accused my two colleagues —

Mr Deputy Speaker: Order. The Member must refer all his remarks through the Chair.

Mr Hamilton: My apologies, Mr Deputy Speaker. The Member —

Mrs I Robinson: The cheerleader.

Mr Hamilton: The cheerleader, as my colleague refers to him, accused my two colleagues of opposing every proposed efficiency saving. I concur with their opposition to the efficiencies proposed by the health trusts. Does the Member believe that the closure of beds in Belfast hospitals is an efficiency measure or simply the cut that it is?

Mr McCallister: I am grateful to the Member for his intervention.

The Member and his colleagues opposed every measure that the Minister proposed to comply with the efficiencies that their party imposed on the Health Service. That is the contradictory nature of their argument: they are cheerleaders for efficiencies, yet they oppose them when tough decisions have to be made. They opposed the Minister on the formation of the Regional Agency for Public Health and Social Well-being, which has put us in good stead and is at the cornerstone of what we need to do. Where is the DUP when the going gets tough? Its opposition epitomises the hypocrisy to which I referred.

The contradiction of the DUP's position was highlighted on 20 April 2009 when, along with others, it refused to back an Ulster Unionist and PUP proposal to exempt the Health Service from efficiency savings. For more than a year, the Ulster Unionist Party has been warning that we face significant fiscal problems in the current comprehensive spending review (CSR) period, never mind the next one. However, successive DUP Finance Ministers have chosen to deny that there is a problem, and then they do too little too late.

It should not be forgotten that it was a DUP Finance Minister who proposed efficiency savings to the Executive and in the House. In addition, DUP Members, along with others, trooped through the Lobbies to vote for efficiency savings. After hearing what some DUP Members think constitutes efficiency in the public purse — having purchased pens, TVs and handbags — health workers will take no lectures from the DUP on efficiency savings.

The Department of Health, Social Services and Public Safety has had to find £32 million in its budget to get a deal on funding to address the swine flu problem. The Finance Minister shamefully joked about the issue when the Health Minister initially appealed for funding in June.

The Minister of Health, Social Services and Public Safety's record, compared with that of other Ministers, speaks for itself. Would he have been let off the hook for wasting £170 million as DUP Ministers did in the Workplace 2010 debacle? Would he have received a clear ball if he had miscalculated the value of the Crossnacreevy site to the tune of £200 million?

Mr Hamilton: Will the Member give way?

Mr McCallister: No; the Member had his turn.

Would the Minister have been allowed to proceed over a logjam, such as that in the Department of Education?

If Members are serious about protecting front line services, they will vote for the amendment. Members need to realise that the Health Service is already in a difficult position; demand on it has increased by 9% in the past 12 months. If we add to that by imposing further reductions in the health budget to fill financial holes, lives will be put in danger. The economy may be the number one priority in the glossy document, but ask anyone in the street about their number one priority, and the answer is health.

It is time that we all showed the required level of maturity. I hope that Members across the House will back the amendment.

Mr Deputy Speaker: I remind the Member that the motion has not yet been amended. The question on whether an amendment is agreed is one that the Assembly will decide after the debate.

1.30 pm

Mrs I Robinson: We all accept that healthcare is the number one priority in Northern Ireland. I listened to my colleague on the Committee for Health, Social Services and Public Safety Mr McCallister rewrite history. I thank the Deputy Chairperson for proposing the motion. I will address some related and relevant issues that contribute to the larger picture of how the Department is managing issues.

I am aware that the Minister is fairly mean with the truth over how the Department is operating. Many of my colleagues on councils across Northern Ireland have written to him about certain aspects of the current cuts. When he writes back, he claims — surprise, surprise — that the problems are the bad, old DUP's fault rather than his. Members will recall the Minister's gloating when he was able to draw down additional moneys after the draft Budget, which was always going to allow the Minister to make a case for more money, was signed off. On 22 January 2008, he said:

"The final budget allocation is a good news story for the health service."

He continued:

"in light of the financial circumstances facing the Executive, I believe it is the best outcome possible."

On 2 February 2009, our Minister came to the House and said:

"No cuts will be made to front-line services." — [*Official Report, Vol 37, No 3, p154, col 1*].

Dear, dear. Moreover, on 2 May 2008, he said:

“To start to make cuts is not what people voted us in to do.”

The Minister did receive additional moneys. As I said, he promised that there would be no cuts to front line staff. However, instead of rolling up his sleeves and targeting the over-bureaucratic system that is today's National Health Service, it was easier to get a chief executive, the unions, some of his advisers and a compliant media deliberately to do his bidding by selecting for cuts beds, nursing staff and other important provisions, such as bowel screening. The resultant public outcry was music to the Minister's ears.

I understand the public's anxieties, but it is a disgrace that the Minister used public concerns to cover his inept ability to use his budget wisely. If we were to support the amendment and let the Department off when it came to its making efficiencies, all other Departments would be required to find 6% efficiency savings, even though the Department of Health, Social Services and Public Safety has already been given special treatment. The Minister is allowed to keep any efficiency savings that he makes and plough them back into the Department.

Mr McCallister: Will the Member give way?

Mrs I Robinson: I will not. We listened to enough of the garbage that you spewed earlier. You have just reminded me: I would look at your new partners —

Mr Deputy Speaker: Order. The Member should make all her remarks through the Chair and not directly to the Member.

Mrs I Robinson: I apologise, Mr Deputy Speaker.

Mr O'Loan: On a point of order, Mr Deputy Speaker. Is it in order for a Member to refer to another Member's words as “garbage”? I find it singularly inappropriate.

Mrs I Robinson: Did you rise to your feet when Mr McCallister spoke?

Mr Deputy Speaker: Order. Thank you for that point of order, Mr O'Loan.

I ask the Member to moderate her tone. Her earlier remarks —

Mrs I Robinson: On a point of order —

Mr Deputy Speaker: Order. I will take the point of order when I have finished my explanation.

Earlier, the Member spoke about meanness of truth; I ask her to moderate her language carefully.

Mrs I Robinson: As I was saying, Mr Deputy Speaker, my colleague on the Committee for Health, Social Services and Public Safety was quick to throw out spurious comments about expenses. For the record, that Member's party is associated with the Tories, who were the worst culprits for defrauding expenses in the Westminster Parliament. I say to the Member and his

colleagues that they are happy to link up with the Tories — *[Interruption.]*

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

Mrs Hanna: Wise expenditure of taxpayers' money is always essential, but never more so than in the present economic downturn. It is always a challenge to prioritise and make tough decisions, especially for the Department of Health, Social Services and Public Safety and the Minister. However, we must have zero-based budgeting on all programmes, all of which must be on the table and justified as absolutely essential.

The Minister made some snide remarks about the SDLP over the past few months because it did not support his Department's exemption from the 3% efficiency savings. I want to set the record straight on that. The SDLP was the only party in the Assembly to vote against the Executive's Budget. That was because there was no protection for front line services, no flexibility for monitoring expenditure, no provision for unexpected emergencies such as swine flu and no new measures to address the widening poverty gap. The SDLP called for ring-fencing of front line services, and it stands by its reasons for doing so. The party took a lot of criticism for that decision at the time, but it believes that it was the right decision then and that it is still the right decision.

In a meeting of the Committee for Health, Social Services and Public Safety in October, one of the trade union representatives, who are so apparently at one with the Minister, acknowledged that, in retrospect, the SDLP was right to oppose the Budget. The SDLP cannot support one area of public spending being exempted from efficiency savings, even if it is health and social services, which I believe is the most important area of expenditure.

Over the past decade, public spending on health has increased greatly above the rate of inflation. There is considerable evidence that much of that increase has failed to considerably improve services. It has been absorbed in higher salaries and administration, and some of it arose because of the target-setting culture. The Minister assured us that there would be no cuts to front line services; he also told us that he belatedly received additional resources. He may say that he did not know about swine flu at the time, but other Departments have had to give up some of their budgets to deal with the swine flu emergency.

I hope that the Minister, the Department and the new public health body are focusing much more on prevention and early intervention. The bowel cancer screening programme is very much about prevention and early intervention, but it has been postponed because its budget has been taken to deal with swine flu. Perhaps even the swine flu budget should be monitored constantly; we need regular updates on that budget.

I worked for decades in the Health Service, and I champion it constantly as the greatest socialist initiative ever taken by a democratic government. I was a trade union official for most of my working life, but given the financial crisis that we are in, no Department can be exempted from cuts. However, no cuts should ever be made to front line services.

Although the trusts are finding it challenging, the evidence that has been presented to the Committee for Health, Social Services and Public Safety shows that, by and large, they are working hard to meet efficiency savings targets. The many scare stories in the media about front line services have damaged the confidence of the Health Service, so we should all be serious and honourable about how we can address a downturn in the economy and ensure that we get healthcare free at the point of need to those who most need it.

Dr Deeny: I hope that the debate does not descend into party bickering. Ultimately, this matter concerns the health of the population of Northern Ireland; and I speak as someone who has also worked in the Health Service for decades. The debate is very important. The issue is about using money efficiently to ensure that our population is looked after to the standard that is expected in a developed country in the modern world.

As other Members have said, survey after survey shows that health is the most important issue to the people of Northern Ireland. A healthy population is also a happy, fit and active population, and that has major positive spin-offs for productivity and for the economy of Northern Ireland. Therefore, the Minister and the Department must strive at all times to provide the best possible modern health services for people.

Health can be divided in two parts; physical and mental. It can also be divided into primary care, which is community care, and secondary care, which comprises our hospitals. I, too, want to defend front line services, by which I mean nurses, doctors and hospital beds. That is very important, and the public must be made aware that Members are doing that. Last week, I had a problem with a patient who could not get a hospital bed and who was kept in an accident and emergency department overnight. That is not acceptable. Other front line services include ambulance services and carers in the community.

If one were to ask a member of the public whether he or she wants fewer nurses and hospital beds or fewer directors and administrators, one knows what the answers would be. I have been concerned about management for some time. I know that the trusts and the Department of Health, Social Services and Public Safety are making efforts to scale down what I have previously called the administrative monster in our Health Service. I know that that is happening; but is the Health Service still over-administrated when it

comes to dealing with a population of just over 1·7 million people?

I have said to the Health Committee that the public need to be informed about the Health Service management structure. They do not know the many people who manage health services. In a recent newspaper article, the British Medical Association asked — and since then, I have also been asked — whether there are more than 40 directors in the Belfast Trust. The public want to know who is who and who does what in each of the trusts.

Mr Easton: Recently, we discovered that management costs have increased by 13% since RPA. The number of managers has been reduced, but will the Member explain why there has been such a huge increase in management costs, accounting for £13 million? We are meant to be doing away with waste. Could that money not be better used for front line services?

Dr Deeny: I accept the Member's point; perhaps the Minister will answer it. We are being told that management is being scaled down to acceptable levels. Hopefully, that is the case.

I suggest that the people in the trusts and the Department who provide healthcare should introduce themselves and tell the public what they do. They should remember that they, like public representatives, are public servants and are paid from the public purse. The public are entitled to know who those people are.

Do I get additional time for taking an intervention, Mr Deputy Speaker?

Mr Deputy Speaker: Yes.

Dr Deeny: As has been mentioned, community care is very important. For the most part, we in healthcare and health management have often put the focus of health services on the secondary care sector. That has to stop, because there has been a major move towards care in the community, and rightly so. It is often thought that community care is the cheaper option, but that is often not the case. We must be prepared, and the Health Minister and his Department must show that they are prepared, for this major shift in healthcare provision from the secondary sector into the community.

As the Deputy Chairperson mentioned, financial resources must be made available for essential community and primary care services. There must be no delay in equipping those important services with the required resources and personnel.

1.45 pm

The proposals concern the health of the people of Northern Ireland. I have worked in the Health Service for many years, and I believe that the public are completely in the dark about how our Health Service is

managed. The public have a right to know the details of efficiency savings and the contingency proposals to deal with deficits. They have a right to know whether the savings will impact on front line services. I urge the Minister and his Department to make the public aware of such facts.

Mr Easton: As much as I care about health, I hate debating health issues in the Chamber. Regardless of the subject, the Ulster Unionist Party and the Health Minister are always more interested in blaming everyone but themselves for the state of the Health Service than debating the relevant issues.

Let us look at the facts. By 2010-11, the health budget will be about £4 billion. When devolution returned in 2007, it was about £3.5 billion. Therefore, in the space of four years, the health budget will have increased by one eighth and will represent 48% of the entire Northern Ireland Budget.

In its amendment, the Ulster Unionist Party requests that the health budget be exempted from efficiency savings. However, in a way, the Department of Health is already exempt from efficiency savings because, unlike any other Department, it gets to keep its entire efficiency savings. To cap that, the Department of Health gets first call on the £20 million generated from the underspend of other Departments. No other Department gets such preferential treatment but, apparently, it is not enough. Given that our productivity is lagging behind that of the rest of the UK, should we not look at how to improve that situation?

Minister, we in the DUP would like to work with you. However, when you come to a Committee meeting, you attack the DUP.

Mr Deputy Speaker: Order. Mr Easton, I have said it already, but I will repeat it: you must refer all your remarks through the Chair.

Mr Easton: When the Health Minister comes to the Committee, we are attacked. When the Health Minister is on TV, we are attacked. When we make helpful suggestions to the Health Minister, we are attacked. The Health Minister is obsessed with attacking the DUP, and it is to the detriment of our Health Service.

When the Ambulance Service Trust came to the Committee to discuss efficiency savings and a shortfall in its budget, we found out that it had presented a second set of proposals to the Minister, which he had agreed to and signed off. However, the Committee was told nothing about that, and we knew nothing about it until reports appeared on TV and in the press. Is keeping information from us any way to work or to build a relationship with the Committee?

In a presentation on efficiencies by the unions, one union member stated that trusts are playing political

games with their efficiency targets. If that is the case, what will the Health Minister do to correct it? Does it suit his agenda? I send a clear message to the unions: you are being conned by a Minister who is willing to play games with the Health Service and with the people of Northern Ireland.

We offer to meet the unions to demonstrate where £78 million of savings can be found; savings that will not affect front line services but which the Minister is ignoring. Those savings would ensure that no nursing posts would have to go; there would be no need to remove services from hospitals such as Mid-Ulster Hospital and Whiteabbey Hospital; and there would be proper ambulance cover across Northern Ireland. As my colleague has done, I remind the Minister that he promised the Assembly that there would be no cuts to front line services.

The Minister can find money when he wants to. Indeed, he has found £20 million in a so-called "controlled fund" to bail out the Northern Health and Social Care Trust. We knew nothing about that money; perhaps the Minister will tell us how much is in that wee account. As my colleague also mentioned, the Minister has been quoted as saying that he was content with his budget. Therefore, is the Minister saying that he has got his budget wrong? It is strange that the Minister has never raised this as an issue at the Executive. Surely any half-sensible Minister who was having trouble with their budget would have done so.

I offer the Minister the chance to start again. The DUP is willing to work with him, meet him and share his burden if he would only show a willingness to put his bitterness behind him. The offer is unconditional, and it has been made before. The decision to cut front line services rests with the Minister and nobody else.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. I commend the Health Committee for tabling this motion. As the Deputy Chairperson said in her opening remarks, the Committee tabled the motion because we felt that we were not getting the relevant information that we needed to scrutinise the Department and the Minister. When we do get the information, we get it either through the media or late. That does not help. The fact is that we are there to scrutinise. We are in a new dispensation and the Committee is there to hold people accountable for their actions, but we are not getting the information that allows us to do that.

In saying that, I place on record my view that the Health Service has been underfunded for years. I do not think that anybody could disagree. Some people say that it is underfunded by £100 million, others say that the figure is £600 million. Before I go into the details, I also take the opportunity to commend the staff of the Health Service, at whatever level, for their hard work and dedication over the years. They have

faced crisis after crisis, and they have stood up and taken on board that challenge. They are still there and are willing to put in the hours and the work to try to deliver front line services that are second to none.

We need to talk about the block grant. I will shy away from getting into arguments with other parties, but the reality is that the block grant is inadequate. We need to look at the issue of fiscal powers for this Assembly. If we are saying that the Health Service is underfunded, we need to look at ways of getting more money in.

I take on board the last comments that were made by the Member who spoke previously. Like all Ministers, the Health Minister has challenges ahead. We must ensure that there is further investment if it is needed and that the issue of wastage in the Health Service is exposed. I have a good working relationship with the Minister and his Department, and, fair dues, that is how to get things done. However, I have not heard the Minister once mention the wastage in the Health Service. I have not heard the Minister say that efficiencies mean that we are turning the health sector into a streamlining machine so that we can deal with all the issues that exist. We all hear stories about taxis still being used to deliver patient records: is that a fair way to use public money? We still hear about money that is spent on hospitality. I submitted a question — lo and behold, I do not have the answer today — about whether former chief executives are being held to account for deficits in previous trusts. If the Health Service were a private company, would it be held to account? We also need to look at the issue of travel.

If we took the time and opportunity to talk to the staff, they could probably tell us instantly how money could be saved in front line services and hospitals. I meet them on a regular basis and they are able to tell me about all the money that is being wasted. The reality is that the gravy train needs to stop. I know that the Department of Health is underfunded, but there are inefficiencies in the Health Service. If that money were redirected to front line care, who knows where we would be next week? We could end up saving money.

The political argument about taking money from other Departments cannot go anywhere. We are talking about investing for health, and John McCallister asked where we would get the money for that. If we are serious about it, do we take money from education? Do we take it from housing? Do we leave the rural community abandoned? Do we not give people better roads? It is the collective responsibility of the Executive and the individual responsibility of other Ministers to ensure that we are investing for health.

Dr Farry: Will the Member give way?

Ms S Ramsey: No; I do not have much time. It is Ministers' responsibility to ensure that we are

proactive in dealing with health, inequalities and social deprivation, rather than always reacting.

I am conscious of my time, so I will end with a point about the Northern Health and Social Care Trust. Fair play to the Minister for bringing in Colm Donaghy on that contract. It was a good move; perhaps he will move to other trusts afterwards.

The Northern Trust stated:

"The Trust is required to make savings of £44 million to be achieved over a three-year period. These savings will be reinvested into front line services".

The trust continues:

"A large part of these savings...are to be achieved through reduced management and administrative costs and general efficiency (such as negotiating better prices for drugs or using computer technology instead of printing all x-ray images)."

To me, that represents efficiency savings.

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

Ms S Ramsey: To me, that is doing business smarter, not harder.

Mr Hamilton: We all come to the Chamber from time to time to support our party's ministerial colleagues. We do that out of some sense of loyalty and because, as party members, we share the same policy. However, the amendment tabled in the names of Mr McCallister, Mr Gardiner and Dawn "One Job" Purvis, who, unfortunately, does not seem to be here today, goes well above and beyond the call of duty in showing loyalty to one's ministerial colleague.

I want to dwell on the amendment. To call for the Health Service to be exempted from efficiency savings that are the harsh reality that everybody in every Department faces is ridiculous. To say that the money for a Health Service that has been force-fed resources for nigh-on a decade has and is being efficiently spent is, in my opinion, wrong. As Mrs Hanna pointed out, the increase in expenditure in the Health Service is now at record levels. Billions upon billions upon billions of pounds are being pumped into the Health Service every year. To say that there is no scope for efficiency in that system is the height of nonsense.

A raft of indicators shows that there is scope for savings, even on administration, never mind productivity and on how things are done in the Health Service. One looks at —

Mr McCallister: Will the Member give way?

Mr Hamilton: No. In a decade, the number of Health Service administrators has risen by 35%, the number of managers is up 91%, and the number of senior managers is up by 82%. Mr Easton pointed out that there has been a 13% increase in management

costs post-RPA, which was supposed to drive efficiency in Health Service administration.

As have others, I have asked Assembly questions of the Minister as part of my work to establish where efficiencies might be achieved. I have asked about equality units, press and communications and a host of back office, non-front line areas of administration. Time and time again I have received the same response, which is none, other than that the details are not held centrally.

For example, because I wanted to know about the subject in general, I asked every Department about the cost of advertising in local newspapers. Every Department was able to answer that question, except the Minister's. I got no answer at all. Every Department except the Department of Health answered the question.

Mr Easton: I, like the Member, am not getting answers. Does he agree that not getting replies to questions for written answer is a deliberate attempt to prevent us from knowing what is going on in the Health Service?

Mr Hamilton: I began to worry whether it was just me, Mr Deputy Speaker, but then I started to do some research, and I found that not only Mr Easton, Mrs Iris Robinson — I thought that perhaps it was just my party — but Members of every party have failed to receive answers from the Minister.

Only two conclusions are possible: either the Minister knows and is not telling us, which is worrying for the integrity of the House, or he genuinely does not know, which is even more worrying. If the latter is the case, the Health Minister is telling us that he cannot explain where the money granted to him in the Budget is being spent. That is deeply, deeply, deeply worrying.

Mrs I Robinson: Does the Member agree that it is about time that we got the performance and efficiency delivery unit (PEDU) to look at the Minister's budget and direct him on efficiencies?

Mr Hamilton: If the Minister or those working for him cannot get their heads around efficiencies, others are capable of helping him to do it.

However, if the Minister has no idea of where his money is being spent, that means that he has no control over where it is being spent, yet he wants to be exempt from efficiency savings. If anything, not being in control of his budget is an argument for greater scrutiny. It does not matter whether that is carried out by his officials or by bodies outside his Department, such as PEDU; there is a case for greater, not less, scrutiny.

2.00 pm

Earlier, Mrs Robinson asked about the implications other budgets of exempting the Department of Health,

Social Services and Public Safety. The implication is that the efficiency savings that would have to be made in other front line services, such as education and housing, would increase. Therefore, when Members look for ring-fencing and separation and for no further efficiency savings in health, they are asking for increased efficiencies — ergo, cuts — in other areas. I am sick, sore and tired, as I think many Members are, of that emotional game being played with us and, more importantly, with the public and those who work in the Health Service. Nobody in their right mind in this country believes that the Health Service is as efficient or as productive as it could be. Therefore, driving greater efficiency into the service is not only desirable but absolutely essential.

Mr McGimpsey can sit and cry about the efficiency savings that he faces, and his colleagues can back him up, but the fact is that he agreed to those efficiencies when he voted for them in the Budget, and the cheerleaders who sit behind him also agreed to them when they trooped through the Lobby. They supported a Budget that was predicated on his achieving the efficiencies that he now faces. I know that the Minister faces a difficult job in dealing with the Health Service.

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

Mr Hamilton: The Health Service has a leviathan 50% of the Budget, but many of us are of the opinion that it is a difficult job that the Minister is not up to.

Mr O'Loan: The pressure of achieving efficiency savings is nowhere more apparent than in the Department of Health, Social Services and Public Safety. The Minister stated that £700 million of efficiency savings are demanded, when years of underinvestment mean that our services are not as good as those in the rest of the UK. He is quite right that objective measures show that productivity in the Health Service in Northern Ireland is well below that in the most efficient parts of Britain, and that presents a major challenge to his Department. It also puts a question mark over the reference to underinvestment in the past; I will come to that point later.

Health is an ever-demanding funding area. New technologies and drugs come on stream all the time, and medical conditions that the public previously thought had to be accepted now demand a remedy. The Minister tells us that the demand for services is rising by 9% each year. That is a remarkable figure, so I hope that he will give us more details about it. In an arena in which funding is flat and 3% year-on-year efficiencies are required, a 9% annual rise in demand puts an almost unsustainable burden on the system.

I return to the issue of underinvestment in the past. I wonder whether the key lesson is not that opportunities to address the problems in a more deep-seated way

have been ignored but that we have tried to nurse the system along when more surgery was required. Surely that needs to change, particularly given that we will soon face real and substantial cuts in the overall Budget.

Some discussions about efficiency savings make a rigid distinction between front line services and administration. The argument is that efficiency savings should come from the administration side and that front line services should be protected. That argument is overly simplistic, and I am disappointed to discover that Dr Deeny seems to live in that world. Front line services and administration are intimately bound up, and the idea that there is some easy way to achieve efficiencies in administration without impacting on front line services is false.

Recently, the pressure on the health and social care trusts to provide efficiency savings has become evident. Efficiency savings do not take money away from the trusts, but they are required to fund new areas of work from money that has been moved around internally. Quite simply, that cannot be done, and I have much sympathy for the Minister when he says that all this is happening too fast. I wonder whether trusts will be forced into so-called efficiencies that, in the long run, will not contribute usefully to real efficiencies and may get in the way of better long-term solutions.

In recent weeks, it has become clear that, in several cases, trusts are not able to deliver the efficiency savings that their targets require and also balance their budgets. Trusts' total projected overspend is reported as being approximately £70 million. Therefore, to break even, they were going to have to make savage cuts to front line services. The situation has been addressed through the Department's providing extra funding to the trusts, but that comes at a cost.

It means that key initiatives will, at the very least, be postponed, and, in the present climate, who knows when they will be resumed? That brings me to the Northern Health Trust, which includes my constituency. Its projected overspend for this year was £28.5 million; its chief executive said so at the Health Committee last week. That has now been addressed by the trust's doubling its own efficiency savings to £7 million and the Department providing the balance, with a contribution to the pension scheme. I note that the Minister has now largely approved the initial efficiency savings plan of the trust, which includes moving acute inpatient surgery from the Whiteabbey and Mid-Ulster hospitals to the Antrim and Causeway hospitals. I note also that there will be more day surgery at Whiteabbey and Mid-Ulster.

Mr Shannon: I thank the Member for giving way. He will agree that front line services are very important: he has outlined that already. Will he also agree that each year some £30 million may be saved in travel expenses and that that could be used to ensure

that front line services are retained while making efficiency savings?

Mr O'Loan: I leave the Member's comment as he has expressed it.

Two residential homes in the Northern Health Trust will be replaced, including Rathmoyle Home in Ballycastle. I am most enthusiastic and optimistic about this scheme, as it could provide a better standard of care for elderly people and others who need support, whether in the community or in residential accommodation. I welcome the work already undertaken by trust staff in the analysis of local needs.

Taken as a whole, the changes proposed by the trust will enhance services in the trust area. I note that the proposals that have been adopted are almost the same as those proposed by the trust under its former chief executive, who recently retired. I hope that the Minister will acknowledge that and agree with me that the primary cause of overspend relates to deep-seated structural features that have not been addressed historically. That is the key to the future, when there will be a much tighter funding environment. To call for the Health Service to be insulated from those pressures merely dodges the issue.

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

Mr O'Loan: Perhaps that tight funding environment will give the spur to the real changes that lead to a financially sustainable and better Health Service. I hope that the Minister will lead the way.

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I have scribbled down some of the points that Members made, and I will try to respond to them. Some merit response, not least Simon Hamilton's allegation that the number of managers has risen. That is not true; the number of managers has declined. He said that the cost of managers has risen; that is not true either. He said that the size of management has risen; that is not true. In fact, the size of the administration and management has been reduced: from 19 trusts to six and from four boards to one. I have reduced the number of senior executives from 180 to about 60. That pattern is repeated all the way down the line.

I have to say to Members —

Mr Hamilton: Will the Minister give way?

The Minister of Health, Social Services and Public Safety: I will not give way to Simon Hamilton at present because I want to — *[Interruption.]*

Mr Deputy Speaker, it is difficult for me to respond if Mr Hamilton keeps talking at me from a sedentary position; he should have the manners to listen. I had

the manners to listen to him and to all his colleagues.
[Interruption.]

Mr Deputy Speaker: Order.

The Minister of Health, Social Services and Public Safety: With respect to Simon Hamilton's remark that the Health Service has been "force-fed money", I ask you whether he is the sort of colleague with whom you can go into the Lobbies. He spoke of

"billions upon billions upon billions of pounds"

being force-fed into the Health Service.

Mr Deputy Speaker: Order. Minister, all remarks must be addressed through me.

The Minister of Health, Social Services and Public Safety: I beg your pardon, Mr Deputy Speaker.

Mr Hamilton complains that he does not receive answers to his questions. My Department answers more questions than any other.

Mrs I Robinson: Not to this party.

The Minister of Health, Social Services and Public Safety: If I may be allowed to answer: the Member who receives most answers is Alex Easton, who received more than 500 answers. Do Members know how much it costs to answer each of his questions? Three hundred pounds. I have spent about £150,000 answering Alex Easton's questions. Answering other Members' questions has cost similar sums. I have answered hundreds and hundreds of questions. Simon Hamilton has asked me questions about flowers; that is the sort of question that I am often asked. As well as intelligent questions, I am often asked trivial ones. One of Alex Easton's latest questions — since he complains about questions — is whether there will be a Christmas party in Ravara House. This is purely party political, and we have only to listen to Mrs Robinson talking from a sedentary position to understand that.

I am being asked to respond to a debate on efficiency savings and their impact on health services. Let me begin by reminding Members of the debate in April on the loss of nursing posts. The House debated an amendment that asked for the Health Department to be exempt from efficiency savings. Only the UUP and the PUP supported that amendment. Everyone else in the Assembly voted against the amendment and for these efficiencies. Yet Members criticise me when they see the efficiencies being put on the table. That debate was, in fact, scheduled after every single trust, including the Ambulance Service Trust, had put their efficiency plans on the table.

Everyone in this House who voted against that amendment knew exactly what they were voting for, because the efficiency plans had been published and consulted upon. There had been discussions with the Health Committee and debates. Therefore, everyone

knew exactly what they were voting for, and they voted against exemption for Health. They can do it in Scotland, but they cannot do it here, so you tell me what is going on.

Today, Members have an opportunity to look at that matter again. There is no question that health and social care trusts should be efficient, and there is no doubt that we are achieving exactly that. However, let me again remind Members about some of the difficulties that we face: there is the matter of a massive £600 million funding gap between Northern Ireland and England. For us to have the same Health Service here as they have in England, we need another £600 million.

Our local health and social care services are simply not as good as those in the rest of the UK, and it does not matter how efficient we make ourselves — we keep becoming more and more efficient — because we will always be £600 million behind. That gap cannot be closed by efficiencies alone. That means that our services will never be as good as those in England. In fact, the DUP, once upon a time, in its 2005 manifesto, said that a 20% increase in healthcare funding was required. That is another broken manifesto promise.

The motion asks for details of trusts' efficiency savings and contingency plans. The details of all those were widely publicised. The proposals were subject to full public consultation. Members might also remember that there was major disquiet about proposals to find the efficiencies, in stark contrast to the eerie silence that met proposals by other Departments. Why was that? Is it because health and social care is so important? Of course it is. No other Department or Minister is in the same situation, but then all other Departments are more generously funded vis-à-vis their budgets.

Unfortunately, the concerns of individual Assembly Members and of the general public have not been reflected in the funds voted by the Assembly to health and social care. I said, at the time of the Budget, that it was not enough, but that it was as good as it gets. I said that the increase that I got over the draft Budget was good news, but I was looking for a lot more than I got. Therefore, let me start by —

Mrs I Robinson: Will the Minister give way?

The Minister of Health, Social Services and Public Safety: No, I will not give way, Mrs Robinson. You have managed to do enough talking from a sedentary position.

Let me start by explaining the challenges that we face. First, demand for health services is increasing at an unprecedented rate of 9%. Mr O'Loan wanted details: there are about 48,000 more first outpatient appointments; approximately 13,000 more inpatient procedures; and some 14,000 extra A&E attendances. That gives some idea of the extras. Demand for hospital services is, therefore, rising by around 9%.

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In contrast, the DUP, or some Members, talked about the record rise in Health spending. Our growth this year is one half of a percentage point: 0·5% above inflation. John Appleby, who was much quoted and who conducted a review of health and social care provision in Northern Ireland, said that Health in Northern Ireland should get 4·3% above inflation. This year we are getting half of one per cent and dealing with a 9% increase in demand. You do not have to be a mathematician to work all that out.

Funding growth in England and Wales runs at 3·7%; we are well behind that. Does the Assembly want a return to unacceptably long waiting times?

2.15 pm

Members talk about productivity. Michelle O'Neill and Simon Hamilton attacked the productivity of the Health Service in Northern Ireland, and I was surprised to hear Sue Ramsey echoing those attacks. The productivity of the Health Service in Northern Ireland is rising, and that is a measure of how good its staff are. It is hard to be absolutely efficient and totally productive in some of the facilities where the staff are working, with some of the equipment that they are working with and in view of the years of historic underfunding. However, Members have seen massive improvements in such areas as waiting times and the availability to MS and arthritis sufferers of life-changing drugs. Those are the sorts of things on which we will be looking to compromise if we continue along the road that we are on.

There is also a need for investment in older people's services, for example. The number of people over 75 is rising by almost 3% a year. Mr O'Loan wanted to know where that increase is coming from. Within that group, the number of over-85s in our community is increasing by almost 4% each year, and that will bring serious financial pressures. If living longer is to be achieved with dignity, we must provide for the additional services that people need. The cost of healthcare for people who are over 75 more than quadruples, and the cost for people aged over 85 increases by more than 10 times. Does the Assembly want to care for older people? I know how the people of Northern Ireland and I will answer that question. Our priority is to care for every man, woman and child, irrespective of their age.

Further evidence of the difficulty that we face in trying to meet the rising demand was highlighted in the trusts' contingency plans. There seems to be a misunderstanding about that as well. The trusts attend Committee meetings and explain their efficiency plans. In April, the efficiency plans are consulted on, debated and voted on; they are there for all to see.

Ms S Ramsey: Will the Member give way?

The Minister of Health, Social Services and Public Safety: No. Within my budget, unlike certain Members —

Mr Hamilton: On a point of order, Mr Deputy Speaker. The Minister has accused the House of having voted for efficiency plans. The record will show that the House has never voted for efficiency plans.

Mr Deputy Speaker: Mr Hamilton will know that that is not a point of order.

The Minister of Health, Social Services and Public Safety: The trusts explained their efficiency plans, so everyone knew what they were voting for. With regard to contingency plans, I had within my budget settlement an agreement that I would bid for pandemic flu in those terms — and I say that for the benefit of Mr Hamilton, who clearly has not read my budget agreement. I bid for pandemic flu, and, in June, I could not persuade the Executive to discuss it with me. Therefore, I had to set aside funding as the Department's contingency to provide for the possibility of not getting money for pandemic flu. Alternatively, I could simply have cancelled the vaccines, antivirals and extra paediatric critical care cots that I had on order, but I did not do that; I went ahead with those provisions. There are accountancy rules, and, by the way, Mrs O'Neill, you cannot have a 0·5% leeway.

Mr Deputy Speaker: Order. All remarks are to be made through the Chair.

The Minister of Health, Social Services and Public Safety: I beg your pardon, Mr Deputy Speaker. Mrs O'Neill made a point about a 0·5% leeway, but all trusts have to balance their books.

It was only at the end of September, when I finally got agreement from the Executive to fund swine flu to the tune of 50%, that I was able to release half of that money from the contingency. That allowed me to take some of the sting out of the contingency plans. It did not allow me to take out all of the sting; there is still an issue there, and I am still grappling with it.

I have said that we will make the efficiencies, and we are making them. I have also said that I will maintain the front line services, and we have done that. In fact, the front line is 7% more productive, which I know will interest Members who have attacked our Health Service staff for not being as productive as those in other parts of the UK. We have done extra business, and we have coped. We cannot cope with an extra if that means making more cuts and paying half the swine flu bill and then being expected to start the process again. We must bear in mind that the Department receives £600 million less in funding than its counterpart in England and that it must also find £700 million of efficiency savings and £32 million for swine flu. We must also bear in mind that, of the first £20 million that the Department was to receive each year from the

Budget, it must fund £10 million itself to get a financial settlement. That is why the constant —
[Interruption.]

Mr Deputy Speaker: Order.

The Minister of Health, Social Services and Public Safety: Thank you, Mr Deputy Speaker. I have said almost all that I need to say. Members are well aware of the situation.

All the arguments and the political point scoring in the world will not alter the fact that the Health Service is not funded properly by the Assembly and that it receives 43% of the block grant, not 50%, as some Members claimed. That money is available, and I must make that argument on behalf of the Health Service and the staff who man it. They do a tremendous job for the population in Northern Ireland. I will continue to make that argument, and I will not apologise for doing so.

As a result of the efficiency cuts that the Department must make, we will reach a point where required front line services cannot be maintained. The cuts that are being proposed and those that I have absorbed already add up to the fact that we could be facing reductions, the possibility of closures and the need to reduce costs further. There is no other way to deal with the situation, and, effectively, we will be going from having a cradle-to-grave Health Service that is free at the point of delivery to being in a situation in which there are attempts to ration healthcare provision. Such rationing has occurred in the past; when money ran out, waiting lists rose and new drugs, treatments and technologies were not provided. When the Health Service runs out of money, investment must be prioritised. None of us wants to get to that position, and I know that this is more important —

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

The Minister of Health, Social Services and Public Safety: I will do exactly that, Mr Deputy Speaker.

Constantly repeating political mantras does not alter the facts. There have been no cuts to front line services, and the Health Service is doing more business now than ever before; however, that situation cannot continue.

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

Mr McCallister: In making my winding-up speech on the amendment, I want to reflect on some of the remarks that other Members made.

Mrs O'Neill opened the debate by reflecting on some of the management and administration costs of the Health Service. However, when the trusts gave their evidence to the Committee for Health, Social Services and Public Safety, there was surprise among Committee members that the administration and

management costs of all the trusts were actually only 3% to 4% of their total budget. That is an incredible position to be in.

I will also highlight some of Mrs Robinson's comments so that the House can decide for itself what has changed her mind over the years. She spent most of her contribution talking about the good Budget outcome. However, despite her opposition to any more resources being granted to the health budget, she supported and campaigned hard for the initial draft Budget and objected to the additional funding that the Minister secured. The Minister answered her point on several occasions when he said that that was the best outcome in the circumstances.

Ms S Ramsey: Unfortunately, the debate has once again descended into a discussion between two parties about personalities.

In my remarks, I accepted that the Health Service is underfunded, and I do not think that anyone in the Chamber would deny that. I specifically asked the Minister to speak about wastage in the Health Service. If the Member does not believe that there have been efficiency savings or that money has not been wasted, why has the Northern Trust said that it will save £19 million by reducing administration?

Mr McCallister: I was coming to the Member's remarks on wastage —

The Minister of Health, Social Services and Public Safety: Will the Member give way?

Mr McCallister: Yes, I will.

The Minister of Health, Social Services and Public Safety: All the trusts and the Department are saving money on administration. I went through some of the steps that we have taken and will continue to take. We aim to be as efficient as possible, but all the efficiency measures that we take will not change the fact that our health budget is £600 million behind that of England. That will not change, and we are getting further behind. If we want a Health Service that is comparable to that of England, that requires investment. To say that we are not making enough efficiency savings does not alter the fact that we do not have enough headline money.

Mr McCallister: I thought that Ms Ramsey went a little far when she started to use phrases such as "grave train". Unlike you, Mrs Robinson, I actually believe —

Mr Deputy Speaker: Order, order. The Member must make all his remarks through the Chair.

Mr McCallister: I apologise.

Mrs Hanna spoke about ring-fencing front line services, and she said that we need to improve services. I support her call for prevention, early detection and early intervention, which would be a

huge benefit in many areas. That is the direction in which we are travelling.

Mr Hamilton spoke rather harshly about the Health Service being force-fed money. I remind him that the DUP, in its 2005 manifesto, called for 20% extra funding for health. That was the platform on which Mrs Robinson was elected. What has changed her mind? It did not take her long to break that promise. *[Interruption.]* At that time, she also spoke about 9% extra funding being insufficient. She now supports and champions a 0.5% growth in funding. Is that an admission that she was wrong in 2005 and that she is right now? What is she actually talking about? Does she even know? *[Interruption.]*

As the Minister said, demands on the Health Service are rising more rapidly than the requirement for services in any other Department. Health Service inflation is higher, and yet, as the Minister outlined, the growth in real terms is 0.5 %, and we are falling further and further behind our fellow countrymen in England. Some Members seem oblivious to the idea that that will have a knock-on effect.

Members cannot keep bringing motions to the Assembly demanding that the Department commits more resources or takes more action in this area and then wonder why it cannot be achieved. They cannot have their cake and eat it. *[Interruption.]* If Mrs Robinson wants to make an intervention, why does she not just ask for one?

Mrs I Robinson: Will the Member give way?

Mr McCallister: I have no more time. If Mrs Robinson had asked me two minutes ago, I would have been happy to give way.

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

Mr McCallister: DUP Members must remember that they cannot have their cake and eat it. At least I am willing to engage in debate, unlike the Member.

Mr Deputy Speaker: Order. As Question Time commences at 2.30 pm, I suggest that the House takes its ease until that time. The debate will continue after Question Time, when the next Member to speak will be Mrs Michelle O'Neill.

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

Cross-sector Advisory Forum

1. **Mr Cobain** asked the First Minister and deputy First Minister to provide an update on any recommendations, actions or implementation plans emerging from the cross-sector advisory forum meeting in October 2009. (AQO 318/10)

The deputy First Minister (Mr M McGuinness): The cross-sector advisory forum met in the Long Gallery on 7 October. That was the third plenary session since April. Over the summer, the forum's subgroups worked on a substantial range of issues aimed at generating ideas for mitigating the problems arising from the economic crisis. An update of the work of each subgroup was given to the forum, and we asked each group to submit a recommendations paper to us. We plan to review and evaluate those, and we intend to produce a consolidated report for the next meeting.

The meeting of 7 October also included useful sessions about what we are doing to help people who have recently lost their jobs and how we can best help people who are unemployed to get into work. We also heard from local government representatives about what that sector is doing to support local businesses and people through the crisis. We continue to pay close attention to the impact of the recession on the local economy, and that continues to be a standing item on the agenda of Executive meetings.

The work of the forum is a key element in our response, and it provides us with an opportunity to gather further ideas on our best approach to dealing with the local impacts of the recession and, ultimately, resolving the crisis.

Mr Cobain: Does the deputy First Minister think that we will get any recommendations from that group before the end of the recession?

The deputy First Minister: I certainly hope that over the course of the next short while, the group will come forward with recommendations. We have charged it with the responsibility to do that, and the subgroups worked over the summer to draw up

recommendations in each of their respective areas to address the downturn.

Six subgroups have been established. The infrastructure group is looking at the out-turn of the capital spend of £1.7 billion. It is also looking at future capital work opportunities, which are now posted on the Strategic Investment Board (SIB) information portal to allow the construction industry to better plan business. It is also looking at planning reform, which is out for public consultation and includes proposals for reforms of the pre-consultation planning process, whereby applicants can talk to officials before submitting their plans, thus avoiding obvious impediments and, ultimately, shortening the planning process.

The business and skills group is considering three areas: economic regeneration, exports and manufacturing. There is a list of recommendations, including maintaining support for construction, improving awareness of export support schemes and improving awareness of government business support schemes.

The group on hardship, poverty, debt and energy is dealing with access to prepayment meters, awareness of the “green new deal”, bulk fuel purchase, gas boiler conversion, extension of the gas network, domestic renewables, awareness of benefits, financial advice for consumers, and so on.

The agriculture group is dealing with such issues as the opportunities for renewable energy, how the demand side of the equation could be stimulated and how public procurement might be deployed in that regard.

The banking and finance group is looking at how the national asset management agency will operate. That is a core issue for the group. It has also considered how lending to business could be improved, and it has considered options to support the housing market and mortgage holders.

The housing group is considering how to stabilise house prices, including assessing the downside of too much government intervention, which can push up prices, and other proposals.

I hope that, in the next short while, we will receive the groups’ proposals. They will be brought together in a paper that we will make available to Members.

Mr Shannon: I thank the deputy First Minister for that detailed response. In an earlier response, he mentioned local government. What help and assistance can he give local government, other than the streamlining of planning applications? It must be more than that. What advice has local government been given? What resources have been set aside to assist local government? How does OFMDFM intend to ask local government to help the economy and the people who come here looking for jobs?

The deputy First Minister: The issue is not the advice that we have given local government. Obviously, we seek to hear the views of different interest groups that we meet on how we should go forward with regard to their particular responsibilities.

In one of our meetings, a NILGA (Northern Ireland Local Government Association) representative gave us a detailed report on the work in which the association is engaged. I will not go into the detail of that because it would take too long. We await with considerable interest groups’ suggestions on how to take our business forward and on how we can help them.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. Tá ceist agam don LeasChéad Aire. An dtig leis an LeasChéad Aire míniú dúinn cad é atá déanta ag an Choiste Feidhmiúcháin agus ag a Oifig féin le déileáil leis an mheathlú geilleagair agus leis na fadhbanna eacnamaíocha atá againn?

I thank the deputy First Minister for outlining what the Executive and OFMDFM are doing to address the economic downturn. I ask the First Minister — sorry, deputy First Minister — *[Interruption.]* — has OFMDFM been able to communicate that effectively to wider society?

The deputy First Minister: Go raibh maith agat as an cheist sin.

Following the global financial crisis, which took hold in September 2008, Invest NI has seen growing uncertainty in the market. Companies increasingly focus on cost containment, indicating that they are deferring investment decisions and reviewing business strategies. As a result, the pipeline of new foreign direct investment prospects is not as strong as it was in 2008. Recently, however, there have been indications of an upturn in interest. Invest NI has seen an increase in inward business activity.

There have also been several significant investment announcements recently. Just a few weeks ago, the First Minister and I were particularly pleased to welcome the top management team of the New York Stock Exchange to Belfast to announce one of the biggest US investments in Europe this year, with a planned opening of a new state-of-the-art development facility in Belfast next year. That will result in the creation of up to 400 new technical, operational and corporate jobs, including 75 positions from a prior agreement.

No one should doubt the scale and significance of that announcement, which is a major endorsement of local talent, knowledge and infrastructure. When such a high-profile institution decides to invest here, it sends out a clear message to other potential investors. Over the past two years, I, along with the First Minister and his predecessor, Ian Paisley, have had ongoing

engagement with staff at the highest level in the stock exchange, which, to our delight, led to that announcement.

In March 2009, the First Minister and I went to Los Angeles to meet representatives of Universal Pictures and HBO. Universal Pictures has since completed a film at the Paint Hall in Belfast, and HBO has now moved in. That has created hundreds of new jobs for people in the joinery trade and the creative arts.

Members will also be aware that the US Administration appointed Declan Kelly as economic envoy in September 2009. Mr Kelly has been relentless in his task. We are delighted that our close relationship with the US Administration resulted in that high-profile and productive appointment.

Victims

2. **Mr Bresland** asked the First Minister and deputy First Minister to outline the provision made for victims to date and when the proposed new victims' service will be operational. (AQO 319/10)

The deputy First Minister: Funding of £36 million has been allocated to support work with victims and survivors during the three years from 2008 to 2011. There is £12.5 million for the current financial year, which is an increase of approximately £4.5 million on last year's allocation.

Victims' groups continue to receive funding through development grants, core funding and interim capacity funds. Individuals continue to receive support from the memorial fund.

The establishment of the Commission for Victims and Survivors and the victims' forum has given a new focus to that work. We will publish a new victims and survivors' strategy, which is intended to outline how we envisage work in that area progressing over the next 10 years.

Recently, public consultation was completed on proposals for a new victims and survivors' service. We received detailed responses to our proposals from the sector. I can give the assurance that, as we work through the process of analysing those responses and agreeing how to move forward, there will be no shortfall in provision during the transition to the proposed new arrangements.

Mr Bresland: Will the deputy First Minister assure victims that there will be no shortfall during the transition?

The deputy First Minister: Yes, I can provide people with that assurance. The evidence that there will be no such shortfall is the allocation of an extra £4.5 million this year, which is a substantial financial increase.

Mr Kennedy: I am grateful for the deputy First Minister's initial response. Given that the consultation period on the proposals for the service ended on 17 October 2009, will he detail any major themes to emerge from that process? Will he also outline the terms of any early representations made by the Victims' Commissioners on that important matter?

The deputy First Minister: It would be wrong of me to make public any themes in advance of the situation being moved forward in the way that I outlined. Although the closing date for the consultation was 16 October 2009, OFMDFM is still accepting responses from some of the key stakeholders in the sector, including the forum. It remains our intention to establish a new service as soon as possible. We are considering the consultation responses, and those will help to inform the next steps, including what form that new service will take.

We will discuss the final proposals for the service with the Committee for the Office of the First Minister and deputy First Minister, of which the Member is the Chairperson. I assure the Member that victims and survivors will not be disadvantaged while we put the new arrangements in place, as appropriate transitional funding arrangements will be established.

Mrs Long: I thank the deputy First Minister for his answers thus far. One of my main concerns about the victims' service, as it is outlined in the consultation, centres on the relationships between the service, the commission, OFMDFM and the forum. Before a new victims' service is established, will it be possible to overcome the apparent confusion that exists, even in the consultation document, about lines of reporting and different areas of authority?

The deputy First Minister: As we have moved along the process, we have all been learning from the new challenges. It is clear from the publication of OFMDFM's strategy, the work on putting in place a new service and the ongoing dialogue with the Committee for the Office of the First Minister and deputy First Minister that we all recognise the importance of ensuring a seamless transition. It is important to have a joined-up approach, and OFMDFM will endeavour to work with all the interested groups that the Member mentioned.

Executive Confidentiality

3. **Mr Savage** asked the First Minister and deputy First Minister what is the definition of 'Executive confidentiality'. (AQO 320/10)

The deputy First Minister: We are committed to openness and transparency and to facilitating questions and freedom of information requests as far as practicable. However, it is essential that the Executive

be allowed to conduct their work in an environment in which individual Ministers can be confident that the content of their papers and their views are protected. Therefore, at their meeting on 13 September 2007, the Executive unanimously agreed a protocol on confidentiality. The purpose of that protocol is to establish a number of principles to which Ministers should adhere. The principles apply to the handling of information that they obtain as members of the Executive and to making public statements on any matter that has been, or may be, the subject of Executive consideration. For that reason, we do not normally release information concerning details of Executive business, although we may, on occasion, consider it appropriate to provide information on the Executive's work on a particular issue.

We hope that the Assembly will acknowledge and understand our position. We note, however, that the Member has requested a range of historical information on Executive business under the Freedom of Information Act, and his request is now being considered.

Mr Savage: Is it not a curious position that, under Executive confidentiality, the deputy First Minister withholds information that will become public through implementation anyway? What is the deputy First Minister hiding, and why is he hiding it? Will he confirm that items on the agenda will become public information when the date for a meeting is agreed?

2.45 pm

The deputy First Minister: The confidentiality protocol covers the detail and content of Executive papers, minutes, records, discussions and deliberations. It protects the space for expression of views while facilitating the reaching of an agreed position. The confidentiality protocol exists only to ensure that the appropriate conditions prevail whereby all opinions and viewpoints can be freely voiced and considered in the formulation of a final Executive position.

In reference to the Member's last comment, it is important to remember that the work of the Executive, be that consultation documents, Bills or new policies, emerge into public view through the relevant Departments.

The fact that Ministers, including the two Ministers from the Member's party, unanimously supported the protocol at the meeting in September 2007 is a very clear indication that people understand the value of Executive business being confidential.

Mr Butler: Go raibh maith agat, a Cheann Comhairle. The deputy First Minister answered the question by clarifying the need for the confidentiality protocol. He also pointed out that the two Ulster Unionist Ministers agreed to that protocol during the meeting at which it was discussed.

Presbyterian Mutual Society

4. **Mr Elliott** asked the First Minister and deputy First Minister to outline any discussions they have had with the Prime Minister and the Chancellor regarding the possible format of a solution for savers with the Presbyterian Mutual Society. (AQO 321/10)

The deputy First Minister: The First Minister and I are taking a very active and close interest in the ongoing work to find a solution to the difficulties of the Presbyterian Mutual Society (PMS). We know that the matter is of great concern to members of the PMS and the wider community. The frequency with which we are asked by Members to provide updates on the working group that is addressing the matter demonstrates the widespread support that the work to find a solution enjoys and, indeed, deserves.

We are happy to take questions, not only to provide what information we can but to take the opportunity to assure Members that the matter continues to receive very close attention. In answering questions for oral answer on 19 October, the First Minister outlined the range of discussions about the PMS that we had with the Chief Secretary to the Treasury, Liam Byrne, on 14 October. We are still awaiting the full report on final considerations and options, but we expect that to emerge in the near future.

Members will know that the financial and commercial sensitivities surrounding the matter are such that we need to preserve a certain level of confidentiality about the options until a viable resolution has been identified and agreed. We assure Members, however, that we are working to secure the best outcome for PMS savers.

Mr Elliott: Unlike others, I have no vested interest, large or small, in the PMS. There has been public speculation about the possibility of a local bank being involved in rescuing the society. Will the deputy First Minister comment on the form that such involvement may take?

The deputy First Minister: One of the options being explored involves the participation of a financial institution in a funding package. The Member will appreciate that the matter is complex and that, therefore, there is a number of challenging issues to deal with. It is vital that we ensure that any British Government backing for such a package does not breach EU state aid rules. However, I do not want to go into detail about the options under consideration because that might adversely prejudice or jeopardise the outcome that we hope will flow from them.

We hope that any solution for assisting the PMS will follow the precedents already set by interventions in other cases, including Bradford & Bingley, Dunfermline Building Society, and Equitable Life.

Mr McLaughlin: Go raibh maith agat, a Cheann Comhairle. I take the Minister's advice that there are sensitivities and confidentiality issues involved. However, can he confirm whether the Financial Services Authority (FSA) was critical of some aspects of the management of the Presbyterian Mutual Society?

The deputy First Minister: The Financial Services Authority confirmed that it investigated the activities of the PMS to consider whether it was conducting regulated activities without the necessary authorisation or exemption. The FSA concluded its investigation and decided that the PMS was conducting regulated activities without the necessary authorisation or exemption. However, on the basis of the information available, and, applying the criteria in the code for Crown prosecutors, the FSA decided that it would not be right to take a case against those involved in running the PMS. However, the FSA remains in touch with the administrator, and, if further information comes to light relating to the issues investigated, it will look into it.

The important point to remember is that many ordinary Presbyterians have invested their savings in the PMS. When we discussed the matter with Prime Minister Gordon Brown, he accepted the argument that there is a moral responsibility to resolve the dilemma that those people are in. All of us, who understand the difficulty and pain that ordinary savers are going through, fully understand the need to expedite this in a way that will see those people get their money back.

Mr McCarthy: Go raibh maith agat, a Cheann Comhairle. I do not have an interest in the subject, but many of my constituents do. Does the deputy First Minister agree that if the collapse had happened in Gordon Brown's constituency, or anywhere across the water, there might have been more urgency in seeking a successful conclusion to the problem?

The deputy First Minister: That was one of the points that we made.

Mr A Maginness: I warmly welcome the deputy First Minister's answer, and the answer given by the First Minister on 19 October.

Do both Ministers appreciate the deep anxiety that there is among savers and the urgent need for a comprehensive resolution to the problem? People are deeply worried and sick as a result of the collapse of the Presbyterian Mutual Society.

I note that no timetable has been given by the deputy First Minister. However, will he urge the Prime Minister and the Treasury of the need for an indicative timetable, at least, so that the matter can be resolved and people can have some hope for the future?

The deputy First Minister: I agree wholeheartedly with everything that the Member said. We have made the case that the situation needs to be expedited, that

people are enduring great uncertainty about their savings, and that we need to move forward.

I am encouraged by the discussions that we have engaged in and hopeful that a successful outcome will be arrived at. Obviously, certain procedures have to be gone through. The Treasury is very cautious about how it moves forward, and Liam Byrne has attended all the meetings that the First Minister and I have been at. I think that we are now rapidly moving towards a conclusion, and I hope that that will be a successful one.

Mr Spratt: Many savers in the Presbyterian Mutual Society are very happy at the progress that has been made and the support that has been given by the First Minister and deputy First Minister and others.

Is the Treasury receiving full co-operation from the administrators of the Presbyterian Mutual Society?

The deputy First Minister: I am satisfied that the administrator is co-operating with the Treasury, and I believe that it, too, is content.

Flags

5. **Dr Farry** asked the First Minister and deputy First Minister to provide an update on the development of an updated inter-agency flags protocol.

(AQO 322/10)

The deputy First Minister: The inter-agency flags protocol that was launched in 2005 is still operational. Alongside that, we continue to carry out flags monitoring. However, we recognise that the protocol requires review and updating. Preliminary work to establish a review process began in the summer with initial conversations involving existing partners and potential new stakeholders.

A new review group met on 7 October 2009, and a smaller working group, which was established to take forward views, is revising the protocol. That progress reflects the importance that we place on a challenging issue that goes to the heart of our vision to build a shared and better future based on equality and respect for diversity and on the rule of law.

Dr Farry: I thank the deputy First Minister for his answer. On the twentieth anniversary of the fall of the Berlin Wall, does he recognise that the misuse of national flags in Northern Ireland creates division? Does he also recognise that there is concern in the community about the effectiveness of the current protocol, because it works on the basis of consent from the community, which is, in effect, code for the consent of those who put up flags? Statutory agencies are far too reluctant to remove flags that create divisions and which work against a shared future.

The deputy First Minister: As I said in my initial answer, the steps taken have given us an opportunity to move the review forward.

I agree that flags cause tremendous divisions. For example, I was in my constituency on Friday evening, while it hosted a big boxing match — I congratulate Paul McCloskey for winning the European title. Before the fight, quite a number of loyalist flags were put up in the area that immediately surrounds the arena that was hosting the fight. I was told that the people who put them up thought that Paul McCloskey would enter the ring wearing tricolour shorts, which was never his intention. Local members of the PUP, in consultation with members of my party, engaged in dialogue, and the flags were eventually taken down.

That shows that, in addition to the work of the review and the need to monitor flags in various areas, people should get together to lessen tension on such issues. There are examples of people from every section of the community coming together to lessen tensions and to seek remedies.

Mr K Robinson: I am sure that the Minister could also intervene in the case of the tricolour sheep if he had a mind to do so.

Some Members: Hear, hear.

Mr K Robinson: I listened to the deputy First Minister's answers to Dr Farry. A review of the flags protocol was announced by his Office on 22 February, which was nine months ago. A research paper on the issue by Queen's University was commissioned by OFMDFM and published in January 2007, which was three years ago. Are we to assume that the flags protocol is another issue on which the First Minister and the deputy First Minister cannot agree?

The deputy First Minister: No; the Member is totally wrong. Queen's University has been involved in a number of surveys on the issue since 2007. We appreciate the difficulties that the issue presents in communities. Action has been taken to update our approach, and I hope that the work of the review group will pay dividends for all of us.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire.

Does the deputy First Minister agree that there are many instances in which local efforts at conciliation have not proved successful? In such instances, will he and his Office support direct action, taken through the relevant agencies and Departments, to remove flags? In many cases, people are exasperated at statutory agencies' lack of willingness to remove flags.

The nature of the flags does not matter, nor does it matter whether they are put up along an arterial route, in a shared space or somewhere that will deliberately get up other people's noses. Departments should make

every effort to have such flags removed, and such action should have been enshrined in statute by now.

The deputy First Minister: I agree that there is a responsibility on all of us, including Departments, to play a role. In the aftermath of the review, I hope that decisive action will be proposed.

Policing and Justice Powers

6. **Mr P J Bradley** asked the First Minister and the deputy First Minister what steps will be taken to assess community confidence for the devolution of policing and justice, as outlined in their joint letter in November 2008. (AQO 323/10)

The deputy First Minister: It is the view of OFMDFM that powers should be transferred, which is a position that we share with all parties in the House.

In November 2008, we agreed a process to give effect to the transfer of those powers. We note the position of the PSNI and the Policing Board, which have supported the transfer, as indeed has the judiciary. The British, Irish and US Governments have done likewise.

In tabling a motion for the transfer of policing and justice, we are mindful of the Pledge of Office that all Ministers affirmed when they took up office. It pledges us to serve all the people here equally and to promote the interests of the whole community. We are determined to work faithfully through the remaining steps that we identified in November and to secure the confidence of the community that is necessary for the devolution of policing and justice functions.

3.00 pm

ENVIRONMENT

Mr Speaker: Question 1 has been withdrawn.

Planning: Permitted Development

2. **Mr Bresland** asked the Minister of the Environment when he anticipates the proposals in the 'Permitted Development Rights' consultation document will come into effect. (AQO 334/10)

The Minister of the Environment (Mr Poots): The three public consultation exercises seeking views to extend permitted development rights will run until 22 January 2010. A detailed analysis of the responses will follow, and work will then begin to draft a new general permitted development Order, which will, among other things, contain the new and revised permitted

development rights. The extension of permitted development rights will complement the proposed new planning reforms and help to promote a speedier, more responsive service. The objective is to introduce the necessary legislation in time for the transfer of planning powers to the new councils in 2011.

Mr Bresland: What benefits will the non-domestic permitted development proposals bring to the agriculture sector?

The Minister of the Environment: There will be a new permitted change of use of an agricultural building to a use for making products grown on the farm, farm shops selling local produce and for storage and distribution uses. We are prepared to listen to any reasonable case that is put forward during the consultation process for other sectors of agriculture.

Mr Beggs: I give a general welcome to the proposal to remove many minor modifications from the planning system. However, the Planning Service costs several millions of pounds more each year than it raises in planning fees. The proposal will further reduce workload and income and increase deficit. Given that loss of income, how will the Minister balance the books?

The Minister of the Environment: I am here to represent the public; I am not here to represent the Civil Service. We are public representatives, who are here to deliver more efficient government for the people of Northern Ireland, not to keep civil servants in jobs that are not required. That is why we are seeking to create a more efficient planning system and not to have red tape.

Planning Reform

3. **Mr Armstrong** asked the Minister of the Environment for his assessment of the outcomes of the recent consultation on 'Reform of the Planning System in Northern Ireland: Your Chance to Influence Change'.

(AQO 335/10)

The Minister of the Environment: Since the close of the consultation on the proposals for the reform of the planning system on 2 October, my officials have been analysing all the formal written responses and the independent report from the consultation events to determine what impact, if any, they will have on the policy proposals. Almost 500 people, representing a wide range of sectors and organisations, attended one or more of the consultation events and 264 formal written responses were received. As Members can imagine, those comments and responses reflect a vast array of, often conflicting, viewpoints that interested parties have on the proposed reforms.

Members will appreciate that I do not want to pre-empt the process of full policy analysis. With that in mind, it is too early to answer with certainty the Member's query about the likely final policy direction. I hope to bring my final policy proposals to the Executive for consideration in January 2010 to ensure that we stay on course to meet the very tight legislative timetable for those changes, including the transfer of the majority of planning functions to the new district councils by 2011.

Mr Armstrong: Devolution returned some 30 months ago; when will the Northern Ireland planning system be modernised and become more responsive to the needs of our citizens?

The Minister of the Environment: The planning system has been reformed and is going through reform as a result of the decisions that were taken by my predecessors and that I have taken, and will continue to take, on the Planning Service.

My Department inherited a planning system that has run up a significant deficit as a consequence of fewer and smaller planning applications being lodged and a huge backlog of applications, some of which are seven or eight years old. Work is continuing to make the Planning Service fit for purpose, and I am pleased with the progress that has been made thus far. We are determined to see that through so that we can have a Planning Service of the highest quality for the people of Northern Ireland.

Mr Speaker: Members should continually rise in their places if they want to be selected to ask a supplementary question. Some Members seem to have a problem with that.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. The issue of third-party appeals was raised early in the consultation. If the Minister is not minded to introduce the right of a third-party appeal, what mechanism will he introduce for the provision of an independent challenge that would ensure confidence in the planning system?

The Minister of the Environment: The existing proposals do not envisage the introduction of a right to a third-party appeal. Instead, we will examine the creation of more opportunities for front-loading so that people can make their views known on a planning application as early in the process as possible and for developers to engage in meaningful consultation with the public. That does not preclude the opportunity of introducing a third-party appeal after the consultation process is completed. However, when I gave evidence on planning reform to the Committee for the Environment on Tuesday 3 November, I made it clear that, if we introduced the right of a third-party appeal, it could not be allowed to cause a backlog in the system that would result in further delays. It would have to be designed in

such a way that would ensure the efficiency of the process and would allow decisions to be made earlier and on a regular basis.

Mr Gallagher: I want to ask the Minister about the extent of the interest that emerged around the early involvement of stakeholders in any future planning process, and whether the issue was mentioned in a significant way. Does he intend to issue draft guidance on that issue to the transition committees?

The Minister of the Environment: There was considerable support for the early involvement of stakeholders. If we are going to introduce a completely new system to deal with planning, stakeholder involvement must happen together with it and not in a disjointed way. Otherwise, it might stymie the efforts of the Planning Service when it introduces all the aspects of the planning reform proposals. I do not propose to introduce one aspect of the reforms on its own without introducing the suite of changes that have been proposed. There has been considerable support for front-loading.

Mrs Long: I want to ask the Minister about his comments on third-party appeals and front-loading of the system. Given that the consultation document suggested that front-loading should also apply to those who apply to develop and that they should engage early in the process, and the fact that there is still the need to have a Planning Appeals Commission to deal with decisions that may be wrong, does the Minister not accept that there could be circumstances in which the planners grant permission, and that such decisions could be wrong and need to be challenged?

The Minister of the Environment: That is a possibility, but I am not prepared to consider a system that almost eternally blocks planning applications.

I will briefly explain one of the systems that I have considered, which would allow planning decisions to be turned around in eight weeks. Third-party appeals can kick in, but they will not be permitted if they are deemed to be vexatious. If the third-party appeal is lost, the persons who instigated it are often expected to pay for it. We might end up with a system that incorporates third-party appeals and that could, potentially, deliver a faster planning process. However, some of the people whom the Member has been influenced by might not necessarily be looking for that sort of third-party appeal, and, sometimes, we need to be careful what we ask for.

Local Government Legislation

4. **Miss McIlveen** asked the Minister of the Environment when the local government reorganisation Bill will be introduced to the Assembly. (AQO 336/10)

The Minister of the Environment: It is my intention to introduce the local government reorganisation Bill to the Assembly by May 2010, subject to Executive agreement.

Miss McIlveen: There is clearly a certain urgency to the Bill. Will the Minister confirm whether consultation on the policy proposals for the Bill has commenced?

The Minister of the Environment: The consultation has not yet commenced. The proposals for consultation have been with my Executive colleagues since June, and I am very keen to move them forward. There will be consultation on the proposals, so they are subject to change. I see no reason why they are not in the public domain, and I wish to have them there. If those proposals are not in the public domain within the next two weeks, that will cause considerable difficulties in moving forward and could jeopardise the May 2011 target date for the introduction of the new councils.

Mr Kinahan: Although it is predicted that the Bill will save money, bearing in mind that we are in fiscal crisis, does the Minister see any funding difficulties in the initial outlay period, when the costs associated with implementing local government reform are relatively high? Does he acknowledge that the limited transfer of new powers to local government has limited the potential for savings?

The Minister of the Environment: The powers are limited by what Departments were prepared to give up; that goes across the range of Departments, including those whose Ministers are members of the Member's party. A decision has to be taken when making an investment. The Member comes from a business background and will be fully aware that if one invests to save, the investment must be carried out at the appropriate time. It needs to be properly financed, and one has to be fairly sure of the outcome.

The Member's point is a valid one. We have indicated that there are £118 million of potential upfront costs over a five-year period, which will lead to a saving of £438 million over a 25-year period. Those indications, which have come from PWC, are what we are basing costs on at the moment.

Mr Ford: The Minister expressed his concern that reorganisation might not be in hand by May 2011, but he has so far failed to lay the Order to confirm the local government boundaries before the House, even though the Local Government Boundaries Commissioner reported before the summer recess. Will he give an indication as to why that delay has happened, and will he give a firm commitment that there will be no gerrymandering to interfere with that report?

The Minister of the Environment: That has been with my Executive colleagues for some time. I assure

the Member that there will be no gerrymandering. The Local Government (Boundaries) Act (Northern Ireland) 2008 states:

“The 11 local government districts shall incorporate, respectively, the whole or the major part of the ... former local government districts”.

That is a judgement call. Does 55% of the population or 42% of the business area form the major part of the local government district? This is not about gerrymandering; it is about getting it right.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. In light of the damning ruling delivered by the Equality Commission against Lisburn City Council on 21 October, what safeguards will the Minister put in place to ensure that future decisions by that council and other councils, including Magherafelt District Council, will be made to protect and safeguard the rights of minorities?

The Minister of the Environment: I thank the Member for his question, and note that Lisburn Council is not the only one to have been investigated by the Equality Commission. Limavady Borough Council was also investigated, and had a negative report.

Regarding the most recent case taken by the Equality Commission, against Lisburn City Council, a meeting took place last Monday night at which the Equality Commission was challenged by a range of councillors, and the chief executive, about the information that it had gathered before making its decision.

3.15 pm

The information that the Equality Commission gathered, including information that it purported to have received from my Department, was found to be incorrect. Perhaps if it got its own house in order and created a better balance in the people that it employs, the Equality Commission would be given greater cognisance. It is not seen as a fair employment organisation.

Mr Speaker: Question 5 has been withdrawn.

Single Waste Disposal Authority

6. **Ms S Ramsey** asked the Minister of the Environment how he proposes to appoint members to the single waste disposal authority. (AQO 338/10)

9. **Mrs M Bradley** asked the Minister of the Environment what assurances he can provide that, in establishing the single waste authority, local residents will have an opportunity to express their opinions on the location of new waste infrastructure facilities. (AQO 341/10)

The Minister of the Environment: With your permission, Mr Speaker, I will answer questions 6 and 9 together.

In my statement to the Assembly on 20 October on the local government reform programme, I advised that I was seeking comments from stakeholders on an economic appraisal of options for local government service delivery. Those options include the creation of a single waste disposal authority for Northern Ireland. I have asked for comments on the report to be received by the end of November. Therefore, it is too early to say how the board of the single waste disposal authority will be constituted and structured or how its members will be appointed. That will all be the subject of further and more detailed proposals. However, I can say that the board will include representatives from the 11 councils and a small number of independent members.

Waste infrastructure projects are subject to the normal planning process, which requires the public to be invited to comment on associated planning applications. It is envisaged that a single waste disposal authority will be subject to the same legal requirements on planning as the three existing waste management groups. Therefore, I assure Members that local residents will be given an opportunity to comment on all planning applications relating to waste infrastructure. I look forward to receiving Members' views on that aspect of the economic appraisal.

Ms S Ramsey: Go raibh maith agat. I thank the Minister for his detailed answer. I appreciate that he is talking to stakeholders and other people and wishes to receive comments by the end of November. Therefore, I assume that he will not be able to state where the authority will be based. Perhaps the Minister will answer that question in a statement to the Assembly at the end of November or in December when all the comments have been received. I thank him again for his initial answer.

The Minister of the Environment: It is far too early to identify where an authority would be based. Indeed, I first have to get the support of the House and the Executive to move the process forward. I hope to do right by ratepayers and have a means of dealing with waste that is as efficient as possible. I hope to have the strongest available marketing team to bring together all opportunities available; that the best local solutions for dealing with waste are identified; and that local input is in no way diminished by having a single authority. It is very early days, and I look forward to receiving comments on how we should deal with waste. It is incumbent on us all to work together to get this right.

Mrs M Bradley: The Minister will be aware of the PricewaterhouseCoopers economic appraisal of local

government service delivery, which found that there is significant support for the concept of a single waste disposal authority. Will the Minister clarify the basis for that statement by informing us where the support comes from? Will he also outline how a single waste disposal authority will support strong local government?

The Minister of the Environment: Some of the support came from the bodies that manage waste; they identified that they have taken things to the present stage. That approach can continue, or a much more efficient process for dealing with waste can be created. I can never understand why public representatives tie themselves to supporting a plethora of organisations, albeit only three in this case, delivering a service that a smaller number could deliver. The more management and white-collar workers that we have in place, the higher the costs associated with delivering the end product, whatever that might be. I want to deliver efficient government rather than heavily-bureaucratic government.

Mr Cree: I thank the Minister for his answer. Will he share with us the steps that he proposes to take to ensure that the new single waste authority will give proper consideration to the thermal treatment of waste?

The Minister of the Environment: I thank the Member for the question. There are a whole series of processes to deal with what we term “waste”. There is a general concept that it is not waste in the terms that we once knew it, in that waste used to be something that we threw into our bins and it all ended up in a landfill site. There are now recyclates — materials that are suitable for thermal processing and anaerobic digestion — and there may be the possibility of using energy from waste. We need to look at all of those opportunities, identify the best solutions, identify which solutions work locally and implement those solutions in the best interests of the wider public.

What is not in the best interests of the wider public is that, in due course, we will be paying £72 for every ton that goes into landfill. I am happy to look at whatever process can be introduced that might avoid sending more waste to landfill, which ultimately produces more methane and damages our environment.

Mr Shannon: I thank the Minister for his very detailed and helpful response. One of the matters that we look at in relation to waste management is recycling initiatives. Will the Minister give the Assembly some indication of innovative recycling schemes that could be applicable to the Province?

The Minister of the Environment: There has been quite a lot of innovation in relation to dealing with our waste, which is why our recycling level has gone from 5% just seven years ago to around 30% today. I have no doubt whatsoever that members of the public, the business community and organisations like Bryson Charitable Group and others that are involved in the

recycling of waste will have no shortage of quality ideas coming forward about how to better manage articles of waste. I will be very happy to respond to all of them.

Recycling

7. Mr McCartney asked the Minister of the Environment whether he has any plans to request that the Treasury make available all monies raised through landfill tax for reclaim by Local Authorities to fund approved, innovative, recycling schemes.

(AQO 339/10)

The Minister of the Environment: The issue of tax, including the landfill tax, is a reserved matter. All of the money that is raised goes to the UK Exchequer. Since 2003-04, as a Barnett consequential, Northern Ireland has received an allocation from the landfill tax. However, there is no direct link between the area in which the revenue is raised and where it is spent. The use of all funding that is allocated through the Barnett formula is a matter for the Executive.

Some further landfill taxes are returned to Northern Ireland through the Landfill Communities Fund. Apart from that, there is no mechanism for Northern Ireland to reclaim the tax. My Department continues to work with district councils and other stakeholders to improve waste management and has already secured significant funding to assist in delivering improvements. The Department’s £200 million capital strategic waste infrastructure fund will help to increase recycling rates and ultimately reduce the burden on ratepayers across Northern Ireland. The support that is provided by the Department to the Waste and Resources Action Programme to work with district councils also promotes the use of recycling activities and the reduction of waste going in to landfill.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra.

I am very mindful of the Minister’s previous answers when I frame this question: does he agree that we should use money in innovative ways to ensure that the recycling process continues and that people will see the direct link to saving in relation to landfill, and also to ensure that there is innovative recycling in the future?

The Minister of the Environment: There is the opportunity to do that in the Landfill Communities Fund. I understand that, since 2003-04, Northern Ireland has received approximately £3 million each year under the Barnett formula for landfill tax. The scheme commenced in 1996 and was subsequently replaced by the Landfill Communities Fund. Since 1996, a total of £17.6 million has been spent on projects in Northern Ireland, of which £5.2 million has been spent in the past five years. Ultimately, if the Members have good ideas coming forward from local

people, communities or businesses, we will certainly be happy to look at those.

Mr Speaker: I call Thomas Burns to ask a supplementary question, and I again remind Members to rise in their places when they want to ask a question.

Mr Burns: What consideration has the Minister given to an all-island approach to the marketing of recyclable materials? That market is an important one, particularly in these harsh economic times.

The Minister of the Environment: The first step to having the all-island market that Mr Burns wants is to get an all-Northern Ireland one. Perhaps he will tell his colleague Mrs Mary Bradley that a single waste authority would assist us greatly in doing that. First steps must be taken before the next can be taken.

We have been considering the potential of an all-island paper mill. At present, markets do not support that. However, I assured the House earlier today that we would continue to look at that issue in years to come. Developments will depend on how the markets play out. At the moment, recycled materials are down substantially in value, although they have risen to 2007, as opposed to 2008, values.

Planning: North Road, Carrickfergus

8. **Mr Hilditch** asked the Minister of the Environment how many planning applications have been submitted for apartments on the North Road, Carrickfergus in the last three years. (AQO 340/10)

The Minister of the Environment: In the past three years, my Department received 17 planning applications, including some for apartments on North Road in Carrickfergus. Of those 17, 11 have been determined, with nine applications approved and two refused.

Mr Hilditch: I thank the Minister for his answer. I do not expect him to be aware of the area specifically, but North Road is one of the town's arterial routes. As further planning applications come forward, will he assure elected representatives and the local public that the Planning Service will take into account the significant change in character and infrastructure that the area is experiencing?

The Minister of the Environment: I have received correspondence on the issue from Carrickfergus Borough Council. In the first instance, I have offered to have a meeting with the head of the Planning Service to see whether we can resolve the issue satisfactorily. The matter is obviously of significant concern to local public representatives.

The addendum that I proposed this morning to Planning Policy Statement 7 might be of some assistance, albeit that it may be limited in helping the Planning Service to deal with this issue, which involves an

arterial route. However, an initial meeting with the chief executive may drill down to some of the issues and identify the real problems.

Plastic Bag Levy

11. **Mr McKay** asked the Minister of the Environment when he will make a decision on the possible introduction of a plastic bag levy. (AQO 343/10)

The Minister of the Environment: I have no immediate plans to decide whether to introduce a levy on plastic bags.

Mr McKay: I thank the Minister for his answer. His statement today is disappointing. However, has he considered carrying out public consultation to ascertain the opinion of local people on the issue of a plastic bag levy?

The Minister of the Environment: Ultimately, we want to reduce the use of plastic bags, but whether we will be required to introduce taxation to achieve that is another matter. The voluntary approach that was announced in July this year resulted in supermarkets in Northern Ireland reducing the number of single-use carrier bags by 38%, which equated to 7.6 million fewer bags being handed out. Therefore, we are clearly having success.

A number of issues are related to plastic bags. When the Republic, for instance, started charging for plastic bags, there was noticeable increase in the number of bin bags that were bought. Bin bags take longer than plastic bags to disintegrate in waste, and they are heavier. Therefore, the introduction of a tax to reduce the use of plastic bags will not result in advantages all the way. We must encourage people, cajole them, lead them and bring them with us in an effort to reduce the use of plastic bags. A close-to-40% reduction is very significant. Let us build on that and encourage more people to refuse plastic bags in shops.

Mr Ross: Does the Minister concur that not only is a voluntary scheme preferable, but it is the favoured option of those in the industry?

The Minister of the Environment: Yes, it is. As I said to Mr McKay earlier today, it has been clearly identified that the people whom it would hurt most are those who have the least money. I am not inclined to make people on the breadline suffer more, which may be Sinn Féin's new policy. I am not inclined to introduce new taxes that hurt people on the breadline, whether on the Falls Road or the Shankill Road.

3.30 pm

COMMITTEE BUSINESS

Efficiency and Contingency Deficit Proposals in the Health and Social Care Trusts

Debate resumed on amendment to motion:

That this Assembly calls on the Minister of Health, Social Services and Public Safety to outline the details of the efficiency savings proposals agreed with each health and social care trust; and to ensure that the efficiency savings proposals and contingency proposals for deficits in the current budget of each trust will not impact on front line services. — [*The Deputy Chairperson of the Committee for Health, Social Services and Public Safety (Mrs O'Neill).*]

Which amendment was:

At end insert

“; and further requests that the Executive exempts health and social care services from further budget reductions or requirements to deliver any further efficiency savings.” — [*Mr McCallister.*]

The Deputy Chairperson of the Committee for Health, Social Services and Public Safety (Mrs O'Neill): Go raibh maith agat, a Cheann Comhairle. I thank all Members who contributed to the debate on efficiencies and deficiencies in the Health Service, which is an important subject because it affects everybody in the North. It is worth taking a few moments to summarise the financial situation that the trusts are facing. [*Interruption.*]

Mr Speaker: Order. Members should leave the Chamber in an orderly fashion.

The Deputy Chairperson of the Committee for Health, Social Services and Public Safety: First, under RPA, the trusts have had to take on the legacy trusts' debts. The new trusts must clear those debts, so they are not starting off with a clean sheet.

Secondly, over three years, the trusts must make 9% efficiency savings — more than £344 million. It pays to remind ourselves that 40% of all efficiency savings must come from the health budget. Therefore, any slippage or non-delivery will have a disproportionate impact. For example, the Belfast Health and Social Care Trust is expected to deliver £92 million of efficiency savings over three years. That is more than one quarter of the total efficiency savings that are expected from the Health Service or 11.5% of the total efficiencies from all Departments.

Thirdly, the fact that the break-even duty will not tolerate any overspend has, in effect, created the need for deficit contingency plans. If a trust cannot live within its budget, it must create contingency plans to show the cuts that will be made to bring it back to break-even.

Unfortunately, the Minister has not bothered to come back to the Chamber to listen to the winding-up speeches. Nevertheless, I shall refer to his comment that there is no 0.5% leeway. If he had listened to my contribution, he would have realised that I was suggesting that that is one possible way to introduce some flexibility into a rigid system to restore what was previously available to the legacy trusts.

We now know that the health and social care trusts are finding it tough, and we all recognise that there are massive challenges. A huge amount of change has taken place in a short time. There have been changes to the structure of the Health Service due to the RPA and changes to the way in which people are treated as new thinking and drugs come online, the level of demand increases, and patients and their families rightly have higher expectations. Against that background of change, it is perhaps not surprising that the trusts have budget difficulties. However, as I said, it is surprising how well some of them are dealing with the issues.

I shall now turn to the contributions that were made during the debate. John McCallister moved the amendment, on which the Committee did not take a position, so I cannot speak about it on behalf of the Committee. However, as Sinn Féin's health spokesperson, I can say that, for many of the reasons that my colleague Sue Ramsey outlined, Sinn Féin will not support the amendment. The amendment assumes that no efficiencies can be made in health. Making efficiency savings and protecting front line services are not mutually exclusive. Efficiencies must be achieved if we are to protect front line services.

Iris Robinson noted that health is the number one priority, and she referred to the Minister's public statement that he would not make cuts to front line staff. Mrs Robinson further suggested that the public outcry about the cuts that would be required to stay within budget was music to the Minister's ears, and that the health and social care system can keep its efficiency savings and plough them back into the new system. She referred to the new situation in which the Department of Health, Social Services and Public Safety finds itself.

Carmel Hanna said that we need to spend public money wisely and that it is essential to justify all programmes. She went on to say that she cannot support one area of public spending being exempt from efficiency savings at the expense of others. All budgets, including the budget for swine flu, must be constantly monitored.

Dr Deeny also referred to health as being the number one public priority. He mentioned a patient in his practice who was kept waiting for hours for a hospital bed.

Dr Deeny also referred to the scaling down of administrative and management staff. He welcomed that moves have been made in the right direction but said that that more needed to be done and referred to the number of directors in the Belfast Trust. Dr Deeny also noted the shift of focus from secondary to primary care and stressed that the funding needed to follow it.

Alex Easton said that in 2010-11, the health budget will have grown from £3.5 billion in 2007 to £4 billion. The Department is already allowed to keep its efficiency savings. Mr Easton asked the Minister to explain the workings of the control fund, and I believe that the Minister failed to do so in his contribution. Mr Easton went on to say that the decision to cut front line services lies firmly with the Minister. He also said that the DUP has identified £7 million to £8 million in savings: perhaps we will learn more about that as time goes on.

Sue Ramsey noted that the Health Committee had brought the motion as a result of a lack of information from the Minister. She recognised that the Health Service is underfunded, but also said that there was wastage, such as the use of taxis to transfer records. Ms Ramsey also said that she had asked for information on whether any chief executive of a legacy trust had been held to account for the legacy debt that the trusts have incurred. Again, the Minister, in his contribution to the debate, did not pick up on that.

Simon Hamilton said that there is still scope for savings in the Health Service. He said that there has been a large increase in administrators, managers and senior managers. Again, perhaps the Minister will explain that in time.

An issue arose about the failure of the Department to answer questions. In response, the Minister talked about the cost of answering questions. However, it is the democratic right of any Member to ask questions of the Minister. I wonder how much it cost the Minister to find out how much it costs the Department to answer a question.

Simon Hamilton went on to say that exempting the Department from efficiency savings will increase the need for cuts in other areas, such as housing, which is the responsibility of DSD, and in other Departments.

Declan O'Loan noted that pressures due to efficiency savings are very apparent in the Health Service and that productivity is well below that in England and Wales. He also said that he wanted to hear about the often-cited 9% rise in demand, though he conceded that there is always demand for new drugs and new technologies. Mr O'Loan also said that it is oversimplistic to maintain that all cuts should be made only in administration and management. He said that deficits had now been addressed, but only at the cost of new service provision.

I turn to the Minister's contribution. He accused the Health Committee of attacking the productivity of healthcare workers. In my contribution, I recognised that front line staff do an excellent job: had the Minister been listening, he would have heard that. I raised the issue of productivity only to make comparison with other jurisdictions. I realise that part of the productivity gap is down to reliance in the North on older equipment and poorer facilities.

The whole point of the debate is to seek information about the extent of the deficits of each trust. However, instead of providing us with that information, the Minister gave us his single transferable speech once more. We are still in the dark as to how the trusts will break even in this financial year.

The Minister referred to the issue of answering questions. I have addressed that issue.

I finish on this note: I am disappointed by the Minister's contribution. I am disappointed that, once more, he did not refer to wastage in the Health Service and that he did not recognise that there are efficiencies to be achieved. The Minister maintained that front line services are not being affected. Let me give him a dose of reality. We have heard about delays in the implementation of new service developments in the Northern Trust; that affects front line services, whatever way one chooses to look at it.

I thank everyone who has contributed to the debate. Their contributions are most welcome. Go raibh maith agat.

Question put, That the amendment be made.

The Assembly divided: Ayes 16; Noes 69.

AYES

Mr Armstrong, Mr Beggs, Mr Cobain, Rev Dr Robert Coulter, Mr Cree, Mr Elliott, Sir Reg Empey, Mr Gardiner, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr B McCrea, Mr McFarland, Mr McGimpsey, Ms Purvis, Mr K Robinson.

Tellers for the Ayes: Mr Gardiner and Mr McCallister.

NOES

Mr Attwood, Mr Boylan, Mr D Bradley, Mrs M 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 Craig, Dr Deeny, Mr Dodds, Mr Donaldson, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Gallagher, Ms Gildernew, Mr Hamilton, Mrs Hanna, Mr Hilditch, Mr Irwin, Mr G Kelly, Ms Lo, Mrs Long, Mr A Maginness, Mr A Maskey, Ms J McCann, Mr McCarthy, Mr McCartney, Mr McCausland, Mr I McCrea, Dr McDonnell,

*Mr McElduff, Mrs McGill, Mr McGlone,
Mr M McGuinness, Mr McHugh, Miss McIlveen,
Mr McKay, Mr McLaughlin, Mr Molloy, Lord Morrow,
Mr Murphy, Mr Newton, Ms Ni Chuilin, Mr O'Dowd,
Mr O'Loan, Mrs O'Neill, Mr Paisley Jnr, Mr Poots,
Mr P Ramsey, Ms S Ramsey, Mr G Robinson,
Mrs I Robinson, Mr Ross, Ms Ruane, Mr Shannon,
Mr Simpson, Mr Spratt, Mr Weir, Mr B Wilson,
Mr S Wilson.*

Tellers for the Noes: Mrs O'Neill and Ms S Ramsey.

Question accordingly negated.

Main Question put and agreed to.

Resolved:

That this Assembly calls on the Minister of Health, Social Services and Public Safety to outline the details of the efficiency savings proposals agreed with each health and social care trust; and to ensure that the efficiency savings proposals and contingency proposals for deficits in the current budget of each trust will not impact on front line services.

PRIVATE MEMBERS' BUSINESS

Multi-unit Development Management Company Reform

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. 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.

Mr McCarthy: I beg to move

That this Assembly notes that the regulations on multi-unit development management companies are not currently adequate; notes that Northern Ireland has fallen behind the rest of the United Kingdom and the Republic of Ireland in legislating on this issue; and calls on the Department of Finance and Personnel and the Executive to develop proposals on the matter.

On behalf of the many concerned apartment owners in Northern Ireland, I am grateful to my colleagues, and to the Business Committee, for agreeing to the debate on this very important issue.

Mr Weir: Will the Member give way? *[Laughter.]*

Mr McCarthy: No. I have 15 minutes' worth of speaking notes and I have been allowed only 10 minutes. If I have time at the end of my contribution, I will give way to the Member. That is as good as I can do.

By the end of the debate I hope that the entire House will have agreed that there is a problem that greatly affects apartment owners, and, as a local Assembly, will have agreed to do what it can to rectify that problem.

There are 40,000 apartment owners in Northern Ireland, and, as it is a relatively new way of living here, owners have discovered many problems with the non-completion of work by management companies. Those companies are given a fairly substantial monthly payment and are responsible for all common areas around apartment blocks.

There are many very good and efficient management companies in Northern Ireland that provide a good service. However, I want rules, regulations and legislation, as in other regions of the United Kingdom, to ensure that all management companies in Northern Ireland carry out the duties for which they are paid and provide apartment owners with a quality service. At present, that is not happening.

The motion calls on the Minister of Finance and Personnel and his Executive colleagues to acknowledge the problem and to propose legislation that deals with management companies. I am grateful that Minister

Wilson is in the Chamber today, and I remind him — should he need reminding — that when he was Minister of the Environment he acknowledged that there was a problem in this area.

At that time, Minister Wilson said that he had received a number of complaints from constituents, and he called for action to protect the growing number of apartment dwellers from shoddy services provided by property management companies. He said that he believed that Stormont — that is us — should introduce new regulations to ensure that money that is paid out by apartment owners is used to service their property blocks. We all agree on that, and now that Mr Wilson has been promoted to Minister of Finance and Personnel, let us see him put his money where his mouth is. I am quite sure that he will.

Both of Minister Wilson's predecessors were not as positive. When Mr Robinson and Mr Dodds held the position of Minister of Finance and Personnel, in reply to a question, both said that they were not persuaded that there was a need, at the time, to prioritise consideration of leaseholder reform. The most recent reply to that effect was received in September 2008, which is more than a year ago. I hope that our new Minister will perhaps agree that now the time is right to put apartment owners at ease.

Members have had access to the information pack that was compiled by the Assembly's Research and Library Services. I warmly commend all staff who were involved in producing that. All relevant information has been condensed in that pack, including press coverage during the period 2008-09, when the issue seemed to come to the fore.

One media report asked the question:

"Can we get rid of our management firm?...The property management company for our block of flats is shambolic — filthy floors, poor maintenance, rip-off charges".

Those owners are at their wits' end, and it appears that very little has been or can be done, unless and until regulation and legislation is introduced in Northern Ireland.

One apartment owner was told that the property was devalued by 20% because the corridors and gardens of the building were not being properly maintained, despite the fact that the owner was paying a high monthly premium for that work to be done. That cannot be right nor allowed to continue. Another apartment owner who uses a wheelchair came to see me in this Building some time ago and told a similar story. He had paid his service charges, but, on many occasions, the lift at his apartment block was not working. After chasing the management company for a better service, he was finally forced to directly contact the lift company, only to be told that the service contract had not been renewed. That is absolutely

unacceptable. Another owner reported that thousands of pounds were unaccounted for from their apartment block bank account. It was later discovered that efforts had been made by the company to change the records.

The information in the many written testimonies that I have received is truly shocking. In another case, after several years of living in an apartment block, the owners discovered that they were not shareholders in the management company. For some reason, the solicitors never vested the common areas from the developer. Instead, the builder passed ownership to his own accountant, who, in turn, collected thousands of pounds in service charges from the apartment owners, with no work or maintenance to show for it.

Those experiences have convinced me not only of the need for legislative reform in Northern Ireland, but of the precise measures that we need to enact to solve the problem. My research demonstrates that the solution to the problem has an advantage in that it involves changes that are entirely within the competence of the Assembly to bring about.

4.00 pm

As I said earlier, Northern Ireland lags behind other regions of the UK and certainly behind the South of Ireland, where, as recently as May 2009, Minister Dermot Ahern published the Multi-Unit Developments Bill, which will introduce sweeping reforms for the owners of existing and new apartment and multi-unit residential complexes. The Minister said that the Bill will introduce:

"a comprehensive legislative framework to cater for the specific needs of apartment owners in multi-unit developments. Existing legislation under which property management companies operate is inadequate to deal with and resolve the various difficulties being experienced by individual apartment owners."

That Bill will allow apartment owners much more peace of mind and will certainly greatly improve legal protection. That is exactly what is required in Northern Ireland.

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

I hope that the House can unite to vote in favour of the motion so that apartment owners all over Northern Ireland can have confidence in their Assembly to modernise and legislate for some of the serious problems that they have encountered. The issue does not only affect apartment owners, the value of the properties and their level of outgoings; it affects management agents of good standing and repute, to whom I referred earlier. They have asked me to do something because they are sick of being tarred with the same brush as rogue management companies. This is our opportunity to allow apartment owners to see progress and to end their nightmare once and for all.

Mr Speaker, I could spend the rest of the afternoon relating many horror stories from apartment owners of how they have had a raw deal from their management companies, but you would not allow me. Some of those people have even had to go to the courts. It is essential that everything is in place, including proper insurance, proper emergency planning and proper fire prevention policies.

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

Mr McCarthy: All apartment owners must have up-to-date information. The Assembly has the chance to address the problem, and I ask all Members to support the motion. Unfortunately, the amendment does not offer anything beyond the original proposal.

Mr T Clarke: I beg to move the following amendment: Leave out all after 'adequate' and insert

"and calls on the Executive to introduce new legislation that will govern the way in which they operate".

I thank the proposer for tabling the motion, although I am a bit confused by what he said. He said that he spoke to other Ministers about the topic, and he said that the DUP amendment does not go far enough because it relates to the Executive. I have been communicating with the Minister of Enterprise, Trade and Investment on the matter for some time, and she has afforded me an opportunity, with others, to meet some of her officials to discuss the issue. I will read a response that I received from the Minister that refers to a meeting in March 2009.

Before I read that, however, I should mention that my colleague Alastair Ross and I tried to table a motion on the same subject as Mr McCarthy. We thought that the issue was important, and I am glad that it is being debated. Unfortunately for us, Kieran got in before us.

Mr McCarthy: I was quick off the mark, Trevor.

Mr T Clarke: I would not describe it that way.

The Minister's reply referred to the fact that the Office of Fair Trading had evidence relating to the issue, and I understand that there were similar problems in Scotland. She said:

"I understand that the Commonhold and Leasehold Reform Act 2002 (which applies to England and Wales and which is primarily housing legislation) seeks to protect the tenancy rights of occupiers of the kind of developments you have discussed".

That response refers to an issue that comes under the remit of DSD, as opposed to DFP.

The Minister also pointed out in her letter that the Department of the Environment has an interest through its Northern Ireland planning policy OS 2, 'Public Open Space in New Residential Development'. When my colleague and I were formulating a motion on this subject, we felt that it should be directed at the

Executive, rather than simply at DFP. I thank Arlene Foster for the meetings that we have had.

Mr McCarthy has given good examples of the problem. No one will disagree that there is a problem. We all recognise it. The issue is how the Assembly deals with it.

I was first introduced to the problem when residents from the Victoria Road in Ballyclare visited my office. In common with all buyers of new properties, they were signing up to an arrangement with a management company and putting the matter in the hands of a solicitor. They were concerned that they did not understand the arrangement with the management company. They knew that they had to pay an annual amount of money but did not know what it was for. With the contracts signed, sealed and delivered, they were caught in a trap. At their AGM, the residents discovered that they had no voting rights and could not appoint directorships to their own management company.

As Mr McCarthy said, not all management companies are unscrupulous, but, unfortunately, some do exploit people in Northern Ireland, and they are the subject of today's debate. There must be protection for consumers against them.

In the situation that I described, the managing agent holds so many shares that there is no intention of completing the development, which would allow its management to be transferred to another company. In a sense, it is a closed shop: other companies are prevented from taking over that company's duties and there is no input from people who live in the development. That situation is totally unacceptable and must be changed. Regulation is needed for those reasons.

I make no apology for naming the management company that is involved in that case: Brackenwood Property Management Ltd. It appoints all its own internal interests. Residents should get best value for the money that they pay to the management agent for their development. I believe that, in that instance, the agent used its own internal grounds maintenance and other similar services. Therefore, there is no clear trail that can demonstrate that best value was sought for the consumer.

People who have been present at meetings that I have had with DETI officials have told horror stories, which get worse, about other developments. We heard about a recent case that involved a development in Belfast where residents had paid money in good faith to the management company only to find out that insurance for the apartment block in which they lived had been withdrawn. That is an absolute horror story — a nightmare scenario — for those residents, who paid money in good faith to an unscrupulous company, which is prepared to take that money for its own gain and is not interested in the people whom it is there to serve.

Around 2006, the property management company, DMS, went bust. Although that was probably fortunate for the residents of an apartment block in Belfast in the longer term, initially, it was unfortunate because, due to the company's non-payment for electricity, for which, I believe, a case was taken against it, those residents had to pay service charges twice. Those residents paid money in good faith to an unregulated management company. That company went to the wall, leaving those individuals to pay twice for electricity. That is absolutely unacceptable. For those reasons, protection measures must be brought in.

Mr McCarthy said that the situation with management companies is new. It is not new; it has been ongoing for a few years. The problems are starting to arise. I am worried that people pay money in good faith to management companies. People who live in apartments are probably the most vulnerable. After a few years, when problems have started to develop, an unscrupulous agent can pull out and leave no money for residents for the upkeep of their properties. The opportunity has been created for agents to leave residents in dire straits. They can take money out of a sinking fund and leave residents in no position to enhance or repair their properties to a good state.

Mr Ross: The Member said that the situation has been going on for a few years. He talked about DETI's role, referred to DOE's responsibility for planning, and suggested that the Minister of Finance and Personnel might be able to act. Does the Member agree that it is now imperative that all those Departments get together to ensure that they bring forward relevant legislation to address the issue? Is that not preferable to the original motion, which aims to persuade one Minister to act, and would not result in the collective action that is required?

Mr T Clarke: I appreciate the Member's intervention, and I agree wholeheartedly with him. I was trying to highlight that need for collective action in the Minister of Enterprise, Trade and Investment's response. She was more than happy to facilitate meetings on more than one occasion. The Minister accepts that her Department has a responsibility, and does not shun that. In her response, however, she identified that DSD and DOE also have a responsibility. A collective decision is required, and that is why the amendment calls on the Executive to act. I hope that, when we reach the end of the debate, Kieran and his party will accept the amendment.

Mr McLaughlin: Go raibh maith agat, a LeasCheann Comhairle. While listening to the proposer of the motion and, subsequently, to the proposer of the amendment, I was struck by how much common ground there is between them. My party also shares that common ground, and it is a pity that the Assembly has not yet developed a mechanism whereby such commonalities could be advanced to the point of an

agreed motion. As has been explained in some detail, the current procedures mean that the determination on which motion came before the House was simply a matter of timing.

Mr Ross: For the Member's information, my party approached the Alliance Party to try to agree wording to which we could all sign up. Unfortunately, however, that did not happen, because Mr McCarthy was keen that it remain a purely Alliance Party motion.

Mr McLaughlin: I have no doubt about that, because I have been in a similar situation in the past. Given the impact on the Assembly's time and effort, I suggest a formal mechanism whereby the Business Office and, perhaps, the Assembly Commission should attempt to facilitate discussions when there is such a united front as exists in this case. I agree so strongly with Members who have spoken that I do not intend to rehearse their arguments. I simply put on record that they have ably stated the case.

Good and best practice is available elsewhere. Every party will testify to having heard similar complaints from tenants in their constituencies. People who share common facilities need to be protected from unscrupulous contractors. As Mr Clarke pointed out, that does not, by any means, apply to all contractors. However, there are sufficient grounds for concern and, therefore, sufficient grounds to put in place legislation to address the issue. Some practices are clearly unscrupulous, and many tenants do not have a clear idea of the degree and quality of services for which they pay. They do not know how they can hold people to account or insist on a better service.

Often, when the leases of apartments are passed on, or new tenancies in the private rented sector are passed on to a second or third generation of tenant, the detail of the original contracts is lost in the mists of time. That is a recipe for the abuse that now exists. Sinn Féin is comfortable with supporting the motion as amended or the original motion, because they draw attention to an issue that must be addressed.

It seemed from the speech of the motion's proposer that there may be resistance to the motion. That is disappointing, and I cannot comprehend the reasons for such resistance; perhaps the Minister will elaborate. I imagined that the Executive would be keen to address the matter. They could do that with the minimum of fuss and effort, and they should.

The issue cries out for us to support people who are, in some instances, manifestly the victims of unscrupulous business practices. We should be prepared to confront that unscrupulousness. Go raibh míle maith agat.

4.15 pm

Mr Deputy Speaker: I call Mr Danny Kinahan.

Mr Kennedy: Did you call Danny Kinahan or Danny Kennedy, Mr Deputy Speaker? I am Danny Kennedy.

Mr Deputy Speaker: I am aware of that. I called Mr Kinahan, but if Mr Kennedy wishes to speak first, that it is OK.

Mr S Wilson: He ranks higher than Mr Kinahan.

Mr Kinahan: I am very happy to let my colleague speak first. *[Laughter.]*

Mr S Wilson: He is pulling rank.

Mr Kennedy: Mr Wilson would do so, too.

I am grateful for the opportunity to contribute to this important debate and to my esteemed colleague Danny Kinahan for allowing me to speak before him.

I thank the Members who tabled the motion. As has been mentioned, more and more people in Northern Ireland are choosing to live in apartments and flats. It is apparent that the regulations that surround the management of communal spaces are not as robust as they should be and, as the motion states, that they fall short of those that exist in Great Britain and the Republic of Ireland.

Mr T Clarke: I asked the Member to give way because I know that he has enjoyed standing up and sitting down during the debate.

Mr Kennedy referred to the issue of apartments. Does he accept that the regulations relate to developments other than just apartments? People sometimes get confused, but given the open space element, the regulations cover houses, town houses and apartments.

Mr Deputy Speaker: The Member has an extra minute.

Mr Kennedy: I thank the Member for his contribution, and I accept the important difference.

I note that the Northern Ireland Law Commission has consulted on whether reform of that area of law should form part of its first work programme, and I understand that it is to report on the content of that programme this month. I hope that the report will contain proposals for reform.

Weak regulations can lead to two main problems for owners, particularly apartment owners. First, they are not given the guarantees that are needed. The money that they pay to a management company should be used appropriately to do the work necessary to maintain the structure and aesthetic integrity of communal spaces and buildings. However, I am particularly concerned that many agreements do not have a sink-fund option, which means that apartment owners in particular may be left with a significant bill for non-planned or irregular maintenance work. That problem has been somewhat exacerbated during the recession, with many management companies going

under or not completing their work, thereby leaving owners in great difficulty.

The second problem for owners is that the lack of regulations surrounding management companies, to use the words of the Law Commission:

“creates a complicated web of legal relationships”.

That means that, unless competent solicitors put in place a competent conveyancing agreement from the beginning, the sale of a flat can be prejudiced if lenders, such as banks and building societies, indicate unhappiness with the legal arrangements. The housing market is still in serious difficulties, and any further burdens would be unwelcome. The apartment market is often attractive to first-time buyers, and any complications that limit their ability to get on the property ladder must be addressed as soon as possible.

The provisions that have been introduced in Great Britain and in the Republic of Ireland vary. For example, there is more flexibility in English and Welsh legislation to allow owners to establish their own management companies than appears to exist in the legislation that was recently introduced in the Republic of Ireland.

However, both jurisdictions allow for much greater accountability and input into the management of buildings by owners, which creates greater accountability and better financial and maintenance management. It is good for the individuals involved and, ultimately, it will be good for the housing market, which, rightly or wrongly, has formed a significant part of our economy in recent years.

The Minister of Finance and Personnel has already stated publicly that he is in favour of addressing the issue. The Minister said:

“It’s the only situation I know where people pay money and there is no guarantee of service.”

Therefore, I hope that the Minister will look at the motion and take into consideration the views of the House.

I note the Law Commission’s work programme, and I hope that the issue will be brought forward. If it is not, I hope that the Minister and the Executive will make it a priority. I support the motion.

Mr O’Loan: The motion must be one of the more mysterious to appear on the Order Paper. When it initially appeared, there was a great deal of head scratching among Members and researchers — including the Assembly’s Research and Library Service — as to what the motion referred. Although a little bit more clarity has emerged, the initial reaction says something about whether tabling a motion was the best mechanism by which to bring the issue forward. I will say more about that later.

It appears that there is a significant issue — in certain places, at any rate — in relation to people in apartments paying heavy charges and not getting the proper benefits in return.

In England and Wales, the issue was addressed way back in 2002 with the Commonhold and Leasehold Reform Act 2002. In Scotland, the issue has been much studied with what are referred to as “cowboy” property managers being the central issue. It is not clear what exact remedies they have come up with in Scotland. However, reference has been made to creating a register of property managers and to easier remedies for residents.

The biggest changes that I have seen are in Ireland, where, following the great growth in apartment dwelling, the issue has been perceived as a huge problem. In May 2009, the Minister for Justice, Equality and Law Reform introduced the Multi-Unit Development Bill to improve the regulation of multi-unit developments.

When bringing that legislation forward, the Minister referred to purchasers of apartments who may not realise the implications of their ownership and the responsibilities involved in being a member of a property management company. One issue that may not have affected us yet is that when apartment dwellings are new, maintenance issues may not be pressing. However, over the passage of time — as has occurred in England and Wales — significant refurbishment may be required and there may be heavy charges on residents. People need to be ready for that and to recognise their legal responsibilities.

The purpose of the Irish Bill is improved legal protection for apartment owners and an improvement in the management and maintenance of the internal and external common areas in apartment complexes.

I notice that that Bill was preceded by a report on the matter by the Law Reform Commission. That is the right order in which to do things: a problem needs to be studied before proposals can be made to address the issue. As far as I can see, before the motion was brought forward, there was very little examination of the issue in the Assembly. Kieran McCarthy asked the Minister a couple of questions, and, interestingly, the Minister showed little interest in making any proposals.

When the present Minister of Finance was Minister of the Environment, he said, on record, that the matter needed to be addressed. However, his colleague, the then Finance Minister, did not show the same interest. The issue should have been tested at Committee before it was brought before the Assembly.

The amendment should not have been tabled.

Mr Ross: The Member said that the issue should have been discussed at Committee. In which

Committee would he like the issue discussed? As we heard, the issue affects DFP, DETI, DSD and, importantly for planning regulations, DOE.

Mr O’Loan: I do not know. When Mr McCarthy submitted questions on the matter, they were assigned to the Minister of Finance and Personnel, although I am open to correction. The Minister of Finance and Personnel is here to respond; I presume that his attendance was discussed in the Executive, so he is here for a good reason.

Some Members: It was in the motion.

Mr O’Loan: Just because the Minister is referred to in the motion, it is not obligatory for him to respond. If it was not appropriate for him to respond, he would not be here.

Mr T Clarke: I am confused by the Member’s response. He said that he thought that the issue would be better discussed at Committee, and my colleague asked him which one. The Member came with an assumption that the issue should be discussed at a Committee; all we are trying to find out is which Committee would be best to discuss it.

Mr O’Loan: I have already answered that. I do not claim to be an expert on which Department is responsible for the matter. I note that the Minister of Finance and Personnel is here to respond, so I assume that he has accepted some responsibility for the matter.

The amendment is not particularly constructive. The motion calls on the Minister of Finance and Personnel and the Executive to develop proposals on the matter. In proposing the motion, Mr McCarthy referred to legislation. Therefore, it would be sensible for the Department of Finance to research the issue, identify problems that undoubtedly exist, devise some remedies and bring them to the Finance Committee. I have no difficulty with other Committees being involved. I hope that the Members who tabled the amendment will not push it to a Division.

Mr Shannon: I support the amendment. I thank the Members who tabled the motion and the amendment for bringing them to the Chamber and giving us a chance to speak on the issue.

With the hike in house prices in the past few years, the attraction of an apartment has grown steadily stronger, and that applies to properties other than apartments. Increasing numbers of young people are finding that a two- or three-bedroom apartment is much more affordable and suitable to their needs. They are branching out in that direction, because their pocket allows them to.

The problem in the Province is that there is no regulation of apartment blocks or housing developments. Legislation on that issue was introduced in the UK mainland, which should be considered for Northern

Ireland. Many who purchase apartments in multi-unit developments do not fully realise the type of ownership arrangement into which they are entering and the responsibilities involved in membership of the property management company.

In some cases, developers have been slow to transfer ownership of common areas to property management companies. Those delays have caused frustration for owners who want to get involved in managing and maintaining their developments.

Tha National Kinsoomer Assosiation faer fawed tha publishin o' Muckle-Unit Developmunt Bill oan tha maenlan, saein that it haud maed a large step fort fer tha lukin efter o' fowk leevin in apertmunt an muckle-unit developmunt. Wi' mare an mare fowk leevin in muckle-unit developmunt, ther is a cleer need fer bringin tha tither tha industrie.

The National Consumer Council welcomed the publication of a Multi-Unit Development Bill, saying that it represented a major step forward in the protection of consumers who are living in apartments in multi-unit developments. With increasing numbers of people living in multi-unit developments, there is a clear need for regulation of the industry.

Many owners in multi-unit developments have found themselves in difficult positions arising from poor operation and management of their developments. I know of one development in which the management company was taking money from each apartment owner for a maintenance superintendant, yet no one had been appointed and the money ended up — dare I say? — lining the pockets of either the management company or the developers. That highlights the need for legislation to act as a protective barrier. Residents must have protection that will give them a greater say in how their developments are managed.

Developers and builders must protect the ownership rights of people who live in the houses and apartments and ensure that upkeep and maintenance are carried out and that properties do not deteriorate.

4.30 pm

My colleague Trevor Clarke mentioned insurance cover. A constituent visited me last week to say that he does not know how long he has been without insurance cover. I thank the Lord that there has not been a fire or other problems in his property. He discovered that his property has no insurance because he cannot contact the company.

Mr T Clarke: Is the Member aware that, when people buy into those types of development, the agent can increase the service charge without explanation?

Mr Deputy Speaker: The Member has an extra minute in which to speak.

Mr Shannon: That is another complication of the process; it highlights the need for legislative change in Northern Ireland.

In 2006, the National Consumer Council carried out a survey to discover which issues were important to owners. Such matters must be examined in the context of Northern Ireland during any consideration of legislation. Specific issues must be addressed in legislation, such as the transfer of the common areas to the ownership of an owners' management company, changes in voting rights, transparency in the calculation of service charges and the requirement to create a sink fund. All those issues must be taken on board.

As some Members have said, it is interesting that Scotland has regulation. However, some management companies that look after properties in Northern Ireland are registered in Scotland, and we cannot make them accountable. Several of those issues are merely a matter of fair play, yet it seems that legislation is necessary to ensure that fair play is always carried out. For example, it seems obvious that votes should be allocated on a single-vote-per-unit basis. However, that is not always the case. Recommendation 14 of the National Consumer Agency's report in October 2006, which is entitled 'Management Fees and Service Charges Levied on Owners of Property in Multi-Unit Dwellings', found difficulties with the golden votes that are held by developers. We are all aware of the film 'The Man with the Golden Gun'; the people with the golden votes have more power than the man with the gun.

As was mentioned previously, service charges should be clearly itemised, and cost categories should be included in the calculation of a service charge. There should be a formal process, through a general meeting of the owners' management company, for the approval of such service charges.

Other Members have highlighted other areas, and, therefore, I will not mention those at length. However, it is sufficient to say that we need a framework. Now is the time to examine the legislation on the mainland and in the Republic to determine the best way to protect the needs of people in the Province. The regulation of multi-unit developments and the governance of management companies in such developments must be improved.

We can learn much from the legislation that has been enacted on the mainland and in the Republic of Ireland. The amendment tightens and strengthens the motion and calls for the development of proposals; that is the way to approach the issue. I support the amendment, and I hope that the proposers of the motion take it on board.

Mr Weir: In supporting the amendment, I will follow my colleague's example and mention a James

Bond movie. I hope that the people with the golden vote will go the same way as Scaramanga in 'The Man with the Golden Gun'. Unfortunately, James Bond cannot rescue us on this matter; we will have to rely on legislation, because that is what will be required. I do not know whether the Minister is playing the role of Moneypenny in the matter.

It is important to have this debate. As others have said, the owners of the vast majority of management development companies are responsible people who provide a service. However, we are all aware — I am certainly aware from my constituency — of situations in which owners of apartments, town houses and other types of accommodation that are controlled by such companies have got a raw deal. They have experienced a situation where charges from management companies have increased without explanation. It is important to provide proper protection, albeit because of a minority of companies.

The proposer of the motion said that some people had sought legal redress. We are not starting out with a blank page in this matter. However, the law needs to be updated.

Our leasehold law, contract law and land law deal with complex situations. In many ways, given the situation in Northern Ireland with regard to the issues at hand, it is not surprising that other jurisdictions are ahead of us. Our contract law mirrors that of the rest of the United Kingdom, but land law on the island of Ireland has always been different from that in Great Britain, and it has diverged to a degree between Northern Ireland and the Republic of Ireland as a result of almost 90 years of partition. We are in a complex situation, but there is clearly a need for action to be taken.

Many relevant points have been covered. Mr O'Loan said that there was not a great deal of difference between the amendment and the motion, and, because he is in favour of the motion, I assume that he will support the amendment and will avoid dividing the House. There is not a great deal of distance between the parties' positions on the motion, but our amendment makes two small steps forward that strengthen it.

First, although it is implicit in the motion that new legislation is needed, the amendment makes it explicit that action should not simply be taken by Departments and that there should be a direct commitment to new legislation. Only new legislation can put such action on a statutory basis and provide a form of statutory protection.

Secondly, as has been indicated, new legislation may require different actions by different Departments in a multi-agency approach. The proposer of the amendment said that DFP should be involved because of the law reform aspect. DETI must be involved because there are planning aspects to consider and,

because there could be a degree of overhang into social housing, DSD might also have a part to play.

We must examine the issue from a joined-up government point of view. The onus should not be on one Department alone, because a single Department may not be able to deal adequately with such a matter. The whole Executive must be involved. I would like to see —

Mr O'Loan: I refer the Member to the wording of the original motion, which:

"calls on the Department of Finance and Personnel and the Executive to develop proposals on the matter."

Mr Deputy Speaker: The Member has an extra minute in which to speak.

Mr Weir: That makes my point perfectly, because, even though it mentions the Executive, the motion singles out one Department, whereas we really need cross-departmental work to bring forward legislation. That could be achieved by way of a cross-departmental working group or an Executive subgroup, because there may have to be several different pieces of legislation. There are different ways of taking action, but the Executive must ensure that action is taken together. To place a focus on one Department is the wrong way forward.

I do not believe that there is great deal of distance between the parties' intentions. The aim of the motion and the amendment is to bring the same thing forward together. The amendment makes an additional half-step forward, and I appeal to Members to back it. I hope that Members will not seek to divide the House. The amendment can be married to the best elements of Mr McCarthy's motion in order to reach an appropriate synergy that will allow us to stand united and give a degree of protection to owners of apartments and town houses. I look forward to a strong commitment from the whole Executive to new legislation.

Mr Deputy Speaker: I call Mr Danny Kinahan.

Mr Kinahan: Thank you, Mr Deputy Speaker. I will take my chance this time round, and I take note of the —

Mr Shannon: Is your name Danny Kennedy?

Mr Kinahan: I will be anyone you like, as long as I get the girl and do not get shot or eaten by sharks. When it comes to James Bond movies, I always feel that I am likely to be the latter.

I was not planning to speak, but this is a serious and important matter on which I have been lobbied on several occasions, rather like my colleagues in South Antrim, by people who have fallen foul of regulations or the lack of them.

First, we should praise companies that do their job well, that deliver services on time and correctly and keep apartment and house owners well informed.

However, there are many places where the process is going wrong, and regulation and accountability are required. We have seen today that Members agree broadly on the direction that we should take, albeit that the minor details are not agreed.

When one is buying a house, it is essential that everything is explained to the buyer. I hope that, when the proposals become legislation, owners can have access to such knowledge. A house is probably the biggest investment that someone will make in their entire life. That investment involves the homes that people will live in, and they want to be comfortable with their neighbours and have everything working around them. No one wants a battle when they go home; people want a nice, simple life. I would like there to be a checklist that people go through every time they buy a house.

It needs to be made clear where ownership lies. In one or two cases that I have been involved in, management companies or the original developer still owned some of the houses, and it has been incredibly difficult to get everyone together to resolve the problems, because doing so is not always in everyone's interest. As many Members said, it is important that everything is insured properly and that services are delivered in an agreed and timely way.

We also need to ensure that there is a central point from which to obtain a response. That means that there must be someone who can be contacted by phone, e-mail or text when things go wrong. There has to be some central organisation so that, if something goes wrong, one can go home at night and know that one's problems have been raised and dealt with.

I am in two minds as to whether the regulations should be the responsibility of one Department or spread between Departments. However, such responsibility certainly falls to the Executive. It was left with me that, if the case were well argued, I could choose to vote for the amendment rather than the motion. The argument for the amendment was well made, and it strengthens the motion. We are all agreed that we want regulations enforced in legislation. Therefore, I support the amendment and the motion.

The Minister of Finance and Personnel (Mr S Wilson): I thank the Members who participated in the debate. I am not quite clear as to why I am responding, other than to say that, when I lifted the Order Paper, I found that I had been instructed to be here to do so. I have no difficulty with that, although I do not necessarily think that this is primarily a DFP issue. However, I have a particular interest in the subject, which is one reason why I was not unhappy to be asked to respond.

I am glad that Members quoted liberally from my previous ruminations on the subject. I was watching

the clock when Mr McCarthy was speaking, and 10% of his speech was a repetition of things that I said previously on the issue. Therefore, I was very pleased that he offered me that degree of recognition, although I suspect that it was probably a little prod to move me along on the issue.

My natural inclination in many of these matters is not to impose yet more regulation and red tape. There is a misconception in the press that, unless we are passing new laws here every day, we are not doing our work. Sometimes the best thing that the Assembly can do is not to impose and heap on a greater burden of law. However, in this instance, I believe that there is a gap in the regulations and a loophole in the law.

I will not repeat Members' contributions, but it is quite clear that many people who have invested in a house and spent a lot of money on a home face a degree of uncertainty. They may find themselves without recourse to the people who should be looking after the premises, and they may find that, as a result, they are not getting the services and support that they need. In many cases, properties are being devalued by actions that the owners have no control over. We must examine ways to deal with the issue.

4.45 pm

Mr McCarthy: The most important thing is to ensure that apartment owners do not go to bed thinking that they are covered only to find, after a fire in the apartment block, for example, that the contract had not been renewed and that they are not insured. It is vital that the Minister, the Executive and all the Departments do what is required to prevent that from happening.

The Minister of Finance and Personnel: Beware of Mr McCarthy's interventions: they are always an attempt to make another speech, and he has proved that again. Nevertheless, he has made an important point that Members have already raised.

The complexity of the matter has been indicated by the range of issues that have been raised in the debate. Those issues include land ownership, company law, general contract law, consumer protection law and even planning. There is no easy answer, and that is one of the reasons why the matter has fallen through the gaps until now. The range of issues also means that the matter concerns a range of Departments, and I will come to that later.

Two approaches to dealing with the matter have been mentioned. The first of those comes from Part 2 of the Commonhold and Leasehold Reform Act 2002 in England and Wales. That approach has come in for some criticism because, although it gives people who live in apartments and multi-unit dwellings the right to manage, it does not regulate their management strongly. It is OK to give the people who live in an apartment block the right to manage that block themselves rather

than have it managed by a management company, but there must be some degree of regulation and certainty. There is no guarantee that those people will be competent or that they will do the job well. That is why the Irish Republic is considering instead the regulation and governance of management companies. Consideration of the two approaches again shows that there is not simply one solution.

Members referred to the role of the Law Commission. I know that Mr McCarthy has been involved in discussions with the Law Commission, because he intended to bring this matter forward in a private Member's Bill at one stage. He did not explain why that approach was not pursued, but I suspect that one reason was the complexity of the matter and the fact that there is no easy answer.

The Law Commission indicated that, as a result of representations, it is a possible topic for inclusion in the first programme for law reform; I understand that that is as far as the matter has gone. I am quite happy for the Law Commission to do work on that to highlight the issues, but I suspect that it will consider the matter more from the perspective of land ownership than from that of the other regulation that will be required.

As a range of Departments are involved, I would like a number of steps to be taken. I am happy to get permanent secretaries and Ministers from all Departments — five Departments have been mentioned so far in the debate — to determine who should take the lead on the issue. That is not to pass the buck: we have to be clear about the direction in which we want to go. We need to ascertain whether the matter is essentially one of housing, land reform or the regulation of companies. There will also be peripheral interest from the Department of the Environment because planning is involved, but the first step, which I will take as a result of the Assembly debate today, is to get together all the Departments that may have a legitimate interest in the issue.

A number of issues was raised today, and Members regard some of them as more important than others. Work is required to determine the specific issues that need to be addressed. If the Law Commission makes the matter one of its topics, I have no doubt that it will have an input in identifying some of the issues through the work that it does. Departments can do that also.

Although MLAs seem to have a fairly good grasp of the issues, the process will be done through inviting evidence. As Members pointed out, not all management organisations do a bad job. Indeed, they see the cowboys who operate in the industry and they may have views about the kind of things that they want stopped so that not everybody's reputation is sullied. Equally, residents and those who have to buy the

services of management companies will have an input as well.

Once that work is done, there will be a need to make recommendations. There will probably be consultation on the recommendations because they will inform whatever legislation is eventually brought forward. There is then the issue of analysing any outcome from that consultation until we get to the point at which we have draft legislation, which will again have to be consulted on — that is a requirement — before it gets to the Assembly.

That is some of the work that needs to be done. I thought that I would take some time to outline what needed to be done. I understand the concerns of those who live with uncertainty, but, time and time again, we raise expectations that matters can be remedied swiftly. Sometimes MLAs fuel that notion, especially in relation to complex issues.

Mr T Clarke: I know the direction in which the Minister is going. Although we do not have regulation, does he accept that what he said about addressing the issue with Departments is, in its own right, an assurance that we are starting the process, as opposed to what happened over the past number of years when it was not addressed at all?

The Minister of Finance and Personnel: I hope that the tenor of my speech indicates that I was not dragged kicking and screaming into the Assembly to deal with this issue today, even though there may be some debate about whether the issue rests mostly with my Department. There are other Ministers who, when it comes to allocating time in the Executive, look for every excuse not to appear in the Assembly to give their views and respond to the issues. That has not been my approach. By outlining the issues and responsibilities and by trying to plot a way forward, I hope that I am giving an indication that I want to see resources devoted to this matter. I want to see this issue resolved because it no longer affects only a small number of people in Northern Ireland. As apartment living has become more prevalent, more people are being caught up in the issues raised in the debate. I hope that what I have said has done three things: first, shown my commitment; secondly, outlined the complexities involved; and, thirdly, shown the way forward.

I hope that Members and constituents who are listening to the debate and who may have a stake in something being done will understand that these things will not be sorted out by the click of my fingers. If that were possible, I would be more than happy to do it. When we go down the legislative route, there is a process that must be followed. There is no point in having half-cocked legislation that does not resolve the issue.

I do not want to fault Westminster, but there has been criticism of the legislation for England and

Wales, perhaps for not looking at the whole range of issues involved. If we are going to do the job, let us do it right. I commit myself to seeking to bring along other Ministers to try to address the matter. It may not be an earth-shattering issue, but it once again illustrates the value of having an Assembly at Stormont to which MLAs can bring their constituents' concerns, to be considered in a sensible manner by those who are responsible for Departments, regulations and legislation with a view to resolving them.

Mr Ross: The Minister said it best when he talked about the perception that Stormont needs to produce more legislation, and he was right to say that it is not about getting more legislation: it is about getting good legislation. Some sort of legislation to deal with this issue would be very welcome. That is why my party welcomes the debate and, as my colleague Trevor Clarke said, we tabled a very similar motion and had approached the Alliance Party to see if we could table a joint motion. Nonetheless, we are where we are and we welcome today's debate.

The problems faced by people right across the country are clear from the debate. It is important to say that not all management companies are at fault, but the reports that we hear generally concern the bad ones. That echoes a recent BBC report asking how many of the 1.6 million people throughout the United Kingdom with leasehold property would ask whether they are getting value for money from their management companies, where the money that they pay is going and what it is used for.

Similar issues have been raised with me in my constituency, not least in Castlerocklands in Carrickfergus and in Craigstown Meadow in Magheramorne. Nearly all apartment and many new residential developments require a management agreement because common open spaces need to be maintained, which leads to the creation of management companies to look after the cleaning, maintenance, painting and other work.

However, the experience of many people has been bad. They have found the management companies unresponsive. The companies have gone bust, are not showing accounts or are not meeting residents. As we heard from Mr Clarke and from Mr McCarthy, many residents realise that there is no insurance for their buildings, which puts them at serious risk.

Mr Shannon: Will the Member give way?

Mr Ross: I will not give way because I have only five minutes, I do not get any additional time, and I want to make progress.

Mr Kinahan said that there was no guarantee of quality of service for the money paid by residents to these companies, which can be anything from £100 to thousands of pounds annually. The lack of any real scrutiny of those companies must be looked at. Indeed,

as my colleague Mr Clarke again said, in many cases there is no consultation about increases in the amount that must be paid to such companies.

The issue has always been that no specific legislation exists in Northern Ireland to regulate management companies, which, over the years, have been largely self-regulating. In recent years, as we have had more apartments and residential developments, the problem has become more acute.

5.00 pm

As we heard in Mr Weir's contribution, the situation in Northern Ireland is complicated by company law, consumer protection laws and outdated property laws here. In essence, the DUP amendment is saying that not just one but a wide range of Departments have an interest in the subject. We heard about the DOE, and I wrote to the Minister of Finance and Personnel when he was in his former post. He helpfully replied citing PPS 8 policy OS 2, 'Public Open Space in New Residential Development'.

We heard that DETI has a role to play, and, when I contacted the Minister of Enterprise, Trade and Investment, she pointed to some of the legislation about which we have heard, including the Commonhold and Leasehold Reform Act 2002. We know that that legislation has not been very successful because an all-party group on land management has been established in the House of Commons with a view to changing the law. I have communicated with Gordon Banks, the secretary of that group, to discuss the issue.

Although the amendment reflects the fact that it is unclear where responsibility lies, it nonetheless asserts the need for legislation, and that is the important thing that must come from the debate. In fact, when I asked Mr O'Loan which Committee should consider the matter, I was not trying to trick him; I was highlighting the fact that it is not clear which Department should take the lead, and that confirms the need for the amendment.

I welcome the Minister's contribution and his commitment to establishing a cross-departmental subgroup to bring forward legislation. That is very important, and Members from all parties will be able to support the amendment in the knowledge that the DUP is not ducking the issue; rather, the Minister will set up a subgroup to drive the matter forward.

Several Members mentioned the Law Commission, and I know from correspondence with it that it recognises that this is a difficult legal issue that is in need of review. It hopes, with the Secretary of State's approval, to bring forward a review and some suggestions by early 2011. I hope that the Assembly will unite behind the DUP's amendment and that we can get that process moving.

Ms Lo: The Alliance Party does not support the amendment, which does not add anything to the motion. I reiterate that the motion:

“calls on the Department of Finance and Personnel and the Executive to develop proposals on the matter.”

That, therefore, includes all Ministers.

Nearly every Member who spoke acknowledged the problems that the lack of legislation and regulation cause, and nearly everyone spoke about cases in their own constituency. Like other Members, I have encountered a lot of complaints on the subject, but I am able to mention one happy story from my constituency, involving a constituent who, through sheer tenacity, managed to unite 100 of her fellow apartment owners against their management agent until, finally, after overcoming many obstacles, they were able to get rid of the agent and hire a new one. Nevertheless, in the process, they lost tens of thousands of pounds, which, obviously, is outrageous.

I shall now summarise Members' comments. First, I thank the Minister for giving a commitment to look at the issue, and I welcome the measures that he put forward to bring the five Departments together to discuss which should take the lead and the range of issues that must be addressed. In addition, before making recommendations, they must talk to other stakeholders. The Alliance Party will certainly be happy to work and co-operate with the Minister on that.

Kieran McCarthy examined the issue over the past year and is preparing for draft legislation.

Mr McLaughlin called for a united front in the Assembly to deal with the problem. He said that there are sufficient grounds to legislate to address the issue and the associated abuses.

Mr Kennedy mentioned the need for a sinking fund. He said that the lack of regulation and a legal framework can also prejudice the resale of houses for some apartment owners. He called for more flexibility to allow owners to manage communal areas.

Mr O'Loan spoke about the Multi-Unit Developments Bill 2009 in the Republic. He commented that there has been little mention of the issue in the Assembly and little interest has been shown by the current Minister of the Environment or any previous Minister. He urged that the proposal be tested in Committee before being put before the Assembly, a suggestion that attracted many interventions.

Mr Shannon said that more young people want to buy apartments. Apartments are more affordable and more suitable for the needs of young people, but there is inadequate regulation so the problem in Northern Ireland must be addressed. He mentioned several cases, and he called for a framework to protect

apartment owners. He also spoke about the costs of upkeep, maintenance and insurance cover.

Mr Weir said that many apartment owners have a raw deal and that they pay increasingly expensive charges but do not receive quality work in return. He called for the law to be updated. He admitted that it is a complex situation and stressed that other jurisdictions are ahead of us and that we need to consider the problem in that context.

Mr Kinahan mentioned other cases and said that, for many people, buying a house is the largest transaction that they would ever make. There must be a checklist, and those buyers need to be protected. He described the difficulties that developers and management companies face. Sometimes, it is unclear who owns which part of the communal areas in apartment blocks. I have seen examples of that in south Belfast.

I turn to the Minister's contribution. I have just been passed a note to say that we want to thank Mr Wilson for his very positive contribution. I thought that I had mentioned that; I do not need to be reminded. Thank you, Mr Wilson.

I am optimistic. Mr McCarthy, my colleagues and I have received written testimony from hundreds of apartment owners and management agents from all over Northern Ireland, and we hope that the draft Bill will solve the problem. I am confident that it will save apartment owners much money and much heartache.

Question, That the amendment be made, *put and agreed to.*

Main Question, as amended, put and agreed to.

Resolved:

That this Assembly notes that the regulations on multi-unit development management companies are not currently adequate and calls on the Executive to introduce new legislation that will govern the way in which they operate.

Adjourned at 5.10 pm.

NORTHERN IRELAND ASSEMBLY

Tuesday 10 November 2009

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

Members observed two minutes' silence.

EXECUTIVE COMMITTEE BUSINESS

Goods Vehicles (Licensing of Operators) Bill

Consideration Stage

Mr Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list.

There are three groups of amendments and a debate on opposition to clause 50 stand part and schedule 4's being agreed. I have also received notice from the Minister and some Members that they wish to speak to clause 6.

We will debate the amendments in each group in turn. The first debate will be on amendment Nos 1, 2, 8, 9 and 10 and opposition to schedule 1's being agreed, which deal with matters relating to the definition of "goods vehicles". The second debate will be on amendment Nos 3, 4, 5, 6, 7, 12, 13 and 14, which deal with technical matters. The third debate will be on amendment No 11, which deals with a new power for payment of grants.

I remind Members who intend to speak that during the debates they should address all the amendments in each particular group on which they wish to comment. Once the initial debate on each group is completed, any subsequent amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate.

The Questions on clause stand part and schedule's being agreed will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

Clause 1 (Operators' licences)

Mr Speaker: We come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 8, 9 and

10, along with the associated schedule 1, which the Minister has given notice that he wishes to oppose. Those amendments deal with matters relating to the definition of "goods vehicles". Amendment No 1 is a paving amendment for amendment No 2. I call the Minister of the Environment, Mr Edwin Poots, to move amendment No 1 and address the other amendments in the group.

The Minister of the Environment (Mr Poots): I beg to move amendment No 1: In page 1, line 10, leave out

"within the meaning given in Schedule 1".

The following amendments stood on the Marshalled List:

No 2: In page 1, line 16, at end insert

"(2A) For the purposes of subsection (2)(a) a goods vehicle is a small goods vehicle if—

(a) it does not form part of a vehicle combination and—

(i) it has a relevant plated weight not exceeding 3.5 tonnes, or

(ii) in the case of a vehicle which does not have a relevant plated weight, it has an unladen weight not exceeding 1525 kilograms; or

(b) it forms part of a vehicle combination and complies with such conditions as may be prescribed;

and 'relevant plated weight' in paragraph (a) means a plated weight of the description specified in relation to that paragraph by regulations." — [*The Minister of the Environment (Mr Poots).*]

No 8: In clause 38, page 29, line 11, leave out paragraph (c). — [*The Minister of the Environment (Mr Poots).*]

No 9: In clause 39, page 30, line 10, leave out

"or paragraph 4(1) of Schedule 4". — [*The Minister of the Environment (Mr Poots).*]

No 10: In clause 39, page 30, line 16, leave out

"or paragraph 4(1) of Schedule 4". — [*The Minister of the Environment (Mr Poots).*]

The amendments in this group or, indeed, any of the amendments to be debated at this stage do not involve any change of policy. Rather, as I see it and, I believe, as the Committee for the Environment sees it, they are designed to make what is a good Bill a little better.

The first group of amendments relates to the definition of a "small goods vehicle" in clause 1 and schedule 1 and the requirement for large goods vehicles to carry consignment notes in clauses 38, 39, 50 and schedule 4. As drafted, the definition of a small goods vehicle replicates the definition in the Goods Vehicles (Licensing of Operators) Act 1995 in Great Britain. However, the definition is complex and has resulted in confusion as to what vehicles are deemed to fall within the scope of operator licensing. That is particularly the case in relation to vehicle combinations. I want to simplify the definition, and I want people to know whether their vehicle is in scope

or out of scope. The proper way to do that is through regulations, rather than in the Bill.

Amendment No 1 will remove a reference to schedule 1, which contains the definition. The impact will be that the requirement to hold an operator's licence will not apply to the use of small goods vehicles generally. Amendment No 2 will insert a new subsection (2A) into clause 1 to provide the power to make regulations that will describe vehicle combinations in a simple manner. Schedule 1 will not, therefore, be needed, and I intend to oppose the Question that schedule 1 be agreed to. These amendments will allow the definition of small goods vehicles to be clear and unambiguous. Officials will, at an early stage, present for my approval and that of the Environment Committee proposals on exemptions and in- and out-of-scope vehicles.

The remaining amendments in the group will remove the references to schedule 4 to the Bill from clauses 38 and 39. I intend to oppose the Questions that schedule 4 be agreed to and that clause 50, which refers to it, stand part of the Bill. Amendment Nos 8, 9 and 10 are consequential to the proposed removal of schedule 4 and remove references to it.

I understand that all of the group one amendments have been explained in some detail to the Committee by my officials and that consensus has been reached in tabling them. I thank the Committee for its patience in its detailed scrutiny of the Bill and these amendments, as well as the other amendments, which we will deal with later.

The Deputy Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a Cheann Comhairle. I pay tribute to the departmental officials, the Bill Office and the Committee staff and thank them for their assistance in bringing forward the Bill.

On behalf of the Committee for the Environment, I welcome the Consideration Stage of this important Bill, which is needed to deal with all matters relating to the regulation of road freight operators. The Committee recognises that the Bill has the potential to enhance road safety, improve the image of the freight sector and contribute to the fight against organised crime. It has been a long time coming, and I will take the opportunity to say a few words on the key recommendations that have been made during the Bill's Committee Stage.

The Bill was referred to the Committee on 21 May 2008, and members conducted detailed scrutiny in which they made recommendations and prompted amendments, where the Committee deemed necessary. The good working relationship that was established between the Committee and departmental officials paid

dividends when it came to agreeing those recommendations.

The Committee made three recommendations that very much relate to the Bill, although they are not directly linked to it. One recommendation relates to planning, and I will come back to that later when we debate the relevant clause. The other two recommendations are concerned with enforcement.

The Committee discussed effective enforcement of the Bill at length. On the basis of information that many stakeholders gave, the Committee recommends that, in implementing the Bill, enforcement should be delivered separately from the regulation. That happens in England, Scotland and Wales through the appointment of traffic commissioners, who, among their other functions, operate independently to enforce goods vehicle licensing legislation.

None of the members who were present when the commissioner for the North Western Traffic Area in England attended the Committee are likely to forget her evidence, and I pay tribute to Mr Trevor Clarke in relation to that. However, her evidence, along with the support of many stakeholders, persuaded the Committee that the feasibility of the appointment of a traffic commissioner should be looked at more closely. Therefore, the Committee recommends that the Department pursue the feasibility of the appointment of a traffic commissioner who would have statutory responsibility for, among other things, the licensing of goods vehicles here.

I believe firmly that the discussions in Committee between members and departmental officials had the outcome of producing better legislation. All the benefits that should come from the legislation will be enhanced if the Minister takes on board the Committee's recommendations for better enforcement.

I now turn to the first group of amendments. The Minister outlined carefully the nature and purpose of these amendments, and I will give the Committee's position on them. As we heard, amendment Nos 1 and 2 to clause 1 and the removal of schedule 1 aim to make the definition of small goods vehicles clearer and to create less ambiguity about what will be in and out of the scope of operator licensing. The Committee recognised that as a crucial part of the Bill, and it questioned the Department at length on which vehicles would be affected by the Bill and the principles on which exemptions would be decided.

Having heard evidence from the Ulster Farmers' Union and the Horticultural Trades Association, the Committee was particularly concerned about the potential impact of the Bill on the farming sector. It also queried the impact that it would have on emergency services and government vehicles. Therefore, the Committee welcomes these

amendments, which will clarify the meaning of small goods vehicles, and it thanks the Minister for taking its concerns into consideration.

The other amendments in the group are consequential, and I will refer to the Committee's position at a more relevant time, suffice it to say at this point that the Committee agreed to and welcomes amendment Nos 8, 9 and 10 as proposed by the Department.

Mr Speaker: Before I call Mr Weir to speak, on behalf of the Assembly, I extend my warmest welcome to our guests from America. A senior delegation of Congressmen and Congresswomen are visiting Northern Ireland. I know that I speak for the whole House in welcoming you to Parliament Buildings this morning. I wish you well, and I thank you for coming.

Mr Weir: I am sure that our visitors from America will be delighted to see this great moment of democracy in action. I am sure that Congress discusses little other than the Goods Vehicles (Licensing of Operators) Bill, particularly its Consideration Stage and the definition of a small goods vehicle.

With that spirit of friendship across the water in mind, I welcome this group of amendments. As a member of the Committee for the Environment, I attended meetings during the Bill's Committee Stage. The Committee was conscious of the need to ensure that the legislation was right and that the proper balance was struck. The Minister and the Department have acknowledged that the amendments are not the whole picture, and that is an important point. To try to ensure that everything in the legislation is right, the consequential regulations to be put in place will also be significant.

As indicated by the Deputy Chairperson of the Committee, when we scrutinised the Bill in detail, certain areas were of concern to us. Although the amendments will deal with a certain number of those, regulations may be the most appropriate way to deal with some of the issues.

10.45 am

In striking a balance, it is important to ensure that the amendments do not affect the main purpose of the Bill. Although some concerns were raised about the Bill, and that led consequently to the amendments, the Bill, as a whole, has a very useful purpose, as the Minister outlined. It deals with a range of issues. It is important that we ensure — I think that it is the case — that the amendments do not impinge on the central thrust of the Bill, whether in relation to road safety or to ensuring that people are on a level playing field when it comes to the transport of goods.

The vast majority of users of goods vehicles are reputable and operate in a fashion that meets the safety

requirements that exist already. The regulations would be put in place to protect those users and those who are involved in freight transport as much as possible. We have an unfortunate problem in Northern Ireland in that, because of the lack of regulation in the past, our reputation throughout Europe has not been as good on that issue as perhaps it should be. That creates problems for many of our drivers who are fulfilling all the criteria when they go across the water. The Bill is as much about protection of the industry and those who are involved at the front line as it is about regulation. That is why the legislation is welcomed by most of the relevant bodies.

I am glad to see amendments and to see that they do not impinge on but actually protect the central aspects of the Bill. However, the other aspect is that, although that protection and regulation is needed, as was indicated by the farming community and those who are involved in light transport, it is important that the regulations are not unnecessarily onerous on the single operator or on people who are simply moving about, for example, food products or goods relating to the farming industry. The amendments consider the scope of operating licences — the bulk of that will come through regulations — the issue of consignment notes and the definition of a small goods vehicle.

The amendments are an attempt by the Department to meet the concerns that were raised by the Committee and to ensure that what is put in place is fair across the system, so that people can have a level playing field, and does not place a particularly onerous burden on the sector, particularly those who use small goods vehicles. Other issues have been touched on: for example, operator centres. I think that that issue is best dealt with by way of the regulations. Committee members will be looking for provisions on that in the regulations to ensure that we have a level playing field.

The amendments in group 1 provide a degree of balance between ensuring that there is regulation to achieve the aims of the legislation and ensuring that the burden is not onerous. I am, therefore, happy to support the amendments.

Mr Beggs: I am content with the Bill and the amendments. The evidence that we received at the Committee, particularly from the traffic commissioner for the north-western area, ensured my support for moving forward in this area. We have to improve the standard of the vehicles on our roads to improve road safety and the protection of all our road users, including pedestrians who might get caught up in accidents. The owner-account section has, to date, been exempted from this type of scrutiny, and there has, therefore, been a danger of substandard vehicles on our roads; some operators may have been undercutting others who operate to a higher standard.

The Bill is a considerable move forward; it is long overdue and will bring Northern Ireland into line with other parts of the United Kingdom. The operators will have additional costs, but they will also make savings by carrying out preventative maintenance rather than reacting when their vehicles reach a critical stage. The Bill will bring the considerable benefit of increased road safety.

The Committee heard evidence that criminals are using heavy goods vehicles to move goods about and that that has caused difficulties for the police. The new regulation will provide an ability to prevent those who abuse the system by using those vehicles from being allowed to operate them and will lessen that aspect of organised crime.

I also appreciate the manner in which the departmental officials and the Minister, who has acceded to the amendments, have shown flexibility, particularly by using affirmative secondary regulations to finalise exemptions. That will bring about improvements and the flexibility to allow the Department to react. If we do not get the legislation exactly right, we will be able to listen, and, if adjustments are needed, they can be made easily in the future.

I am content with the Bill and the amendments. Support has come from most people in the industry, including the Freight Transport Association and the Road Haulage Association, to improve standards and make operators more professional and better regulated. The Bill will allow the authorities to concentrate on those who are not ensuring that their vehicles are maintained to the highest standard.

Mr Ford: I express my general support for the principles of the Bill and for the amendments. A few months ago, we reached the Consideration Stage of the Taxis Bill, and I remember saying that it was like the penultimate meeting of a rather sad club that had met on many occasions. However, the membership of the club has changed somewhat. In particular, there is a new Minister, who was not subject to all the difficulties that some of us went through. Indeed, time took its toll on the Committee; some of its members did not have the excitement of going through the process. It is good to see that the same smiling faces are sitting in the Minister's Official Box, watching as we debate the penultimate stage of the Bill.

Mr Beggs: Does the Member agree that, perhaps, we were fortunate that there was a change of Minister? The information that came back to the Committee was that the previous Minister was minded not to proceed with the Bill. Is that correct?

Mr Ford: I am not sure whether the Member wants me to join in praising one member of the Democratic Unionist Party or in attacking another. I agree that there seems to have been some delay in reaching this

stage, but, under the current Minister, we have at least reached it. I am glad that the current Minister listened to the Committee, and, in particular, that the Committee was able to agree certain issues with his officials as we examined the detail of the Bill. As the Deputy Chairperson said, some of us have worked on the Bill since May 2008. Perhaps the Committee did not have as many sessions on this Bill as we had on the Taxis Bill, but, at times, it began to seem like it.

A number of improvements has been made, which the amendments recognise. I endorse those, particularly the fact that we have dealt with the definition of a small goods vehicle in a way that reduces the potential for over-onerous burdens on one-man or two-man businesses. Farmers, the horticulture industry and representatives of small tradesmen who use a single vehicle for themselves made that complaint about the original proposals.

I have a slight concern, and the Minister should consider whether there may be some difficulty over the issue of what could be described as large fleets of small vehicles. We have addressed the legitimate concerns of small operators about the size of a vehicle and the size of a business, but a slight difficulty may have been created on that issue. I will be interested to hear the Minister address that point in his summing-up remarks.

The Committee has dealt with a variety of matters that did not occur when similar legislation was introduced across the water, such as the danger that rogue cross-border operators will cut into the business of legitimate operators in Northern Ireland. I certainly hope that we will see — it does not currently seem to be the case — appropriate legislation being passed in the Oireachtas to ensure that operators in Northern Ireland get fair treatment on an all-Ireland basis.

As Peter Weir said, with the eloquence that we expect from someone in his profession, the regulations that we will have to face will, ultimately, be as significant as the Bill itself. We look forward to seeing the Department produce those regulations as quickly as possible, because there is a serious need to deal with the road safety problems being caused by a small number of rogue operators, the people who create difficulties as they proceed to GB or the continent.

It is not too many months since I was driving along a motorway in Wales and saw that a vehicle with a Northern Ireland registration had been pulled in for a check by traffic police. That shows the unfortunate reputation that a minority of bad operators have given the great majority of legitimate Northern Ireland goods vehicle operators. The Assembly must ensure that legislation is passed to defend the reputations of good operators who abide by regulations and deserve to be supported.

Some colleagues have mentioned the evidence that was given by the traffic commissioner for north-west England. I regret that it has not been possible to include provision for an independent traffic commissioner in the Bill. However, the Department must keep the matter under review and may well need to address it in the near future.

At present, the Bill and its proposed amendments represent a significant step forward. I support them fully.

Mr T Clarke: Some Members may wonder why I am speaking in the debate as I am no longer a member of the Environment Committee. I am speaking because I oppose the Bill and, therefore, do not want to disappoint officials by not speaking in the debate. I like my message to be consistent.

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

Although I welcome some of the Minister's changes to the Bill, I am still disappointed with certain provisions. Indeed, there are a few on which I seek clarification. I prefer that small operators with 3.5-ton vehicles be exempt from this particular process and that it apply only to operators whose vehicles weigh at least 7.5 tons. I welcome the fact that the Minister has taken on board some of the suggestions that I made in Committee and has made minor amendments in that regard.

Unlike Mr Ford, I am not disappointed that provision for a traffic commissioner has not been included in the Bill. I welcome that fact. I found the commissioner to be overbearing in her role. She put herself on a pedestal.

Mr Ford: I thank the Member for giving way. I wondered whether that represents a further split between Trevor Clarke and his DUP colleagues. It is always interesting to count them up.

Mr T Clarke: The DUP is a democratic party; its members are entitled to their own views. I am taking part in the debate so that I can express my view.

Unlike Mr Beggs, I am not sure that the Bill will reduce organised crime. I still have concerns about that, and I hope that the Department will do more work in that regard. The enforcement team will have work to do, because I do not envisage that many gangsters will apply for operator licences.

Mr Beggs: Does the Member not accept that, if criminal gangs do not have lorries, they will not be able to move goods around illegally? If they attempt to do so using someone else's lorry, that operator will risk losing his or her licence. That will, therefore, make life much more difficult for criminals.

Mr T Clarke: I just do not know how naive Roy Beggs is at times. From my recollection, criminals

steal lorries or buy them at auctions. We have heard consistently about illegal fuel lorries on the roads. However, the criminals do not actually acquire those vehicles by legal means. Therefore, I do not believe that the Bill will deter them from continuing that activity. Officials will have a job to do. I call upon them to do more enforcement work in order to tackle organised crime rather than monitoring legitimate businesses.

I welcome that the purpose of the legislation is to increase road safety for operators in the sector. I thank the Minister for accepting the amendments, and I support the Bill.

11.00 am

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. I welcome the Consideration Stage of the Bill and the important part that the Bill will play in improving the image of the freight sector. The Goods Vehicles (Licensing of Operators) Bill had been put on the long finger for a number of years by direct rule Ministers. The industry has been crying out for such a Bill, and it is, therefore, important that we get it right.

Ireland, North and South, has some of the worst transport standards in Europe, and although new legislation to bring the North up to speed has been on the table since the 1990s, it was never progressed. As the Deputy Chairperson of the Committee said, the legislation has been "a long time coming". I hope that the Bill marks the start of a process of implementing legislation across the island and that the Southern Administration will introduce similar legislation to ensure a degree of consistency.

The Committee debated the Bill extensively, and it considered that enforcement should remain separate from the legislation to ensure its effectiveness. The possibility of appointing a traffic commissioner should be further considered. I echo what other Members said about the importance of having a clear definition of a small goods vehicle, and amendment Nos 1 and 2 to clause 1 help to provide that much-needed clarity.

Sinn Féin supports the adoption of all the amendments in group 1, as well as those in groups 2 and 3, because it is vital that the reputation of the Irish freight and transport industry be improved. The new Bill provides the opportunity to do exactly that. The legislation is important for the industry's reputation, and for road safety and haulage drivers.

Mr Dallat: I was appointed to the Committee for the Environment only recently so I missed the excitement of its discussions. I apologise on behalf of the Chairperson of the Committee, Dolores Kelly, who is not here this morning because she is dealing with a family bereavement.

The SDLP welcomes and supports the Consideration Stage of the Bill. I was told recently that up to 70% of goods vehicles could have serious safety deficiencies; the legislation is, therefore, important. I underline the fact that good operators deserve good legislation and strong enforcement. The road freight industry is dependent on investment from good operators, but their efforts are undermined by rogue operators who make no such investment. In light of the alarming reports about operators that we hear from time to time, it is extremely fortunate that the number of road traffic incidents has not been higher. That point has become particularly relevant since the expansion of the European Union led to many vehicles from other countries coming here.

I spent more than an hour trying to get through Newry last night, largely because of heavy goods vehicles, so I do not want to miss the opportunity to highlight the fact that the railway line that runs alongside the road is not operational. That is not a matter for today, but we must, at some stage, consider moving much of the freight from the roads to the railways.

In general, the SDLP warmly welcomes today's progress. At the beginning of the debate, Peter Weir said that the matter was not, perhaps, the most exciting, but it is a serious one.

The Minister of the Environment: I thank Members for their contributions. The Deputy Chairperson, speaking on behalf of the Committee, raised several issues, and I hope to deal with those. The Bill sets out the main provisions for the enforcement of the licensing of operators of goods vehicles. In the main, those provisions were reproduced from the Transport Act (Northern Ireland) 1967, which applies to operators who transport goods and passengers by road.

The Department will have the power to stop and enter vehicles and to enter premises in which vehicles are kept. That power does not apply to private homes unless an application for a magistrate's warrant has been granted. If it is believed that an offence has been committed, the Department will have the power to seize documents. The Department may require the owner, driver or user of a vehicle to provide certain information and documents, such as the name and address of the owner, a description of the goods being carried and the journey details.

A person who either wilfully obstructs an officer or fails to produce documents will be guilty of an offence and will face a fine up to level 3, which is a £1,000, six months' imprisonment or both. The Bill will allow the Department to issue a certificate containing certain defined information as evidence for court proceedings.

Schedule 3 contains details of a new power to detain goods vehicles that are used without an operator's

licence. Schedule 3 contains regulation-making powers, which will provide for the following areas: the detention of a vehicle and its contents; fixing an immobilisation device to a vehicle or arranging for it to be moved from the roadside — tampering with or removing a clamp will be an offence that will attract a fine of up to £1,000, and tampering with or removing a notice of immobilisation can carry a fine of up to £500; the arrangements for the return or disposal of a vehicle and its contents; the proceeds of the sale of property; and the procedure to be followed when a dispute occurs over the return or disposal of a vehicle's contents or the proceeds of any sale. Anyone making a false declaration to secure the return of a vehicle will be guilty of an offence that attracts a fine of £5,000, up to two years' imprisonment or both. Therefore, the powers of enforcement are fairly extensive. The issue then comes down to having an adequate number of staff to deal with that.

I welcome the Committee's view on the need to define "in scope" and "out of scope" clearly, and that will be dealt with further in regulations.

Mr Weir rightly identified the issue about protecting the industry, which is why the industry sought for us to introduce the Bill. Operators who carry out their job in a professional manner will no longer be faced with the problem of being undercut by people who operate to lower standards, which is a serious issue. For example, if an overtired driver operates a vehicle that is overweight and has a faulty brake cylinder, there could be dangerous consequences. That is why we need to ensure that operators keep vehicles at the optimum standard.

The issue of operation centres will be dealt with in regulations. In devising those regulations, I will seek to ensure that we are practical, do not create onerous burdens and respond to real issues such as I have just described.

Mr Beggs indicated that the legislation is overdue, and he referred to organised crime. It will always be difficult to pursue criminals who are happy to operate outside the law. Nonetheless, the Bill creates a better licensing and regulation system that will make it easier to catch those criminals.

Mr Ford said that time had taken its toll on the Committee. I understand that the Member looked about 25 years old when the process started, so it certainly has taken a severe toll on him. He referred to the issue of onerous burdens, as did Mr Weir, and that has been taken on board.

The Bill deals with vehicles that weigh more than 3.5 tons, regardless of whether they are large fleets of small vehicles. Therefore, the issue is not about the size of the fleet but about the Bill applying to small or large goods vehicles that weigh more than 3.5 tons.

Trevor Clarke would have preferred the Bill to apply to vehicles that weigh more than 7·5 tons as opposed to 3·5 tons, and we have considered that issue. However, European Union legislation makes it impossible to move away from that 3·5-ton requirement. That is why the Bill has proceeded using that weight and not a greater weight.

As a result of Trevor Clarke's intervention, we dealt directly with the issue of consignment notes. His opposition and agitating in Committee has certainly delivered results.

We see that as beneficial because consignment notes were not operating in the rest of the United Kingdom and would not have brought any significant benefit to the Bill. I thank Mr Clarke for that.

Mr McKay and Mr Dallat made general comments, and I have nothing to respond to in that respect.

Amendment No 1 agreed to.

Amendment No 2 made: In page 1, line 16, at end insert

“(2A) For the purposes of subsection (2)(a) a goods vehicle is a small goods vehicle if—

(a) it does not form part of a vehicle combination and—

(i) it has a relevant plated weight not exceeding 3.5 tonnes, or

(ii) in the case of a vehicle which does not have a relevant plated weight, it has an unladen weight not exceeding 1525 kilograms; or

(b) it forms part of a vehicle combination and complies with such conditions as may be prescribed;

and ‘relevant plated weight’ in paragraph (a) means a plated weight of the description specified in relation to that paragraph by regulations.” — [*The Minister of the Environment (Mr Poots).*]

Clause 1, as amended, ordered to stand part of the Bill.

Clauses 2 and 3 ordered to stand part of the Bill.

Clause 4 (Vehicles authorised to be used under operator's licence)

Mr Deputy Speaker: We now come to the second group of amendments for debate. With amendment No 3, it will be convenient to debate amendment Nos 4, 5, 6, 7, 12, 13 and 14. The amendments deal with a number of technical matters. Amendment Nos 5, 6 and 7 are related, and Members will wish to bear that in mind when the Questions are being put.

The Minister of the Environment: I beg to move amendment No 3: In page 4, line 4, at end insert “(if any)”.

The following amendments stood on the Marshalled List:

No 4: In page 4, line 5, after “fee” insert “(if any)”.
— [*The Minister of the Environment (Mr Poots).*]

No 5: In clause 24, page 20, line 36, leave out subsection (3). — [*The Minister of the Environment (Mr Poots).*]

No 6: In clause 24, page 20, line 39, leave out “subsection (3)” and insert “section 26(1)”. — [*The Minister of the Environment (Mr Poots).*]

No 7: In clause 26, page 22, line 17, after “first” insert

“giving the holder of the licence or (as the case may be) the person concerned notice that it is considering doing so and”.
— [*The Minister of the Environment (Mr Poots).*]

No 12: In clause 55, page 36, line 19, leave out “commissioners” and insert “authority”. — [*The Minister of the Environment (Mr Poots).*]

No 13: In clause 57, page 38, line 17, after “section” insert “1(2)(d), 12(12) or”. — [*The Minister of the Environment (Mr Poots).*]

No 14: In schedule 3, page 47, line 29, leave out from “for” to end of line 30 and insert

“authorising a vehicle detained by virtue of paragraph 1 to be returned to the owner, in prescribed circumstances, without the need for any application under paragraph 8.” — [*The Minister of the Environment (Mr Poots).*]

The second group of amendments is largely made up of technical amendments that are intended to improve the drafting of the Bill. Amendment Nos 3 and 4 relate to clause 4; amendment Nos 5 and 6 relate to clause 24; amendment No 7 relates to clause 26; amendment No 12 relates to clause 55; amendment No 13 relates to clause 57; and amendment No 14 relates to schedule 3.

In common with the amendments in the first group, all the amendments in the second group have been explained in detail to the Committee and a consensus has been reached.

Members will be aware that the Bill is largely a replication of the Goods Vehicles (Licensing of Operators) Act 1995 in Great Britain. Late last year, that Act was amended by the Local Transport Act 2008, and I want to make sure that the Goods Vehicles (Licensing of Operators) Bill is up to date with GB legislation.

Amendment Nos 3 and 4 are minor, adding the words “(if any)” to the existing phrase, “the prescribed fee”. That is necessary to take account of situations in which no such fee is prescribed. Such a situation would arise if an operator were adding a specific vehicle to a licence and a fee for a previously removed vehicle had already been paid. Obviously, in that situation, a further fee would not be required.

Amendment Nos 5, 6 and 7 are interrelated. The purpose of those amendments is to remove an anomaly in the way in which the Department handles disciplinary proceedings against a licence holder. Currently, under clause 26, the Department “shall

not” give a direction to revoke, suspend, curtail or disqualify without first holding an inquiry if a licence holder requests that it do so. The problem is, how does the licence holder know to ask for an inquiry when, except for a standard licence revocation in clause 24(3), there is no requirement on the Department to tell the licence holder? To make clause 26 work correctly, the Department would have to issue such a notice administratively. It is best to provide for that in the Bill, and, in doing so, remove any potential for misunderstanding. Taken together, amendment Nos 5, 6 and 7 will impose a responsibility on the Department to issue a notice on all occasions. The functions relating to those amendments — revocation, suspension, curtailment and disqualification of licences — are all departmental functions under the Bill, whereas, in GB, the same functions are dealt with by independent traffic commissioners.

In its report, the Committee made two recommendations in that regard, which I will now address.

11.15 am

First, the Committee felt that the licensing function should be separated clearly from the enforcement function. At present, both come under the remit of the Driver and Vehicle Agency. I can provide assurance that, when implementing the Bill, the licensing function will be administered separately from the DVA, which will retain the enforcement function.

The Committee also recommended that the Department pursue the feasibility of appointing a traffic commissioner for Northern Ireland who would have statutory responsibility for, among other things, goods vehicles licensing. Given that the powers in the Bill are exactly the same as those given to traffic commissioners in GB and that there will be a separation of the licensing function, my predecessor, Minister Wilson, decided not to pursue the traffic commissioner option. That position will be kept under review, so we are not ruling the option in or out for the future. However, the present task will be to implement the Bill’s provisions as quickly as possible.

Amendment No 12 is a small, technical amendment. I want the Bill to apply to anyone using a relevant vehicle on any road in Northern Ireland. Crucially, that includes roads in harbour estates. The intention of clause 55 has always been to ensure that the Bill applies to harbour areas. However, it appears that the use of the term “harbour commissioners” in a general sense to describe the bodies that control harbour areas is wrong, because a number of harbour areas are not under the control of commissioners and, therefore, will be excluded from the provisions of the Bill. That is why I propose to amend clause 55 by replacing the

term “commissioners” with the more comprehensive term “authority”.

The Committee tabled amendment No 13 to clause 57. I thank the Chairperson and the Committee, and I am happy to accept that amendment, because I agree completely with its proposals. As drafted, the Bill provides for a wide range of regulation-making powers. All but two of those powers will be subject to negative resolution. In oral evidence sessions in the Committee, my Department was challenged to look again at all the Bill’s secondary legislation-making powers. During that process, the Department agreed that the regulations in clause 1(2)(d) on exemptions and in clause 12(12) on the extension of professional competence, which are requirements for restricted licence holders, should be subject to affirmative resolution. Therefore, I agree to the amendment of clause 57(9) to include those two clauses.

Amendment No 14 is the final amendment in the group and relates to paragraph 7 of schedule 3 to the Bill. It will give the Department power to make regulations for a vehicle that is detained under the schedule to be returned to its owner. Further regulations under paragraph 8 require the owner to apply to the Department for the return of the vehicle. The proposed amendment makes it possible for the vehicle to be returned without the owner having to apply for it. That amendment, which is included already in the corresponding GB legislation, will mean that there is a consistent approach across the systems in GB and Northern Ireland.

The Deputy Chairperson of the Committee for the Environment: Go raibh maith agat, a LeasCheann Comhairle. I send the Committee Chairperson’s apologies to the House; it was remiss of me not to mention that earlier.

Departmental officials briefed the Committee fully on all the technical amendments. The Committee had initial concerns about clause 4(4), not least because it is not included in comparable legislation across the water. Therefore, the Committee sought more information from the Department on the reasons for its inclusion. Having been advised by the Department that clause 4(4) would allow for better enforcement of the legislation, provide in law what England, Scotland and Wales have in practice already and provide what is required by EU law, the Committee accepted its inclusion. The Committee also approved amendment Nos 3 and 4 to other subsections of clause 4 to keep the Bill up to date with similar legislation across the water.

Earlier, I mentioned the importance that the Committee attached to vehicles that will be exempt from the Bill. That will be dealt with through a secondary legislation-making power, which the Committee urges the Department to make subject to draft affirmative

procedure so that the highest level of Assembly scrutiny applies to such an important decision.

Similarly, the Committee had concerns about the power to prescribe a date on which stricter requirements could be placed on applicants for a restricted licence. Members felt that such a measure could introduce an element of discretion into the enforcement of the Bill and questioned the risk of inconsistency. The Department tried to allay concerns by explaining how its discretion might be used and noted that an appeals procedure would ensure that inconsistencies could be addressed. Nonetheless, the Committee was keen for extra scrutiny to be associated with that secondary legislation-raising power and urged the Department to make it subject to draft affirmative procedure. The Committee thanks the Minister for taking those concerns into consideration and welcomes amendment No 13, which will bring those procedures into effect. The Committee agreed all other proposed amendments in the group.

Mr Ford: I am pleased that the Minister referred to traffic commissioners, and I thank him for proposing to keep that matter “under review”. However, what does “under review” mean in the context of legislation?

I appreciate his points about the separation of licensing and enforcement functions. The reality is that the DVA is an agency of his Department, and we appear to be creating a situation that is somewhat analogous to that of the Northern Ireland Environment Agency and the Planning Service, both of which are agencies of the Department, and, therefore, it is possible to question the degree of independence between their functions.

With that in mind, will the Minister tell the House how the system will operate, given the practical realities, to ensure maximum possible separation? Moreover, will he outline a timescale in which he will consider whether it is better to move towards the concept of establishing traffic commissioners as an entirely independent body?

The Minister of the Environment: I thank the Committee for its general support of the legislation. It is useful that the Department has worked closely with the Committee to reach this stage of the legislation.

Mr Ford mentioned the traffic commissioner. Legislation would be required to introduce a traffic commissioner in Northern Ireland. The current system allows a degree of independence and flexibility, and DVA carries out the licensing aspect. Therefore, we believe that there can be a degree of independence and separation between the two functions even though they are in the same Department. A commissioner would be funded by my Department, too. Therefore, someone who makes the case that there is no true independence

because those who pay the piper call the tune could do so in relation to a traffic commissioner, although the title “independent” would be added.

I have always been reluctant to remove powers from the Assembly and the House, where people are accountable to elected representatives. I have always been somewhat reticent about giving powers to people who are independent from political scrutiny. Ultimately, politics is, for good or ill, the voice of the people. We are elected by the people to do a job for the people. Therefore, it is always better that the public’s serious concerns about how governance is being delivered can be addressed through challenges to the process from individuals such as Mr Ford. A process that lacks an independent challenge mechanism for politicians creates real difficulties for the public.

Amendment No 3 agreed to.

Amendment No 4 made: In page 4, line 5, after “fee” insert “(if any)”. — [The Minister of the Environment (Mr Poots).]

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5 ordered to stand part of the Bill.

Clause 6 (Operating centres to be specified in operators’ licences)

Question proposed, That the clause stand part of the Bill.

The Deputy Chairperson of the Committee for the Environment: Go raibh maith agat, a LeasCheann Comhairle. From the outset of its scrutiny, the Committee had reservations about the potential effect of the Bill on planning processes. In particular, the Committee was worried about the Bill’s effect on owners of small businesses who are based at home and are required to designate their homes as operating centres. The Committee, therefore, seeks the Minister’s assurance that the designation of a property as an operating centre will not, in itself, have any read-across to planning action, nor will it be used by, or influence any action of, the Planning Service as to the use of the property.

Mr I McCrea: First, I thank the Clerk of the Committee for the Environment and the Committee staff, who had a major task to get everything right for today, including the drafting of the reports. Departmental officials also had a hard task, to say the least, in dealing with some of the issues raised, particularly by my colleague Trevor Clarke. I welcome the fact, as the Minister said, that the Department was able to take on board the issues that were raised and amend the Bill accordingly.

As the Deputy Chairperson said, one of the main issues with clause 6 was the question of planning

permission for operating centres owned by operators of small businesses who are based at home. In his contribution to the debate, the Deputy Chairperson sought clarity on the assurance that the designation of an operating centre will not have any read-across to planning action. I ask the Minister to clarify whether owners of small businesses who operate from home will require planning permission, and, if so, under what circumstances. Will he indicate whether there is a limit on the size of vehicle that can be kept at an operator's home?

Mr T Clarke: Again, I make no apology for being one of those who raised the most concerns about the operating centres. My feelings are similar to those expressed by the Minister in his reply to Mr Ford: I am an elected representative for the people and I want to work for them while I am here.

I can see how the Bill's provisions for operating centres could have caused some difficulties. Although I am glad that the Minister has given us assurances that that will not be the case, I was disappointed when, on more than one occasion, Planning Service officials could not give the Committee clear guidance on how those provisions will work in practice. However, I trust that the Minister will use his authority to make it clear to the Planning Service that it must provide such guidance.

Like my colleague, I still have reservations about how the read-across will be determined. Will it apply retrospectively to people who are already in business? Will it prevent others who want to start businesses from doing so from an operating centre beside their homes? Will the rights that are granted to those who have been in business for several years follow them if they decide to relocate? There are still questions to be answered, and I hope that the Minister will provide some clarity.

11.30 am

The Minister of the Environment: Clause 6 deals with operating centres. I will address the second of the three recommendations on operating centres that the Committee made in its report on the Bill.

Following a designation by the Department of a place as an operating centre under the Goods Vehicles (Licensing of Operators) Bill, the issue of read-across into interest or action by the Planning Service may be of concern to some. I assure Members that the designation of a property as an operating centre will not in itself have any read-across into planning action, nor will it be used by or influence any action by the Planning Service as to the use of the property.

Irrespective of that assurance, it is the responsibility of all landowners to ensure that the use of their property satisfies the requirements of planning laws.

Question put and agreed to.

Clause 6 ordered to stand part of the Bill.

Clauses 7 to 23 ordered to stand part of the Bill.

Clause 24 (Revocation of standard licences)

Amendment No 5 made: In page 20, line 36, leave out subsection (3). — [*The Minister of the Environment (Mr Poots).*]

Amendment No 6 made: In page 20, line 39, leave out "subsection (3)" and insert "section 26(1)". — [*The Minister of the Environment (Mr Poots).*]

Clause 24, as amended, ordered to stand part of the Bill.

Clause 25 ordered to stand part of the Bill.

Clause 26 (Revocation, disqualification, etc: supplementary provisions)

Amendment No 7 made: In page 22, line 17, after "first" insert

"giving the holder of the licence or (as the case may be) the person concerned notice that it is considering doing so and". — [*The Minister of the Environment (Mr Poots).*]

Clause 26, as amended, ordered to stand part of the Bill.

Clauses 27 to 37 ordered to stand part of the Bill.

Clause 38 (Powers of entry)

Amendment No 8 made: In page 29, line 11, leave out paragraph (c). — [*The Minister of the Environment (Mr Poots).*]

Clause 38, as amended, ordered to stand part of the Bill.

Clause 39 (Power to seize documents etc)

Amendment No 9 made: In page 30, line 10, leave out

"or paragraph 4(1) of Schedule 4". — [*The Minister of the Environment (Mr Poots).*]

Amendment No 10 made: In page 30, line 16, leave out

"or paragraph 4(1) of Schedule 4". — [*The Minister of the Environment (Mr Poots).*]

Clause 39, as amended, ordered to stand part of the Bill.

Clauses 40 to 49 ordered to stand part of the Bill.

Clause 50 (Large goods vehicles)

Mr Deputy Speaker: The Minister has given notice of his intention to oppose clause 50's standing part of the Bill and the associated schedule 4's being agreed to. Clause 50 deals with documentation requirements for drivers of large goods vehicles.

Question proposed, That the clause stand part of the Bill.

The Minister of the Environment: I oppose clause 50's standing part of the Bill and the associated schedule 4's being agreed to. Schedule 4 is a replication of schedule 5 to the Goods Vehicles (Licensing of Operators) Act 1995 in Great Britain and was originally included to enable Northern Ireland to remain in line with GB legislation. It contains provision for the carriage of consignment notes in large goods vehicles; namely, a document containing certain details about the nature of goods that are being carried in the vehicle. However, that provision of the GB Act has never been enacted or brought into operation. Furthermore, it appears that the provisions are out of date and would have to be amended before being commenced in Great Britain.

It would be best to remove clause 50 and schedule 4 from the Bill altogether. If the provision is ever needed, it can be made at that time. Removal of the clause and schedule will not affect the remainder of the Bill or the way in which goods vehicles operators are licensed.

The Deputy Chairperson of the Committee for the Environment: Go raibh maith agat, a LeasCheann Comhairle. The Committee welcomes the Minister's opposition to clause 50 standing part of the Bill and schedule 4 being agreed to. The Committee questioned the need for separate additional classification for larger vehicles and the requirement for consignment notes to be carried. The Department indicated subsequently that it could find no justifiable reason for the inclusion of clause 50 and noted that the provision has never been enacted across the water. The Committee agreed that the Bill would be improved by excluding clause 50 and schedule 4.

The Minister of the Environment: I thank the Committee for the views that have been expressed.

Question put and negatived.

Clause 50 disagreed to.

Clause 51 ordered to stand part of the Bill.

New Clause

Mr Deputy Speaker: We now come to the third group of amendments for debate. There is only one amendment, which is amendment No 11.

The Minister of the Environment: I beg to move amendment No 11: After clause 51, insert the following new clause:

"Payment of grants

51A.—(1) The Department may, with the approval of the Department of Finance and Personnel, pay such grants to such persons or bodies as it considers appropriate in connection with any provision of, or the purposes of, this Act.

(2) Grants under this section shall be subject to such terms and conditions as the Department may, with the approval of the Department of Finance and Personnel, determine."

The insertion of clause 51A will provide my Department with the power to make grants available to individuals or bodies in connection with operator licensing. Inclusion of that power is prudent and reflects a similar power that was included in the Taxis Act (Northern Ireland) 2008. It will give my Department the power to make grants in certain circumstances, although I do not envisage the power having to be used very often. Any grant to be made available would be subject to terms and conditions and the prior approval of the Department of Finance and Personnel.

The Deputy Chairperson of the Committee for the Environment: Go raibh maith agat, a LeasCheann Comhairle. Throughout the Committee Stage, members expressed misgivings about the impact that the Bill may have on small businesses. The Committee very much welcomes the Minister's decision to insert clause 51A, which makes provision for grants to be paid to persons or bodies in connection with the provisions of the Bill. The Committee supports amendment No 11.

Mr Deputy Speaker: I call the Minister to make a winding-up speech.

The Minister of the Environment: I have nothing further to add, other than to thank the Committee for its support.

Mr Deputy Speaker: I am sorry; I forgot to call Mr Alastair Ross. I now call Mr Alastair Ross.

Mr Ross: I am something of an afterthought, but, nevertheless, I welcome the opportunity to speak about this part of the Bill. The purpose of the Bill has been explained in relation to other groups of amendments. A few years ago, I was hit by a McCullough Transport lorry when I was driving my car, so I know from personal experience that those sorts of lorries can be lethal weapons on our roads. Certainly, any legislation to improve road safety is to be welcomed, and we have already heard that Committee members agree.

Many of the concerns have been dealt with in the earlier amendments, but we were concerned about the impact that this legislation will have on the industry as a whole and particularly on smaller operators. We were worried that, if we moved ahead of the Irish Republic, the industry in Northern Ireland would be at a disadvantage. The addition of clause 51A certainly goes some way towards alleviating some of those concerns by creating the power for the Department to make grants available to individuals or bodies in connection with operator licensing. We are aware that similar enabling legislation was included in the Taxis Act (Northern Ireland) 2008. The Minister stated that it

is not envisaged that that power will ever need to be used. We hope that the industry is never at such an economic disadvantage that the Department will need to use the power. However, at least the Department, after approval from the Department of Finance and Personnel, can use that power if the industry needs help in the form of grants. I have no difficulty in supporting the new clause.

The Minister of the Environment: I assure Mr Ross that he is not an afterthought. His contribution is always valued. I thank him for the comments that he made, and I agree fully with them, particularly in the spirit of party unity.

Question, That amendment No 11 be made, put and agreed to.

New clause ordered to stand part of the Bill.

Clauses 52 to 54 ordered to stand part of the Bill.

Clause 55 (Application of Act to harbours)

Amendment No 12 made: In page 36, line 19, leave out “commissioners” and insert “authority”.— [*The Minister of the Environment (Mr Poots).*]

Clause 55, as amended, ordered to stand part of the Bill.

Clause 56 ordered to stand part of the Bill.

Clause 57 (Regulations)

Amendment No 13 made: In page 38, line 17, after “section” insert “1(2)(d), 12(12) or”. — [*The Minister of the Environment (Mr Poots).*]

Clause 57, as amended, ordered to stand part of the Bill.

Clauses 58 to 61 ordered to stand part of the Bill.

Schedule 1 (Meaning of “small goods vehicle”)

Mr Deputy Speaker: Opposition to schedule 1 has already been debated and is consequential to amendment No 2’s having been made. Members are reminded that, if they do not want to agree schedule 1, they should say “No”, and, if they wish to agree it, they should call “Aye”.

Schedule 1 disagreed to.

Schedule 2 agreed to.

Schedule 3 (Detention of vehicles used without operator’s licence)

Amendment No 14 made: In page 47, line 29, leave out from “for” to end of line 30 and insert

“authorising a vehicle detained by virtue of paragraph 1 to be returned to the owner, in prescribed circumstances, without the need for any application under paragraph 8.” — [*The Minister of the Environment (Mr Poots).*]

Schedule 3, as amended, agreed to.

Schedule 4 (Large goods vehicles)

Mr Deputy Speaker: Schedule 4 has been debated already, and the Minister has indicated his opposition to it. Members are reminded that, if they wish to support the Minister and do not want to agree schedule 4, they should call “No”. If they wish to agree schedule 4, they should call “Aye”.

Schedule 4 disagreed to.

Schedules 5 and 6 agreed to.

Long title agreed to.

Mr Deputy Speaker: That concludes the Consideration Stage of the Goods Vehicles (Licensing of Operators) Bill. The Bill stands referred to the Speaker.

Members may take their ease for a minute.

Department of Justice Bill

Consideration Stage

Mr Deputy Speaker: Members will have a copy of the Marshallled List of amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list.

There are two groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1, 2, 3 and 4, which deal with the process by which the Minister is appointed. The opposition to clause 2 notified by Alex Attwood and others will also be debated. The second debate will be on amendment Nos 5 and 6, which deal with the commencement of the Act.

I remind Members who intend to speak during the debates on the two groups of amendments that they should address all the amendments in each group on which they wish to comment. Once the 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.

Clause 1 (The Department of Justice)

Mr Deputy Speaker: We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 3 and 4 and opposition to clause 2, as notified by Alex Attwood and others.

Those amendments deal with the process by which the Minister is appointed. Clause 2 sets out a model for the appointment of the Minister. The amendments would place reporting obligations on the First Minister and deputy First Minister relating to the establishment of the Department and the appointment of the Minister, with implications for that appointment.

Those amendments are also related to amendment No 5 in group 2, which deals both with the commencement and sequencing of the appointment of the Minister. I draw it to Members' attention that amendment No 1 is a paving amendment for amendment Nos 2, 3 and 4. Amendment Nos 3 and 4 are consequential to amendment No 2.

I call Mr Alex Attwood to move amendment No 1 and to address the other amendments in that group and his opposition to clause 2.

Mr Attwood: I beg to move amendment No 1: In page 1, line 2, after "established" insert "upon the designated day".

The following amendments stood on the Marshallled List:

No 2: New clause

After clause 2, insert the following new clause:

"Duty of First Minister and deputy First Minister to report on certain matters

2A. The First Minister and deputy First Minister acting jointly shall make a report orally and in writing to the Assembly within seven days of the commencement of this section—

(a) outlining the functions that the Department of Justice is to exercise;

(b) explaining the provisions of paragraph 8 of Schedule 1 to the 2009 Act and, in particular, in the event that the Department of Justice is dissolved on 1 May 2012, the consequences of such dissolution for the exercise of the functions that the Department of Justice is to exercise, including such functions as may be conferred on the Department of Justice relating to—

(i) the imprisonment of offenders;

(ii) the compensation of victims of crime;

(iii) the provision of services in relation to forensic science;

(iv) the provision of services in relation to youth justice.

(c) explaining that paragraph 8 of Schedule 1 to the 2009 Act does not apply if the ministerial office of the minister to be in charge of the Department of Justice is filled under section 18 of the 1998 Act;

(d) explaining that the ministerial office of the minister to be in charge of the Department of Justice will be filled under section 18 of the 1998 Act if the Assembly fails within seven days of the date of the making of the report to approve a resolution endorsing the arrangement under section 2 of this Act for the appointment of the minister to be in charge of the Department of Justice." — [Mr Attwood.]

No 3: New clause

After clause 2, insert the following new clause:

"Consequences of failure to report or endorse arrangement under section 2

2B. If—

(a) the First Minister and deputy First Minister acting jointly fail to make the report referred to in section 2A within seven days of the commencement of this section, or

(b) the Assembly fails within seven days of the date of the making of that report to approve a resolution endorsing the arrangement under section 2 of this Act for the appointment of the minister to be in charge of the Department of Justice

then section 2 of this Act shall be repealed as of the date of the expiry of that period." — [Mr Attwood.]

No 4: New clause

After clause 2, insert the following new clause:

"Interpretation

2C. In this Act—

'designated day' means—

(a) if the First Minister and deputy First Minister acting jointly fail to make the report referred to in section 2A within seven days of the commencement of this section, the next day following the day upon which that period expires;

(b) if the Assembly fails within seven days of the date of the making of that report to approve a resolution endorsing the arrangement under section 2 of this Act for the appointment of the minister to be in charge of the Department of Justice, the next day following the day upon which that period expires;

(c) the next day following the day of the approval of the resolution by the Assembly referred to in section 2B(b);

whichever is the earlier.

‘the 1998 Act’ means the Northern Ireland Act 1998;

‘the 2009 Act’ means the Northern Ireland Act 2009.” —
[Mr Attwood.]

I thank the Business Office and other Assembly staff who provided significant assistance to me and the SDLP when preparing the amendments, and I thank those who agreed to the amendments being tabled in the form that we have before us. In addition, I thank the First Minister and the deputy First Minister for attending. It will be interesting to see whether at least one of them lasts the pace in the course of the next number of hours.

I will speak to the first group of amendments: amendment Nos 1, 2, 3 and 4 and the opposition to clause 2. Before I get into the detail of the amendments and the reasons that inform the SDLP’s thinking about them, it would be fair to capture, on the one hand, what opposition to clause 2 means and, on the other, what amendment Nos 1, 2, 3 and 4 mean. For the sake of convenience, I shall do that before I get into technical and political details.

Ultimately, the purpose of the amendments is simple and the purpose of opposing clause 2 is simple. If clause 2 falls, the only provision for filling the justice Minister position will be that in the Northern Ireland Act 1998. Since then, under legislation in 2006, 2007 and 2009, there have been various models that, further to negotiation, might be used to fill the justice Minister position. I am not going to rehearse those models, because, subsequent to political negotiations, various Secretaries of State amended that large menu of models in the House of Commons. In the SDLP’s view, opposition to clause 2 captures the fact that those models are not appropriate. The appropriate way to proceed is to revert to the provisions in the Good Friday Agreement for electing Ministers to office. At the end of my speech, I will explain why the SDLP believes that opposition to clause 2 is the right way to proceed from the point of view of the law, the party’s politics and the community’s needs.

Amendment Nos 1, 2, 3, and 4 approach the matter in a different way. In essence, they invite the First Minister and the deputy First Minister to come clean to the Assembly and explain in the course of the debate or, under the proposed amendment, at a subsequent time the consequences in May 2012 if there is no agreement at that time about how the justice Ministry portfolio will be filled. The SDLP has a view about the

procedure that will kick in then. We are asking the Assembly to stand back from the politics and the current toing and froing on the devolution of policing and justice and, as a legislature, create legal certainty and political confidence in what will happen in 2012. The SDLP is saying that, if the Assembly does so, it will be acting in a manner that will avoid damaging public confidence at that time.

The SDLP’s amendments invite the Assembly to consider the true consequences and risks in 2012 of following the route proposed by the First Minister, the deputy First Minister, the DUP and Sinn Féin. We suggest that the Assembly considers those difficult matters afresh and looks on our amendments as a way to navigate through them in order to come to a conclusion that is consistent with and supports the amendments. That is, essentially, the political argument that the SDLP advances for its position on clause 2 and for amendment Nos 1, 2, 3 and 4.

I turn to the consequences of amendment Nos 1, 2, 3 and 4. I will not detain the Assembly in respect of amendment No 1, which inserts the words “upon the designated day” into clause 1 after the word “established”. That can be understood only after consideration of amendment Nos 2, 3 and 4. After my explanation of those amendments, the significance of that insertion will become clear.

Amendment No 2 is the first of our substantive amendments. Its text is on the Marshalled List, so I will not read it out. Some will consider the amendment obscure, as not belonging to the real political world or not of immediate relevance. We say this: we are as close to May 2012 as we are to May 2007. We are 30 months into restoration and 30 months away from May 2012, when a serious risk to the authority of the Assembly and to public confidence may arise. Some see the amendment as obscure, irrelevant or not of the real world. However, when one considers the position 30 months after restoration and what may or may not happen over the next 30 months, it is clear that this is the moment when Members should stand back, create certainty and eliminate doubt and let Members, political parties and the wider community know what will happen in May 2012.

Almost everyone in the Chamber is of good intent, but not all. There are some here and outside who cling to a past that is already dying. However, in the round, Members have made essential political choices about the nature of society and the future of Irish democracy. I welcome that.

It is essential to understanding amendment No 2 and the SDLP’s proposed new clause that one cannot disregard the fact that, 30 months into restoration, it is impossible to divorce all the progress that we have made from the many issues on which progress has

been slower than expected. We have not yet agreed a new shared future strategy; a date for the devolution of justice and important details connected with that; an Irish language Bill; a stadium at the Maze site; how best to manage disputed parades; or how to address the past.

Mr Deputy Speaker: I ask the Member to focus on the Bill that is before the House and the issues associated with it.

Mr Attwood: I concur, and I anticipated your intervention, Mr Deputy Speaker. I made those points because, as a result of the experience of the last 30 months, we should caution ourselves. In May 2012, under the provisions of the Bill, the justice Department will be dissolved. No one disputes that. People say that, between now and then, political agreement will be reached on what will happen in May 2012 so that we can avoid dissolution of the Department of justice.

12.00 noon

The essential political point, and the point of proposed amendment No 2, is that, based on the experience of the past 30 years, no one in the Chamber can say with their hand on their heart and with total confidence and conviction that we will have resolved the issue of the election or nomination of a justice Minister by May 2012, thereby avoiding a situation in which the justice Department will be dissolved. Given what remains unresolved and the tensions and the toing and froing around the current devolution of justice negotiation, how can we be confident that 30 months from now — a hop, a skip and a jump in the lifetime of this country — the issue of the future justice Ministry will be resolved satisfactorily and that a new model will have been put in place to avoid the dissolution?

That is what the SDLP is inviting Members to consider today: it is inviting them to put themselves in the real political world of the moment and consider how that will play out during the next 30 months. We hope that, by 2012, our Assembly will have matured and our parties will have deepened their wisdom to have resolved those matters. However, we cannot have that certainty or conviction. Proposed amendment No 2 invites the Assembly to consider all of that, to work it through and, perhaps, to come to a conclusion, contrary to what orthodoxy suggests, that is consistent with what the SDLP says in the amendment. Essentially, proposed amendment No 2 enables the Assembly to work through the issues with its eyes wide open, aware of all the risks and pitfalls, and to put in place a mechanism to legislate against those issues.

Before I go through what new clause 2A of the Department of Justice Bill will mean if proposed amendment No 2 is accepted, I must explain something to the House. It is a convention and a

standard of law and parliamentary practice in the North that, although direction and control of a Department rest with the Minister, it is the Department itself that holds the legal authority and powers. That is why the Northern Ireland Act 1998, and the various pieces of legislation that deal with the devolution of justice to the North, refer not to a Minister as having authority and power, but the Department. The Department has the power; the Minister has only command and control.

Therefore, let us think through the consequences of what happens in May 2012 when, as everybody agrees, under the current legislation and in the absence of other agreement, the justice Department dissolves. Mr Ford, or any other person who may be forthcoming, may be the Minister of justice, but the Minister for justice will not have a Department. It is a self-evident truth accepted by everybody that, under the current provisions and in the absence of agreement by May 2012, Mr Ford, Mr Kennedy or Mr Maginness — the last named would be my choice — *[Interruption.]* Any of those individuals, or any other individual, would have the ministerial car and may even have a ministerial office and people visiting that office. However, he or she would not have the ability to do anything in that office because the Department of justice will have been dissolved.

However, that is not the real issue about a Department of justice being dissolved in May 2012. Proposed new clause 2A(b) in amendment No 2 deals with that, as it would oblige the First Minister and deputy First Minister at a certain time — I will return to that in a minute — to come to the Floor of the Assembly and explain what will happen in 2012.

According to our view of the world and to our lawyers' advice, in the absence of agreement in May 2012, there will be dissolution. The consequence of that would be the criminal justice system not just grinding to a halt, but being put in potentially grave risk. Although a Minister may be in office, what happens when a Department does not exist? What happens to the management of the Prison Service, the payment of compensation to victims, police forensic science work, and youth justice provisions?

All those functions are mentioned in amendment No 2, because they are all functions of a Department of justice. They would not necessarily be handled by a Minister for justice, but they would, nonetheless, be the Department's responsibility. What happens with all those services and needs in the event of the Department not existing? What will be done about the risk to the public? Come May 2012, we face the potential of a Department no longer existing and, as a consequence, the criminal justice arrangements of which I spoke, and much besides, not being able to function and maintain good authority.

Mr O'Dowd: I am sorry for not having been here for the start of the Member's speech, but I have been in the Chamber for about 15 minutes, and in that part of the Member's contribution, he talked about when we reach failure, if we do not reach agreement, and the Armageddon that will happen in May 2012. Perhaps all our energies should be directed towards ensuring that we do reach agreement.

We all have a collective responsibility to ensure that 2012 is a date when the justice Ministry continues, local politicians continue to hold control of justice and policing powers and we have an effective system in place. Perhaps the Member should come round to that way of thinking, instead of doing what the SDLP has done thus far in not only this debate but in the entire debate about policing and justice, which is to focus on its negative role in politics rather than finding a positive and constructive role.

Mr Attwood: Perhaps if the Member had been here for the beginning of my speech — although I am sure that his absence was for reasons beyond his control — he might have been minded not to make that intervention. I remind the Member that there was nothing negative about what the SDLP did in those difficult years up to 2007, when it went on the Policing Board to fulfil the mandate of the Good Friday Agreement that the devolution of policing and justice would happen in the context of ongoing implementation of policing and justice change.

We are having a debate today about the nature, character and timing of the devolution of justice and policing because the SDLP and others went about the task of implementing justice and policing change. If that job had not been undertaken by the SDLP and others — I have spoken in this Chamber and elsewhere about the fine and brave work that was done by the Ulster Unionist Party, the Democratic Unionist Party and the community members of the Policing Board — in very difficult circumstances, when there was suspension, when there were still people stealing information not far from here, robbing banks not far from here and demonising those who were in the police and those who were trying to endorse the policing arrangements —

Mr A Maskey: On a point of order, Mr Deputy Speaker. I wonder when Mr Attwood will go back to talking about the Bill.

Mr Deputy Speaker: I think that the previous intervention led Mr Attwood into that particular angle. I am sure that he will get back on track.

Mr Attwood: Thank you for that ruling, Mr Deputy Speaker. I will return to the Bill and to the other pieces of legislation that surround and govern the Bill.

We are able to have this debate because of the twilight struggle — for want of a better term — during

those years when members of the SDLP and other parties on the Policing Board and in the district policing partnerships made their choices about policing. Nationalists would be opposing the devolution of justice and policing today, were it not for the work that was done and for the heavy lifting and big issues that were dealt with in the years up to 2007, before other parties joined the Policing Board.

There is an utter contradiction in what Mr O'Dowd has outlined. He rightly suggests to me and to everybody else that we should work to avoid a default situation in 2012. However, who endorsed the dissolution of the Ministry in 2012? Which party argued and supported that provision? It was Mr O'Dowd's party. In order to get out of the hole into which it dug itself and the dead end that it faced when it was outmanoeuvred and out-thought by the First Minister on the need for cross-community support at all times for all times, Sinn Féin, in its desperation, signed up to, endorsed, supported and, no doubt, negotiated for, a sunset clause for the dissolution of the justice Ministry in 2012. Sinn Féin need not argue with us about the obligation to get new arrangements in place by 2012 and berate us for saying that there might not be new arrangements by then, when it was the architect of that political dead end. It was Sinn Féin who worked with others to put into law the issue that amendment No 2 deals with.

Ms Anderson: I am confused. Will the Member clarify whether he and his party are against the principle of sunset clauses? The SDLP claims credit for securing a sunset clause in the St Andrews Agreement. I want some clarity on whether the SDLP is against the principle of establishing a sunset clause.

Mr Attwood: I ask the Member to bear with me, because I will give her absolute reassurance. I intend to read into the record the pedigree of the sunset clause that Sinn Féin endorsed and the SDLP's views on sunset clauses, later in my contribution. I will come to that when I go further into amendment No 2 and to amendment No 3.

Under the legislation as drafted, the Department will dissolve. Through amendment No 2, we are saying that, given the grave risks that will arise in that regard, an obligation on the First Minister and the deputy First Minister to report to the Assembly on certain matters will get to the heart of what will happen in 2012, legislate against worst practice and avoid excess. Amendment No 2 calls on the First Minister and the deputy First Minister to do that.

I will go through amendment No 2 in some detail, because it needs to be understood. Sinn Féin and the DUP's view is that once the Ministry is dissolved, there will be a vacuum and, in the absence of political agreement, nothing will be able to be done about it.

12.15 pm

The SDLP's essential point is that Westminster, sometimes referred to as "the mother of all Parliaments", with its knowledge of drafting Bills and legislating for certainty, does not legislate for a vacuum. Contrary to what departmental officials and the First Minister said in Committee and in the Chamber, the SDLP believes that, in the event of the dissolution of the Department in May 2012, even though the sunset clause will kick in, there will be provision in legislation, by design or by default, for what happens next. Given all the toing and froing and the merry-go-round in respect of the devolution of justice and policing, we deserve to know, and the public needs certainty about, what will happen in those circumstances in 2012, namely in the absence of the political agreement that Mr O'Dowd rightly encourages us all to meet.

The SDLP believes that a sunset clause would not dissolve the Department; instead, the Secretary of State would intervene, and I will explain why. The amendment requires the First Minister and the deputy First Minister at a certain time, which I will come to shortly, to come to the Chamber to fulfil a number of reporting functions, including informing us of the circumstances that will arise after May 2012. That is the SDLP's argument for what will happen in 2012, and why there is such an urgent obligation on the First Minister and the deputy First Minister to make that report to the Assembly.

Under the Northern Ireland Act 2009, which is the relevant Westminster legislation, the Department will automatically be dissolved on 1 May 2012, unless the Assembly — this goes back to Mr O'Dowd's point — votes by cross-community support before 1 May 2012 to keep it. Alternatively, the Northern Ireland Act 2009 provides for another Act of the Assembly to provide for the justice Department to continue after 1 May 2012, provided that that Act uses a specific model, and it goes on to outline two models under the 2009 Act or under another authority. However, the critical point is that if no second Act is passed or if no cross-community vote is made in 2012, the Department will be dissolved, even though, as Mr O'Dowd indicated, Mr Ford would remain in post.

The dissolution of the Department would mean that the civil servants who are responsible for the justice system, including all those in next-step agencies, could not act as such. That includes the Prison Service, with obvious startling consequences. All of that is explained in paragraph 8 of schedule 1 to the Northern Ireland Act 2009. However, the critical point is that, owing to the extraordinary if not dangerous implications of the dissolution of the Department, we believe that that Act also provides for fallback arrangements, contrary to what the First Minister and the deputy First Minister

said in their letter of 18 November 2009 to the Assembly and Executive Review Committee, which explicitly stated that there would be no fallback arrangements.

To avoid the total crash of dissolving the Department and all the consequences for the Department and the next-step agencies, paragraph 5(2)(b) of schedule 1 to the 2009 Act states:

"they are not to apply at all if an Order in Council has been made under section 21A(7C) of the 1998 Act."

That provision in the 1998 Act was inserted as a result of the Justice and Security (Northern Ireland) Act 2007, which, along with other provisions, allows the Secretary of State to impose the model for the devolution of justice, namely the appointment of a senior and a junior justice Minister, and that is what we believe will happen. Therefore, contrary to all the reassurances that the Department will be dissolved and that no Minister will be in place in May 2012, the fallback arrangements will be that, under the 2009 Act, the First Minister and the deputy First Minister will appoint a senior and a junior justice Minister by cross-community vote.

I will return to the relevance of that to the proposed clause 2A. We are calling on the First Minister and deputy First Minister to come to the House within seven days of the commencement of the section and outline, orally and in writing, the functions that the Department is to exercise. That is important as a matter of principle. After all the debate and discussion about the devolution of policing and justice, it seems to us appropriate and relevant that the First Minister and deputy First Minister should come to the Floor of the House at that stage and explain in full detail what the full functions of the Department of justice will be when it is established.

The First Minister and deputy First Minister should explain to the House — if our analysis is correct about what happens in 2012 — what happens, under the relevant legislation, when dissolution arises, to all the work and functions of the Department of justice. At that stage, it will be left in a vacuum, without appropriate legal authority, and with a Minister without a Department. They should go further and explain that — sorry, I have lost my thought — as the proposed clauses 2C and 2D explain.

The real importance of our amendments is not just in relation to clause 2. The cutting edge of amendment Nos 1, 2, 3 and 4 is amendment No 3. I am sure that the deputy First Minister and others appreciate that. We are saying that there should be consequences if the report from the First Minister and deputy First Minister to the House is not tabled, or if certain actions are not taken by the Assembly arising from that clause. I will explain what all that means.

The new clause 2B does the important work. It provides that clause 2 of the Bill — which triggers the Northern Ireland Act 2009, and sets the clock on the May 2012 deadline — will be repealed if the First Minister and deputy First Minister do not make the report within seven days. It also provides that clause 2 will be repealed if the Assembly does not, within a further seven days, approve the triggering of the 2009 Act. Clause 3 provides for commencement, which I will speak about later.

The importance of that is as follows. The First Minister and deputy First Minister should come to the House and explain what they believe will happen in 2012. As I have said, we consider the consequences of dissolution to be grave, if not acute. We are suggesting that, in the event that the First Minister and deputy First Minister do not come to the House within seven days, as provided for in the amendment, the allocation of the justice Minister falls back to the provisions of the Northern Ireland Act 1998 and to the d'Hondt provisions.

We go further and propose that, in the event that the Assembly does not endorse the arrangements and the report given to the Assembly by the First Minister and deputy First Minister within seven days, including the consequences of dissolution in May 2012, the allocation of the justice Minister should be governed by the d'Hondt provisions of the Northern Ireland Act 1998.

We are giving responsibility, ownership and authority to this Assembly to make the judgment call that, if the consequences of dissolution in May 2012 are so severe and grave, and the people of Northern Ireland would not tolerate a situation where the justice Department did not exist — with all the consequences for the justice services and the people in the North — this Assembly should have the ability to say no.

In those circumstances, the Assembly should be able to say that those consequences are of such gravity that it would rather choose to go back to the d'Hondt model for the allocation of the justice Ministry than for the provisions that are outlined in clause 2. That is the essential political argument, and that is the choice that the Assembly must make.

If our argument about what will happen in 2012 is correct, the Assembly should caution and warn itself, and, in doing so, it should call on the First Minister and deputy First Minister to explain orally and in writing to the Assembly the consequences of that. The Assembly should call on the First Minister and deputy First Minister to do that within a month from today, in December 2009, which is when clause 3, as amended, would go live. If those consequences are so grave and acute, a different direction should be taken.

It may be, as we anticipate, that the First Minister and deputy First Minister will not make any oral or

written report on the consequences of what will happen in May 2012. If that were to happen, so be it; d'Hondt would prevail. However, if that provision were accepted and the First Minister and deputy First Minister were to make that report, it would be up to the Assembly to endorse it. If the Assembly were to feel that the consequences of dissolution in May 2012 were too grave and severe, it would not choose to endorse the report of the First Minister and deputy First Minister. In that event, the provisions of d'Hondt would prevail. That is the consequence of proposed new clauses 2A, 2B and 2C.

That is what we are asking as we approach the lunch break. *[Interruption.]*

Mr Deputy Speaker: Order. The Member has the Floor.

Mr Attwood: I hear jeering from my right and laughter from my left, and neither is appropriate.

The essential political issue of this week, recent weeks and, no doubt, coming weeks has been the nature and character of the devolution of justice and policing. We have struggled for a long time to bring about the devolution of justice and policing, and having those powers will be important for the community to deal with crime, the fear of crime and the unresolved matters of the Public Prosecution Service and to bring about the further reform of the Prison Service. If we believe that having custody and stewardship of those issues, responsibility to legislate and policy that better informs how society develops in future, it is reckless and naive, 30 months away from May 2012, for the Assembly not to have its eyes wide open. Given our experience of the past 30 months, we must go into the next 30 months fully aware and informed of what the consequences of what we are doing might be. That is the significance of a report from the First Minister and deputy First Minister going to the Floor of the Assembly, as is proposed in amendment No 2. It would compel the First Minister and deputy First Minister to inform the House of their best advice on what would happen in 2012.

If we are serious about being legislators, and if we value the devolution of justice and policing so much, we owe it to ourselves, never mind our constituents and the wider public in Northern Ireland, to ensure that there is no doubt about what will happen in 2012. There must be certainty so that people can go forward confidently and know that what I trust will happen in the next number of weeks will not be reopened and revisited in May 2012.

Do we not owe it to ourselves and to all the people who have observed, over the past weeks and months, the discussion on devolution of policing and justice to have certainty about what will happen every day between now and 30 months' time, and, crucially, what

will happen on 1 May 2012? Amendment No 2 argues for that certainty. The Assembly must consider it.

We cannot fly blindly. We must go forward with our eyes wide open. There must be legal certainty. We cannot jeopardise the hard-won gains of the devolution of justice powers, if that transpires over the next 30 months, by allowing it to disappear in a puff of smoke. The essence of the amendment, and its political and legal significance, is its ability to build community confidence.

The First Minister has spoken about community confidence eloquently and at length. However, I have certain differences with him in that regard. How will it affect community confidence if the Assembly cannot say with certainty what will happen in May 2012, and if it tells the Northern Ireland public that the Department of justice will be dissolved? How does that add one iota of confidence about the administration of policing and justice, and about the certainty and stability of those political arrangements until May 2012, never mind in and around that date? I suggest that it does not.

Mr Deputy Speaker, I will be guided by you on whether I can continue to speak. I still have to speak to other amendments in the group.

Mr Deputy Speaker: We can resume the debate after lunch. The Business Committee has arranged to meet upon the lunchtime suspension. I, therefore, propose, by leave of the Assembly, to suspend the sitting until 2.00 pm, when Mr Attwood will continue.

The sitting was suspended at 12.30 pm.

On resuming (Mr Speaker in the Chair) —

2.02 pm

Mr Attwood: I have some concluding remarks to make on amendment Nos 1, 2, 3 and 4. Proposed new clause 2B simply legislates for the grave, perhaps catastrophic, circumstances that may arise in May 2012. I understand that some Members may not want to talk about that, because they hope that, given the potential for political negotiations between now and then, such circumstances will not arise. Nonetheless, such a grave situation could arise.

Mindful of that backdrop to the debate, amendment No 3 would create a responsibility, initially for the First Minister and the deputy First Minister, and subsequently for the Assembly, to manage that situation. Under amendment No 3, if the First Minister and the deputy First Minister were minded not to table a report, as required by amendment No 2 — perhaps in recognition of a situation that may arise in 2012 — d'Hondt would be run. Alternatively, the First Minister and the deputy First Minister may be minded to table a report orally and in writing, but the Assembly may choose not to endorse it within seven days because of concern about what the First Minister and the deputy First Minister were advising it to do. In such circumstances, authority would pass to the Assembly, clause 2 would be repealed, and d'Hondt would apply.

I appreciate that other parties have chosen not to use d'Hondt to allocate the Department of justice. However, they would share an equal responsibility with all other parties and Members to make a judgement about the circumstances that may, in the absence of political agreement, arise in 2012 and assess whether not using d'Hondt is a credible position.

Before dealing with whether clause 2 should stand part of the Bill, I will address amendment No 4, which outlines the time frame for amendment Nos 1, 2 and 3. Those three amendments have such substance and weight that the Bill must show how they would be managed should they become law. Amendment No 4 proposes a new clause, 2C, which is crucial to the eventual appointment of a Minister. Circumstances may arise that may govern the timing of the amendments.

The day after Royal Assent is granted — whenever that may be after the likely agreement to this legislation — time will run for the First Minister and deputy First Minister to report to the Assembly, and seven days thereafter, time will run for the Assembly to either endorse or not endorse that report. The interpretation clause in amendment No 4 outlines the relevant timing features.

The amendments will mean that the day following the day that the report is due is the designated date for the appointment of the Minister. In the event that no report is made, that appointment will not happen. The report may be made but not adopted, or the report may

be made and adopted by resolution of the Assembly, the day after which the Department will go live. That is how amendment No 4 relates to proposed new clauses 2A and 2B.

Ultimately, a political judgement must be made in respect of the four amendments. Members must make one of two choices in respect of those amendments. Members may concur that doubts may, even residually, exist about the situation that might arise in 2012, because the DUP and Sinn Féin believe, on balance if not more than that, that there will be a vacuum if the Department is dissolved in 2012. During today's debate and debates at the Bill's Second Stage and Committee Stage, I have said that there is some doubt about what will or will not happen in 2012. Even the First Minister and departmental officials are beginning to acknowledge that. Indeed, departmental officials said — it is recorded in the Hansard report — that, if there were a legal issue about the interpretation of what will happen in 2012, that would be a matter for the courts.

If, after all the sound and fury about the nature, character and timing of the devolution of justice, we are left a situation in which we have to rely on the courts to decide what should happen in May 2012, we will not have served the overall project of the devolution of justice, nor will we have achieved its potential for the people of Northern Ireland.

Officials are beginning to acknowledge that there may be a need for legal interpretation by the courts. In fact, departmental officials told the Committee that they had spoken to people with knowledge of the legislation that was tabled and passed by the Westminster Parliament in 2009 and they indicated that it was not the intention of the legislation to create a fallback position in 2012. Consequently, we cannot rule out the possible need for legal interpretation. Given that the First Minister has said that this matter may be open to interpretation and given that departmental officials, acting on behalf of the First Minister and deputy First Minister, advised the OFMDFM Committee that this might be a matter for the law and that it was not the intention of the original legislation to create a fallback in 2012, Members should consider whether the Bill, as currently drafted, provides certainty about what will happen in 2012 and will allow us to legislate in a way that satisfies the needs, concerns and fears of the communities that we represent.

I suggest to all parties — perhaps more to one or two parties than to others — that they should consider whether this is a better model for taking the matter forward in order to satisfy themselves and the wider community about the situation that might arise in 2012. Essentially, that is the political choice. However, that is the imperative choice that we, as a legislature, have to make when we vote on the amendments.

If it is the view of the First Minister and deputy First Minister and their respective parties that there is certainty around the devolution of policing and justice, the new clause proposed by amendment No 2 is a defence of their position, not a sword to attack it. Even the First Minister and deputy First Minister may feel that they should be creating that level of certainty on those matters for their purposes and for the purposes of the wider community.

Alternatively, it may be that the First Minister and deputy First Minister are minded not to go in that direction. In that case, some people may acknowledge and accept, deep in the recesses of their minds, that there is a fallback position. Although one party may be coy about acknowledging that, another party may be worried on the basis that it has relied upon a sunset provision and there will be no fallback position in May 2012. Those are the options that all parties must choose between. When it comes to the vote, I urge Members to make the choice that the SDLP is putting forward.

The SDLP opposes clause 2 standing part of the Bill. Amendment No 6, which will be debated subsequently with amendment No 5, under timing issues, relates to clause 2.

Throughout the consideration of the devolution of policing and justice on the Floor of the House, in Committee and elsewhere, the SDLP has argued for a position of principle. Given what I have just said about the other amendments, about the degree of uncertainty, about what could happen in 2012 and about the potential chaos that might arise in those circumstances, is it not a better and sounder position — independent of our views around the form and nature of the devolution of policing and justice powers and who can or cannot become a justice Minister — to go back to the d'Hondt provisions? Even at such a late stage, we urge people to consider that as the position of principle and certainty. That is what our opposition to clause 2 does. If we reject the clause, the provisions of the various pieces of legislation from 2006, 2007 and 2009 will not prevail. Further, the Northern Ireland Act 1998 and the d'Hondt provisions of section 18 therein will prevail. Given what we said about amendment Nos 1 to 4, that is a better position and one of principle and strength. That is a better basis on which to move forward with the devolution of policing and justice powers, avoiding the pitfalls, avoiding a rerun of negotiations and avoiding the risk of what could happen in 2012.

The DUP is using clause 2 as a test of public confidence. I am not going to tell the DUP or any other unionist party its business. I accept that the DUP should know, much better than the likes of me, the nature and the mind of unionism. However, when it comes to clause 2 and the public declarations that have been made about who would or would not be acceptable,

according to party affiliation, as justice Minister, I have two things to say to Sinn Féin and the DUP.

We understand and acknowledge why some Members from some parties would find it difficult to endorse a candidate from another party. We all carry baggage — emotions and fears from the past — and I will not diminish or deny that fact. The SDLP held an event in west Belfast last night that was relevant to the past. Alan McBride spoke at it. One cannot listen to him without realising how he learned from his pain and gained wisdom on how to engage with other communities, even though he still finds it difficult to have sympathy for some of the people who may have been involved in the circumstances that led to his wife's death. Like him, none of us should deny or diminish the fact that people will have doubts, hesitations, concerns or even fears about who may become justice Minister.

2.15 pm

The SDLP has reached a point in its political development at which it can see more than the principle of d'Hondt governing what party receives the ministerial portfolio. The SDLP has such levels of confidence that, whatever party takes up the justice portfolio from those entitled to it under the principles of democratic inclusion, it believes that the Minister will be competent and balanced. There are plenty of checks and balances in the Assembly and the Executive. At this morning's Assembly and Executive Review Committee meeting — I am not talking out of turn by saying this — the First Minister mentioned some of the additional checks and balances that might be needed to govern how a Minister of justice would conduct his or her affairs. There may be a point in that.

Mr A Maskey: On a point of order, Mr Speaker. I remind the Member that the meeting to which he referred was a private meeting. I seek your guidance on that, Mr Speaker.

Mr Speaker: It is important that, as far as possible, private Committee meetings on ongoing matters stay private.

Mr Attwood: I did not breach that convention too badly, given that the Assembly and Executive Review Committee has spent quite some time discussing the entitlements of a justice Minister and how some difficult, sensitive and urgent matters might be handled. That is germane to the business of the Committee, and my passing reference, in the context of this morning's meeting, did not stray too far from the agreed confidentiality. I accept your ruling, Mr Speaker, but I did not offend too badly.

The SDLP has reached a point in its development at which, regardless of personal views or political reservations, it accepts that whoever becomes justice Minister will be competent and balanced. Regardless

of doubts in parties, we like to think that the wider community, including our community, has reached that point. That is why we support the principle of d'Hondt and why we support the principle that a person from any party, regardless of any reservations, is entitled to be put forward for the post. However, mindful of that wider context and principle, we find it very difficult to accept that the First Minister can declare that an SDLP candidate for justice Minister would not be acceptable. Some people may regard someone from a certain background as an unacceptable candidate for justice Minister. However, over and above the fact that the eleventh Ministry should, under the rules of democratic inclusion, fall to the SDLP and although we resent the breaching of that principle in clause 2, we do not believe that broad swathes of unionism continue to harbour such doubts and fear about an SDLP candidate for justice Minister.

What was the SDLP doing during all its years in the district policing partnerships? We were demonstrating, in a way that we had not fully done before, our view on the future and nature of policing and expressing our support for and confidence in policing. The SDLP took risks for policing, as it had previously taken risks for peace. How has that contribution over the past seven or eight years resulted in a situation in which a member of our party is disqualified from the role of justice Minister? The SDLP is, in so many ways, a party with integrity and principles and one that has stretched itself. Given that, why has one party in the Chamber said that, under clause 2 of the Bill, my party will not qualify to be considered favourably for the justice Ministry?

My offence at clause 2 does not arise solely from the fact that the Good Friday Agreement has been rewritten. Nor does it simply arise because d'Hondt has been abandoned, because democratic inclusion has been jettisoned or because guarantees on how we conduct our political affairs have been sidelined. I am concerned at how casually and willingly those matters seem to have been signed off by the party to my right.

Mr O'Dowd: Will the Member give way?

Mr Attwood: I will give way in a second.

That approach leads to a situation where a party, under democratic inclusion, is denied its entitlement to a Ministry in the Government, whatever that Ministry may be. My party has tried to behave responsibly; nobody can deny that, regardless of our differences on policing and justice matters or our appetite for reform and change, which may be greater than others'. I do not understand how the First Minister can say that because Sinn Féin will stop a unionist gaining the justice Ministry, the DUP must stop a nationalist doing so. Would it not be a measure and recognition of how far the nationalist community has travelled in the past

10 years, having already travelled a long road in preceding decades, for the First Minister to make a bigger, braver and more courageous statement, rather than using clause 2 of the Bill to say, "Because we will not get our one, you will not get yours"? Is that the level of political debate, discourse and insight that we are at?

Those are some broader reasons why we will oppose the Question that clause 2 stand part of the Bill. We recognise the areas in which the First Minister has stretched himself and demonstrated good leadership and good authority. We do not like the terms of the devolution of justice; we believe that they are substantially, if not exclusively, in the image of the DUP's needs. We again warn the British Government that unpicking the institutions and elements that have created cohesion and stability in our society — the Good Friday Agreement provisions, the parades provisions and the Patten provisions — as part of a broader approach and strategy is not the way to deepen stability. However, that is what clause 2 does.

The First Minister may be looking to the unionist community and perhaps particular elements of it to decide what to do next. The bravest step that he could take would be to say that we need devolution of justice now, because it will deepen confidence in our institutions and deal with the issues that affect so many unionist and nationalist communities that are at risk. He should go further and define the new order of things and differentiate it from the fog that surrounded the previous months and weeks and all the difficulties with a shared future, the workings of the North/South institutions and other unresolved issues in government. The DUP should say that it will clear all that fog. It should also say that nationalism has an entitlement under the provisions of democratic inclusion. Furthermore, if that party insists on the cross-community support mechanism for the selection of a justice Minister, the SDLP candidate should be endorsed.

Mr Deputy Speaker, I thank you, the Speaker and Members for your indulgence today and over the past while.

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Mr Kennedy): Although I am the Chairperson of the Committee for the Office of the First Minister and deputy First Minister, which is the Department that has responsibility for the Bill, I am also a member of the Assembly and Executive Review Committee, and I intend to make some remarks in a party political capacity.

I will refer to the first group of amendments and mention briefly the Committee for the Office of the First Minister and deputy First Minister's scrutiny of the Bill. The Committee received a pre-introductory briefing from departmental officials on 9 September 2009. A public notice was placed in the 'Belfast Telegraph',

'The Irish News' and the 'News Letter' on 18 September 2009 seeking written evidence on the Bill.

The Bill was referred to the Committee on completion of its Second Stage on 22 September 2009, and, in response to its call for evidence, the Committee received written submissions from the Assembly and Executive Review Committee and a late submission from Mr Jim Allister QC, leader of Traditional Unionist Voice. The Committee considered the Bill and the submission from the Assembly and Executive Review Committee on 7 October 2009. We discussed and noted the late written submission from Mr Jim Allister QC on 14 October 2009 and agreed to include that submission in the Committee's report.

The Committee undertook its formal clause-by-clause scrutiny of the Bill on 14 October 2009. I will now relate the outcome of that scrutiny. The Committee agreed that it was content with clause 1 and the relevant schedule as drafted. The Committee considered clause 2, and Mr Elliott proposed that the Committee seek advice from the Assembly's Legal Services about the potential consequences of the sunset clause. The Committee divided on Mr Elliott's proposal, which fell. Mr Attwood proposed to leave out clause 2; the Committee divided on Mr Attwood's proposal, which also fell. The Question was put that the Committee was content with clause 2 as drafted; the Committee divided on the Question, which was agreed.

The Committee considered clause 3, and Mr Attwood proposed an amendment to clause 3(2) to replace the words:

"such day or days as the First Minister and deputy First Minister, acting jointly, may by order appoint."

with the date "7 December 2009." The Committee divided on the proposed amendment, which fell. The Question was put that the Committee was content with clause 3 as drafted; the Committee divided on the Question, which was agreed.

That is the entirely factual description of the positions that the Committee for the Office of the First Minister and deputy First Minister took on the Bill. I will now make some brief remarks — they will be substantially briefer than the previous contribution — on behalf of the Ulster Unionist Party.

2.30 pm

There is an 'Alice in Wonderland' feel to aspects of the proceedings today. The amendments in group 1 concern the appointment of a justice Minister, a role known in this House, in past decades, as the Minister of Home Affairs. A new process for the appointment of such a Minister has now been devised by the DUP and Sinn Féin. The political circumstances surrounding this afternoon's debates are well known, and I suspect that, although none of us are prophets or sons of prophets, we have a sense of what the various outcomes will be.

The Northern Ireland Office is busily talking to party leaders and various representatives, saying that the Assembly must urgently agree to the Bill because policing and justice powers must be devolved quickly. In remarks made from the United States, the First Minister said that the confidence now exists to devolve policing and justice. The Minister of Finance and Personnel has declared that the devolution of policing and justice should happen sooner rather than later, and the former junior Minister Mr Donaldson said yesterday that the retention of the full-time Reserve was a deal-breaker. He said that policing and justice would not be devolved without that retention. Such words imply that the context that we are in is one in which the DUP and Sinn Féin are talking about the possible imminent devolution of policing and justice. I see that you are taking advice, Mr Speaker.

The leader of Sinn Féin, Mr Adams, has said that the British Government and the DUP must now implement their commitments under the St Andrews Agreement to speedily devolve policing and justice powers. Despite that, during the Bill's Second Stage, the DUP's Rev Dr William McCrea — I am sorry that he is not in his place — informed us that this was make believe. He said that we should all vote for the Bill, because:

"The Bill does not say that the devolution of policing and justice powers is imminent."

"The Bill does not do that." — [*Official Report, Vol 43, No 4, p206, col 2*].

"The Bill does not hasten by one hour the day of devolution of justice and policing powers. — [*Official Report, Vol 43, No 4, p207, col 1*].

Where does that leave the amendments in group 1? Do they address a situation that will be faced by the Assembly in the immediate future, or is this an abstract debate over constitutional niceties that are not to be faced any time soon? We need an answer to that question if Members are to have an informed debate on the tabled amendments. I am prepared for an intervention from the deputy First Minister, who will respond to the debate, or the First Minister, who is no longer in his place, to clarify the position that they both hold.

I believe in devolution, and I come from a party that believes in devolution. We are more than happy to contemplate the return of policing and justice powers to this House. After all, the Ulster Unionist Party exercised such powers in this House for a considerable period. I want the process of devolution of those powers to be done properly. Those powers are too fundamental to the well-being and security of the entire community to be shoved through without consensus.

The division at Second Stage showed the lack of consensus on the mechanisms proposed in the Bill. The amendments in group 1, tabled by the SDLP, also emphasise that lack of agreement on the mechanics for

the appointment of a justice Minister. A particularly important provision of the new clause 2A, as proposed in amendment No 2, is the responsibility that it would place on the First Minister and deputy First Minister to explain to the House the consequences of the sunset clause.

Even if the parties of the First Minister and the deputy First Minister vote down the proposed new clause 2A, surely they have a responsibility to explain to the House what will happen if the Bill is passed without amendment, and the sunset clause is invoked on 1 May 2012. The list of matters referred to in proposed new clause 2A(b) are not prescriptive. The clause refers to:

"the consequences of such dissolution for the exercise of the functions that the Department of Justice is to exercise".

The deputy First Minister must explain to the House what those consequences will be.

Northern Ireland has been here before. In 1972, circumstances undermined the stability and the integrity of the Northern Ireland Parliament, and that had a grievous impact on the stability of our society. Therefore, the following question is legitimate and necessary: what will happen if the sunset clause is invoked on 1 May 2012? I cannot imagine how Members can vote against amendment No 2 without having been given a satisfactory answer to that question.

Amendment No 2 also makes provision for a Minister of justice to be appointed under the d'Hondt system if the report of the First Minister and deputy First Minister proposed by the amendment is not endorsed by the Assembly. The d'Hondt system should be rerun in full to appoint a Minister of justice. The Minister of justice should be appointed on the same basis as his or her ministerial colleagues. If the community confidence exists to devolve policing and justice, that should be the manner in which a Minister is appointed.

My colleagues and I will join the SDLP to vote against the DUP/Sinn Féin arrangement to appoint a Minister of justice outside the normal procedures of the House. The DUP/Sinn Féin arrangement to appoint, potentially, a puppet Minister demeans the administration of justice and the significance of policing. Only yesterday, in 'The Irish News', the Alliance Party's Dr Farry stated that a Minister of justice who had been appointed according to the unamended provisions of the Bill would have little integrity or authority. He said:

"As things stand the legislation suggests that ... under a political whim the DUP and SF could reach a conclusion they want to remove a minister from office. If a Minister is looking over a shoulder then their ability to take those decisions is going to be significantly impaired."

Dr Farry: We all agree that a Minister of justice must not be a puppet Minister. In the light of the need to avoid that situation, will Mr Kennedy give an assurance that his party is willing to engage with all the other parties to agree a policy programme in advance of the devolution of policing and justice, perhaps as an addendum to the Programme for Government? That would ensure that a Minister of justice can deliver a programme on behalf of the people of Northern Ireland and the House.

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister: A considerable flaw in the process has been the lack of consultation and meaningful dialogue with other parties in the House and in the Executive. Clear lessons should be learned from the reasons why we are unhappy with the provisions of the legislation and why we are cynical and sceptical about engagement with the DUP and Sinn Féin. Like other parties, we are ready to engage. However, that engagement must be serious and go even further than what Dr Farry outlined. Engagement must address how the Executive behave in looking after the work of the Assembly and the affairs of the people of Northern Ireland. A fundamental change must be made to the dysfunctional way in which Executive business is carried out in this place.

Mr Ford: I appreciate the Member giving way. Given that he places so much emphasis on the importance of parties discussing these various issues, will he, as deputy leader of the Ulster Unionist Party, encourage his party leader to respond to the letter that I wrote in August?

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister: That is a very helpful suggestion, and I will raise the matter with Sir Reg Empey. I have no doubt that he will give it urgent consideration. I am not sure how that letter was signed, perhaps as the possible justice Minister designate or something like that, but we will certainly —

Mrs Long: He signed it as the leader of the Alliance Party.

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister: Well, we will consider it and provide a full, detailed reply.

In general, the Ulster Unionist Party supports what the SDLP is attempting to do today with the amendments. However, that support is qualified. Although we seek the clarity that the SDLP seeks, and we want the d'Hondt system to be run in full sequence, we will not be bound by any artificial time frame for the devolution of policing and justice. Therefore, we cannot and will not support any amendments that place a specific deadline or timetable on events.

My party colleagues will address other matters associated with the amendments in this group. At this

stage, I signify that the Ulster Unionist Party is minded to support the opposition to clause 2 and to support amendment No 2.

Mr G Robinson: I will address the specific point of the election of the Minister for the new Department of justice. The topic has produced much discussion, but it is a relatively simple concept for Members to understand.

The Bill is straightforward. Clause 2 sets out a process for the appointment of a Minister of justice by vote of the Assembly. I point out that the process of appointing a justice Minister, whenever that occurs, will be an inclusive, full-blown Assembly process that ensures every Member's involvement. The proposed method is not unfamiliar to Members. Indeed, it is used for critical votes in the Assembly; and the Speaker is elected according to the method. Therefore, d'Hondt is not the only process used by the Assembly. Surely, the appointment of a policing and justice Minister is so important that it must have cross-community support. We will then have a Minister who has support that is drawn from both sections of the community, which is essential.

The position is of great importance and sensitivity. Therefore, every possible means to demonstrate cross-party support and to ensure that the person who is appointed has the confidence of the widespread community must be taken. The system that I want to see will ensure that both sections of our community support the new justice Minister. The proposed method of electing the new Minister requires not only a majority of Members of the Assembly to endorse the appointment; it must be further endorsed by a majority of nationalist Members and a majority of unionist Members.

That approach sends out a strong message because a cross-community vote demonstrates that all sections of the House have given their agreement. Unanimous support from the Chamber also sends out an important signal of legitimacy for any Minister. Some Members have complained, today and previously, about clause 2, but their argument is flawed. The arrangements in the Bill for appointing a Minister of justice are clearly different from those that are used to appoint other Executive Ministers. Members who complain must realise that what was negotiated as part of the Belfast Agreement was rewritten in the St Andrews Agreement. That ensured that the DUP had a veto over when the devolution of policing and justice powers would take place. It is obvious that that is far from agreed at present. The party also ensured a veto over who the Minister would be. Sinn Féin conceded that veto to the DUP.

With those points in mind, I support the Bill.

Mr A Maskey: Go raibh maith agat, a Cheann Comhairle. I understand that this debate may be

suspended at 3.00 pm. I am in your hands about whether you want me to continue or you wish to break.

Mr Speaker: We will run the debate very close to 3.00 pm. I will then interrupt you and allow you to finish after Question Time.

2.45 pm

Mr A Maskey: Thank you, Mr Speaker. I am sure that you will not be the only one to interrupt me this afternoon.

What we have heard so far amounts to an attempt to rerun debates that we have had in the House recently and, periodically, on the airwaves. Absolutely nothing additional has been contributed to the debate, so we have learned nothing new. I note that people spend their time saying that what we are doing is wrong, and why we should not be doing it, but nobody ever comes up with any alternative. That has been made clear and confirmed by the previous contributors, including Danny Kennedy.

The SDLP and the UUP often operate in the Assembly by presenting themselves almost as leaders of the opposition. However, on the very important issue of timing, which is crucial to the SDLP amendments, it is clear that those two parties cannot agree on an essential element of the transfer of policing and justice powers. At least one of those parties, which keep telling everyone what we are doing wrong, should let the public know its alternative. Those parties need not worry about informing the House, because they have not done so yet, but they should tell the public how they might secure the transfer of policing and justice powers, which they say that they want to achieve.

At no time during the lifetime of the first Executive, when the Ulster Unionist Party and the SDLP occupied the positions of First Minister and deputy First Minister, did they propose the establishment of a Department of justice, or anything like it. The issue did not arise then, so parties that claim that they have been pursuing the issue for years have never demonstrated their intention by putting forward a proposal. Furthermore, although the party that tabled the amendments tells us that it wants to behave responsibly, it has taken every opportunity to denounce the Bill and vote against its provisions. That, as we have witnessed, extends to the party's participation at Westminster, where its Members variously voted for, abstained or did not turn up for votes on a policing Bill. On one occasion, the SDLP voted for the Bill, on others it voted against or abstained. I am not saying whether the party was right or wrong in any of those actions; I am merely pointing out that there are many contradictions in the position of the party that tabled the amendments.

Mr Durkan: The Member refers to votes against and for the policing Bill at Westminster. The vote cast for the policing Bill by the SDLP at Westminster was

at Second Reading, when the only Members who voted against were those who opposed the Patten plan. As a party that backed the Patten plan, which required legislation, the SDLP supported the Bill at Second Reading. We then tabled a series of amendments and opposed the Government's later version of the Bill because it did not match up with the Patten recommendations. That is how legislation is conducted, and the Member's party does exactly the same in this House.

Mr A Maskey: The Member should not get too excited; it is a bit early in the debate to be getting annoyed. I made the point that I was not contesting whether the decision to vote for, against or abstain was right. During the legislative process, people have the right to take various positions as they see fit. I merely point out that, at the time, there were fundamental problems in getting that Bill passed. It took a lot of hard work afterwards, and our party had to fight an almost lone battle to rectify the Bill.

Notwithstanding all of that, we are here, in 2009, essentially to respond to Members who have argued that they have done all the work and carried the heavy burden for years by themselves. The point is that, when they had the opportunity, in the roles of First Minister and deputy First Minister, they never advocated the establishment of a Department of justice. As the old saying goes, talk is cheap, but it takes money to buy drink.

There were recurring themes in Mr Attwood's contribution. The fact that Mr Attwood and his party are simply going round the houses — the long way round — on this matter was demonstrated this morning and this afternoon, when he took a long time to tell us how “on the one hand”, in what I thought was initially a negative tone in respect of the sunset clause, the First Minister and the deputy First Minister should “explain” and “come clean” about what will happen if we reach May 2012 without making provision for a Department of justice.

Mr Attwood contends, and his party colleagues often repeat, that, by design or default, alternative arrangements are in place and the sunset clause is meaningless. At the other end of the spectrum, Mr Attwood went on to say that our failure to make provision for 2012 and the fact that there is no fallback position means that we face grave and catastrophic consequences. He cannot have it both ways: either there is a fallback position, whether by design or default, or there is no provision for 2012.

I am sure that the First Minister and the deputy First Minister will deal with this point; but, certainly, from Sinn Féin's point of view, the arrangements that OFMDFM has reached with Sinn Féin and the DUP thus far have resulted in the Bill, which is important, necessary and enabling legislation, being tabled. The

essence of the Bill is that we have an arrangement that, although it may not be perfect, will facilitate the transfer of policing and justice powers, if and when we can agree a time frame for it to happen.

I have no hesitation in, or reservations about, saying that Sinn Féin has relentlessly pursued this matter. Why have the media and the airwaves been full of controversy in recent days? Why were Martin McGuinness and Peter Robinson with the British Prime Minister last Saturday? It is because we are relentlessly attempting to secure the establishment of a Department of justice, and we make no apologies for that pursuit. The fact that we do not have it yet is hardly breaking news; it is a work in progress, and everyone is aware that we are reaching a point at which there are difficulties beyond even policing and justice. However, that is a discussion for another day. I am merely making the point that we are relentlessly pursuing an agreed time frame in which to establish a Department of justice.

The Bill provides that, when we reach that point, the legislation that is required to establish the Department will be in place and, therefore, we will not face undue delays in having a Department with the appropriate policing and justice responsibilities that functions fully and benefits the interests of the wider public. The sunset clause is important and necessary, because it means that, once a Department is established, there will be an imperative on the parties, as my colleague John O'Dowd said, to learn from what I hope will be a positive experience, and that will enable us to agree a more permanent structure for the Department of justice by May 2012. Those discussions will then reach their own conclusions.

I look forward to the Department being established, and then we can live and learn lessons from our experiences as we work through to 2012. However, let me make it clear, there are no fallback arrangements for 2012, if the Assembly has not put in place or agreed any alternative measures. The British Government's representative in Westminster, Paul Goggins, addressed that matter when responding to Mark Durkan in the debate to pass the relevant legislation. He stressed at length that, as far as the British Government are concerned, there is no fallback position and it is not their job to provide one.

We all know that the world will not end in May 2012, so something will have to happen. Sinn Féin is working on the basis that, if we can establish a Department, people will find it beneficial that locally elected representatives will, for the first time, be accountable for those crucial powers and functions. Having gained experience between the time when the Department is established and May 2012, we will be able to come to a rational, mature decision on how to proceed from that date.

Mr Speaker, were you about to intervene?

Mr Speaker: No. Carry on.

Mr A Maskey: Thank you. The purpose of the sunset clause is clear: to ensure that all our minds are concentrated before May 2012 so that we can take forward the work of an already transferred Department on a rational, sound and permanent basis. For my party, that implies that, in the wider scheme of things, the Department should be established under d'Hondt, and so on. The Bill provides for a temporary or interim arrangement among OFMDFM, Sinn Féin and the DUP. That the arrangement is temporary is demonstrated by the fact that, in May 2012, a sunset clause will kick in, and there is no fallback position. That stresses the need to agree a more permanent basis upon which the new Department of justice can proceed.

I turn to the amendments, which Sinn Féin opposes. A number of them are consequential amendments, and I do not intend to devote any time to those. The issue of a "designated day" shows that people are trying to set a time frame on the process. I have already referred to the fact that Sinn Féin and others are working to resolve the question of a time frame. No amendment or proposal made in this debate can compel any party that has not yet agreed to the transfer of powers to co-operate on that, particularly if it is the largest party in its respective designation. Those amendments are meaningless because they cannot compel anyone to fulfil the intention behind them.

I turn to the question of the d'Hondt process and what the SDLP regards as its entitlement. It argues that the Department of justice will be the eleventh Department and that because the SDLP comes next in the d'Hondt running order, the Department should fall automatically to that party. Mr Attwood referred to the rules of d'Hondt and the additional Department. However, there are no rules and no provisions for 11 Departments. We will have to create rules and provisions for an eleventh Department. To do that, d'Hondt must be run from one to 11. No one can seriously suggest —

A Member: Why not do that?

Mr A Maskey: I have no difficulty with that. However, there are no rules under which that can be done at present, so we must agree them. I invite other parties, instead of telling us what we are doing wrong, to tell us how they would do it differently, and with whom. We have heard already from Mr Kennedy that the Ulster Unionist Party does not agree with the SDLP on the issue of timing.

Mr Durkan: The Member suggests that there is no provision for more than 10 Departments. Under the Good Friday Agreement, the provision is that, if there are to be more than 10 Departments, the consent of the Secretary of State is required. Elsewhere in the agreement, it is clearly stated that government

Departments in Northern Ireland must be headed by a Minister appointed through the d'Hondt system. That is what the agreement and the 1998 Act provide for. This Bill is a departure from that, and the Member is trying to create a fiction and a smokescreen to obscure that.

Mr Speaker: Order. I must interrupt the debate for Question Time, after which I will allow Mr Maskey to continue. The House may take its ease for a few moments.

The debate stood suspended.

3.00 pm

Oral Answers to Questions

FINANCE AND PERSONNEL

Mr O'Loan: On a point of order, Mr Speaker. I see no Minister here to take questions.

Mr Speaker: The Minister is in his place.

Social Housing: Credit Unions

1. **Mr F McCann** asked the Minister of Finance and Personnel if he has discussed within the Executive the credit unions' proposal to open up discussions regarding the investing of their funds in social housing programmes. (AQO 348/10)

The Minister of Finance and Personnel (Mr S Wilson): I am glad that at least you recognised that I was in the House, Mr Speaker. I know a good optician that Mr O'Loan can use so that he can see me in future. I do not think that I have been called the invisible Minister before; this is a first.

Housing policy is an issue for the Minister for Social Development, and I would expect her to raise any proposal for the funding of social housing by credit unions. I understand that she has already met the credit unions, but, to date, she has not made any approach to my Department about funding from that source.

Mr F McCann: Does the Minister agree that given the shortage of finance for the housing issue, and the lack of any strategy from the Minister for Social Development to deal with the problem, the financial resources held by credit unions could transform the social housing sector?

The Minister of Finance and Personnel: As I have already mentioned, this really is a matter for the Minister for Social Development. Housing associations can seek funding from whatever sources they wish; currently, approximately 67% of housing association funding for social housing comes from private sources. If the housing associations want to follow up on the possibility of funding from the credit unions, or any other financial institution, they are free to do so. Within certain rules, they are free to finance housing stock from that source.

Mr Hamilton: The Minister will recognise that the future financing of social housing in Northern Ireland is a big issue, and Mr McCann's question, the Housing Council and the Northern Ireland Housing Commission

have all talked about the issue. There are dozens of different ideas, many of which could ease pressure on the public purse. Does the Minister agree that to get a better assessment of the validity and feasibility of those ideas, a review of social housing in Northern Ireland — one which particularly examines placing social housing delivery on a firm foundation in difficult economic times — would be a good proposal?

The Minister of Finance and Personnel: I understand the importance of investment in social housing, particularly as private sector house building has taken a knock, and that has impacted on the construction industry. The social housing sector is important. However, any review of the finance or structure of social housing is ultimately the responsibility of the Minister for Social Development, and she should be the first port of call on that issue.

There have sometimes been difficulties with the Department for Social Development's finances and looking at innovative ways of using finance. Therefore, my departmental officials would be more than happy to help with any such review and give the Department some pointers.

Mr O'Loan: I welcome the Minister to Question Time.

As Mr Hamilton rightly said, there is a lot of novel thinking going on about funding for social housing. I understand what the Minister has said about the responsibility of the Minister for Social Development in that area, but clearly there are also serious financial issues. Therefore, I urge the Minister to go further than he has done in his contribution and say what his Department has done in researching the issue and what novel forms of funding his Department could bring to the table.

The Minister of Finance and Personnel: I thank the Member for his question. I hope that I am not treading on the Minister for Social Development's toes, but I have already met a number of people who are interested in bringing private finance to the social housing sector. The sources of that funding range from the construction industry to pension funds, and I have looked at how that finance might be innovatively used. I know that some of them have spoken to the Minister for Social Development, too.

The Department of Finance and Personnel can help in a number of ways. First, once we go down the route of looking at innovative proposals, procurement issues will be involved, and some of those will be complex: the Department can bring its expertise to bear. Secondly, there is no point in looking for innovative sources of finance if finding them has an impact on the block grant. Again, the Department can provide advice and expertise on how any such finance might affect the Treasury's view of money that it already gives to

Northern Ireland and whether the method of finance involved is likely to have an impact on the block grant.

Thirdly, the Department of Finance and Personnel can help with the economic evaluation of such schemes. I looked at one scheme and met representatives of the pension fund. Such schemes are very often complex and will have long-term implications for housing association and social housing revenue, and my officials can evaluate the longer-term aspects.

Civil Service: Recruitment and Overtime

2. **Mr Beggs** asked the Minister of Finance and Personnel which Departments and agencies have recently introduced a recruitment freeze, or a policy to cut or reduce overtime. (AQO 349/10)

The Minister of Finance and Personnel: Due to financial pressures, the Department of Finance and Personnel, the Department of the Environment, the Department for Regional Development and the Department for Employment and Learning introduced a temporary freeze on recruitment, promotion and non-essential overtime to allow them to consider their financial positions in light of budgetary constraints.

Mr Beggs: I thank the Minister for his answer. Recruitment freezes are much more preferable to the costly alternative of redundancies. Does the Minister agree that recruitment freezes can expose areas of need and work required due to staff being in the wrong place; and will he acknowledge that his late acceptance of a financial black hole may well have contributed to the problem, and that this matter should have been addressed earlier?

The Minister of Finance and Personnel: I wondered how long it would be before the black hole appeared. There are more black holes in the Assembly than there are holes in Cromac Street. *[Interruption.]*

Mr Speaker: Order.

The Minister of Finance and Personnel: There are limitations to the use of recruitment freezes. Although those four Departments introduced a freeze, it was for a very short time in order to allow them to consider their financial positions. Departments might well look at the use of temporary agency staff, overtime bans, recruitment freezes and redeployment. Therefore, there are a number of ways to deal with this matter. Financial pressures will inevitably come, and Mr Beggs will, I am sure, know from the discussions which his party has had with its new allies that they might be even greater than at present. We will have to manage that, which will mean managing the number of staff used by Departments.

Mr Burns: The hole in Cromac Street will be filled in by the end of the week. Will the number of people

employed in the Civil Service decrease in light of those recruitment freezes?

The Minister of Finance and Personnel: The number of Civil Service posts was reduced by almost 2,000 in the past 18 months. That was not entirely as a result of recruitment freezes, but was also due to people leaving and their posts not being filled. It was also decided that some posts, including some in my Department, would no longer be held, and they will, therefore, not be filled when they become vacant.

We envisage that there will be a further reduction of 2,000 to 2,500 people in the Civil Service between now and 2012.

Regional Economic Strategy

3. **Mr Neeson** asked the Minister of Finance and Personnel for an update on the status of the Regional Economic Strategy. (AQO 350/10)

The Minister of Finance and Personnel: The need to produce a regional economic strategy is a legacy of direct rule, during which Her Majesty's Treasury made it a requirement on all the devolved Administrations throughout the UK to produce such a strategy. The issue has changed considerably since then, because the economic strategy for Northern Ireland is now contained in the Programme for Government, which has placed the promotion of the economy and economic growth at the centre of our activities, policies and spending although, in light of economic and fiscal changes, the Executive need to, and do, constantly assess the policies.

There is, however, an underlying, long-term vision for the local economy, which is that we should have an innovative and dynamic economy that is founded on a number of bases, such as strong productivity growth that is driven by high-value-added human skills, as well as research and development. That vision is reflected in the original draft regional economic strategy, but it is central to the Programme for Government. The latest report by Professor Barnett reinforced the need to continue to pursue those objectives, if we are to have a thriving economy for the future.

Mr Speaker: I call Mr McLaughlin for a supplementary question.

Mr Neeson: Mr Speaker.

Mr Speaker: My apologies, Mr Neeson. I call Sean Neeson for a supplementary question.

Mr Neeson: I heard what the Minister said, but does he recognise that the lack of an economic strategy limits what the Executive can do in relation to rebalancing the economy? He mentioned the Barnett review; will that not be constrained without the required overarching strategic policy?

The Minister of Finance and Personnel: I hope that I have made it clear to the Member that our economic strategy is now embedded in what we do, as decided by the Assembly when it voted in support of the Programme for Government. The Programme for Government does not only state the overall strategic objective of growing the economy through the targets and policies that are highlighted within it; it indicates the means of measuring whether we are achieving those targets. Therefore, I do not think that Professor Barnett's report is hampered in the way in which the Member has stated.

If anything, the Barnett report indicated that we were doing many things right, although it also stated that there was a number of things that we should do differently, and those will be consulted on by the Minister of Enterprise, Trade and Investment. For instance, we should, perhaps, move away from providing selective financial assistance to firms and look towards spending more money on human skills and research and development, as I mentioned. That will have to be looked at by the Assembly and the Minister.

Mr McLaughlin: Go raibh maith agat, a Cheann Comhairle. Given the number of jobs that have spilled out of the economy as a result of the economic downturn, does the Minister still believe that the targets in relation to the economically inactive, as set out in the regional economic strategy, can be achieved by 2015?

The Minister of Finance and Personnel: We do not know what will happen or how quickly the economy will turn around between now and 2015.

Some of the targets that we have set ourselves in the short term will not be met due to circumstances beyond our control. However, the longer-term goals are worth meeting. We must get people onto the employment list and into jobs if we are to give them a stake in society and improve their economic and physical well-being. The Assembly and the Executive will be judged on what they do for that most disadvantaged part of our society. Very often those people are in long-term unemployment and we must target and address their situation.

3.15 pm

Mr McNarry: I thank the Minister for his answer so far. Does he concede that the regional economic strategy, along with that other embedded historic relic, the Programme for Government, needs to be revised to take account of the contraction in the economy, the doubling of unemployment, the public expenditure cuts that he now proposes and the inevitable black hole in public finances that he expects me to mention and which he has now been forced to admit, all of which, apparently, are endorsed in today's report —

Mr Speaker: Will the Member conclude his question?

Mr McNarry: — the Economic Eye winter forecast by Ernst and Young and Oxford Economics?

The Minister of Finance and Personnel: I know that Mr O’Loan has difficulty with his eyes, and perhaps Mr McNarry has difficulty with his ears, because I do not know at what stage I admitted to there being a black hole. Nevertheless, if the Hansard report turns that up, I will be more than happy to concede the point.

[Interruption.]

Mr Speaker: Order.

The Minister of Finance and Personnel: However, I do not think that I made any such admission today.

With regard to the economic strategy responding to different economic circumstances, I have made it clear already that it must do that, and the actions of the Executive show that we are already doing that. For example, in its report this week the construction industry indicated that, since 2007, there has been an increase of 80% in the index of infrastructural programmes being accounted for in the construction industry. In fact, 54% of all construction activity is financed through the Assembly, and that is the result of a decision made by my predecessor to increase the amount of money spent on infrastructure and investment by £1 million each day in the past year. It is a result of the redirecting of the activity of the Executive to respond to the circumstances that we faced.

The Rates (Amendment) Act (Northern Ireland) 2009 was passed recently, which gives business rates relief to 16,000 small businesses. That means that we must redirect money from something else because the cost of that relief will be about £10 million. However, we are redirecting that money because we saw that there was a problem as a result of the economic circumstances and that it needed to be dealt with. I accept that we need to adjust and be fleet-footed, and perhaps we are not fleet-footed enough at times, but there are examples of when the Executive and the Assembly have done that already.

Mr Speaker: I remind Members not to use Question Time to make statements. Question Time is an opportunity for Members to put questions to Ministers. The same happened yesterday. In future, I will ask the Member to take his or her seat, and I will move on to the next Member.

Dr McDonnell: Thank you, Mr Speaker. I will try to be succinct.

Does the Minister agree that people are confused about the economic strategy? Although he is content that it is buried in the Programme for Government, nobody is quite sure what it is. Would it not be useful to extrapolate the situation and tell people specifically what it is? Does the Minister not feel that it would be useful to amalgamate the three different policy units?

There is an economic policy unit in the Department of Finance and Personnel, in the Office of the First Minister and the deputy First Minister, and in the Department of Enterprise, Trade and Investment. Surely someone should be in charge. Three different units cannot be in charge.

The Minister of Finance and Personnel: I know that the Member has a difficult task ahead of him in his bid for the leadership of his party. I hope that he has not put his foot in it. The last part of his question represents a rather off-message response.

I understood that as far as the SDLP was concerned, the number of Ministries was almost sacrosanct and that to reduce that number would be a betrayal of the Belfast Agreement. Perhaps a new leadership is coming through, and perhaps that is the innovation that we will see from the potential new leader. If that is the case, I welcome it, because I support the Member’s point. Margaret Ritchie put me up to that, by the way.

Professor Barnett also supports the Member in that view. He talked about a Department of the economy, which would involve the amalgamation of at least two Departments and the removal of the economic unit from the Office of the First Minister and deputy First Minister. I think that that would be a sensible first step in the rationalisation of Government Departments, and I thank the Member for his support.

Quangos

4. **Mr I McCrea** asked the Minister of Finance and Personnel to outline the total annual operating costs for all unelected quangos. (AQO 351/10)

The Minister of Finance and Personnel: In the 2008-09 financial year, the gross expenditure of public bodies in Northern Ireland was in the region of £9.7 billion. That includes the costs of some significant providers of public services, such as Northern Ireland Water, Translink, health and social services boards and education and library boards. Members can see the details of those bodies in the annual report that DFP will publish. A copy of that report will be placed in the Assembly Library.

Mr I McCrea: I thank the Minister for his answer. I am sure that the House will agree that the figure of £9.7 million for the previous financial year is certainly excessive. Will the Minister detail what mechanisms are in place for reviewing the number of public bodies that exist?

The Minister of Finance and Personnel: First, I should make it clear that I wish that it had been only £9.7 million — we spent £9.7 billion. The mechanisms for reviewing public bodies are, of course, the responsibility of each Minister and their Departments.

In the past year, there has been a reduction of eight of those bodies — seven by the Minister of Health in the reorganisation of the Health Service and one by the Minister of Culture, Arts and Leisure when he decided to close one of the public bodies in his remit.

Mr K Robinson: I thank the Minister for bringing us up to date on the amount of money that is going through the quangos. However, although it is one thing to reduce quangos and their power — and we would all agree with that — the impact of that loss of spending power could be quite catastrophic to some of our local economies. Has the Minister made any assessment of the impact that such a drop would have?

The Minister of Finance and Personnel: First, there is not necessarily a connection between reducing the number of quangos and reducing spending power. I will take health as an example, given that I mentioned it to the Member earlier. In that case, the question was whether we should redirect spending from one function to another and whether there was a need for a public body, with all its administrative attachments, if that money might be spent more effectively in another way. Although some of the reductions will be for efficiency savings, some of which have to go back as cash savings, much of it should be directed toward making sure that we have not established bodies that we do not really need, the spending on which could be better used in the Department in question or in other Departments to provide more effective services. That is how I would like Departments and Ministers to look at the matter.

Mr A Maginness: I thank the Minister for his answer. He detailed a huge amount of money. Has he or his Department taken any action to assess the effectiveness and value for money of those quangos?

The Minister of Finance and Personnel: Again, it should be the role of Ministers — and when I was in the Department of the Environment I regarded it as my role as Minister there — to look at the bodies that are under their control and ask whether they are effective, whether they could be amalgamated and whether they are still serving a useful purpose.

Ministers say all the time at Executive meetings that certain responsibilities are theirs and that they do not want DFP to plunder through their Departments. If Ministers do not consider how resources might be used more efficiently, in a time of spending constraint, they will have to bear the consequences. That has been the case in some Departments.

Public Sector Jobs

5. **Mr Attwood** asked the Minister of Finance and Personnel whether he will continue to pursue the recommendations of the Bain report on the location of

public sector jobs, recognising the social and environmental value of these proposals. (AQO 352/10)

The Minister of Finance and Personnel: The question of whether to pursue the recommendations of the independent report on the relocation or location of public sector jobs is a matter for the Executive. I wrote to Executive colleagues at the end of September to say that I am keen for an early discussion. However, we are all aware of the funding pressures that the Northern Ireland block faces, and spending on the relocation of public sector jobs would require funding from other services.

I am coming to the conclusion that the cost of £40 million that Professor Bain identified for the pilot phase alone is simply not affordable to proceed to implement the recommendations, nor, as the report states, would it represent value for money. Therefore, although the Executive will make the final decision, we must bear those points in mind.

Mr Attwood: Earlier, the Minister referred to people who could not see or hear. He might want to learn to listen a bit more, because Dr McDonnell's question was about economic policy units and not about the number of Departments. I trust that he will answer the question in writing in due course.

Whatever the arguments about the relocation of existing public services, does the Minister agree that there are opportunities for the Government's new or restructured public bodies, including a victims' service, a development corporation for Maze/Long Kesh, the Charity Commission and the Business Services Organisation to name but a few, to be located outside the Belfast region?

The Minister of Finance and Personnel: I suspected that that might be the tenor of the Member's question. It is frightening to think of the number of new public bodies that are being created in Northern Ireland. Before the Member starts to talk about relocating jobs outside Belfast, perhaps his party and others should ask themselves the same question: where does the example start? Before I came to the Chamber, I asked someone to google the SDLP for me, because I am not good at doing that myself. The SDLP leader lives in Londonderry, and the bulk of SDLP councillors and representatives represent areas outside Belfast, but the SDLP headquarters are at 121 Ormeau Road, Belfast. Before the Member starts to ask questions about public sector relocation and location, perhaps his party should look at the location of its headquarters.

Often, there are good reasons for government bodies being located in the capital city and close to the seat of government. However, I take the Member's point. Relocation is one thing, but there may be opportunities for looking at places outside Belfast in the case of new

government bodies that do not have relocation costs and do not involve relocation disturbances. That would be the responsibility of the individual Ministers who are responsible for the new bodies.

Ms J McCann: Go raibh maith agat. Given that the Minister said that there are good reasons for government bodies to be located in Belfast, why are those bodies resistant to locating jobs in parts of Belfast, such as west Belfast, which is one of the most deprived areas of Belfast and an area of disadvantage and need? That was set out in the report of the West Belfast and Greater Shankill Task Forces.

3.30 pm

The Minister of Finance and Personnel: First, relocation, whether outside or inside Belfast, will still carry costs.

I must say to the Member that I really do not accept that people cannot travel from west Belfast into the city centre, which is a journey of a couple of miles, by good public transport, by bicycle or on foot. I cannot accept that it is necessary to relocate offices to the end of someone's street. Surely to goodness, Belfast is a compact enough city for people from all areas to be able to reach jobs that are located in the city centre.

Mr Speaker: Order. That concludes questions to the Minister of Finance and Personnel. The House may take its ease until the debate on the Department of Justice Bill is resumed.

Mr Dallat: On a point of order, Mr Speaker. As a Member who has a hearing defect, I ask you to give a ruling on the appropriateness of making references to people's eyesight and hearing when answering questions.

Mr Speaker: Of course, as far as possible, Members should be sensitive to that issue, which Mr Dallat has raised on a number of occasions. I ask the House to be mindful of that.

EXECUTIVE COMMITTEE BUSINESS

Department of Justice Bill

Consideration Stage

Debate resumed:

Mr Speaker: Order. We shall resume the debate on the Department of Justice Bill. I ask Mr Alex Maskey to continue with his remarks.

Mr A Maskey: Go raibh maith agat, a Cheann Comhairle. I want to pick up briefly from where I left off, which was the question of d'Hondt and the SDLP's argument of its entitlement to the justice Ministry, if it were established.

In an intervention, Mark Durkan said that his party could go to the Secretary of State to seek provision for 11 Departments, and so on. My argument, which is essentially different to his, is that there must be agreement to go to the British Secretary of State to seek anything. Mr Durkan presented his argument in such a way that suggested that people could go to the Secretary of State to ask for anything. I invite him to seek that agreement.

Mr Durkan: We can go to the Secretary of State.

Mr A Maskey: Mr Durkan made that point already, and I am responding to it. It is easy for the Member to throw out a comment about being able to go to the Secretary of State. However, he and his party have failed consistently to explain who they will go with and who they will reach agreement with to do that.

Clearly, they will not reach agreement on key issues with the Ulster Unionist Party, for example. I do not know what other party the SDLP would seek to reach agreement with. It does not appear to have been able to put together a package that shows that it, or a collection of parties, could secure a vote in the House and thereby go to the Secretary of State, or that it could reach any other agreement for that matter. Therefore, the essential issue remains that —

Mr Durkan: Will the Member give way for clarification?

Mr A Maskey: I am sorry; I have taken some three interventions already. The Member will have plenty of time later to clarify his position.

Mr Durkan: And I will.

Mr A Maskey: He can all right. Talk is cheap, so the Member must clarify whom he would reach agreement with to secure all those great and wonderful things that he wants.

I want to recap on a number of points. First, I want to return to the sunset clause, which my party considers

to be both a vital protection and an opportunity. My party's intention is to establish a justice Department for beyond 2012. I am sure that other parties are also committed to that.

If, during the intervening period between the justice Department's establishment and 1 May 2012, the experience has been positive, the sunset clause, which my party hopes will be agreed, offers the Assembly the opportunity to consider what will occur beyond May 2012 in a positive, mature and rational light and to establish a permanent justice Department that is fit for purpose and that has all the necessary protections.

I look forward to that opportunity. I believe that the vast majority of the public want that to happen in the positive light that I described.

The SDLP keeps trying to hammer home its entitlement to the Department of justice under d'Hondt, but it has no such entitlement. There is no provision for 11 Departments and, therefore, no provision to run d'Hondt from one to 11. If we were to secure 11 Departments, the essential argument remains that d'Hondt would be run from one to 11. Does anyone suggest that the SDLP has the God-given right to take the eleventh Department and that all the other parties would sit back and wait until they did?

Mr A Maginness: *[Interruption.]*

Mr A Maskey: With respect, I have already taken numerous interventions.

Mr Speaker: Order. Let the Member finish.

Mr A Maskey: The SDLP's repeated position is that it has the right to the next Department. It does not. If, as I wish would happen, 11 Departments were to be established here this afternoon through running d'Hondt, I would love, by 5.00 pm, to be putting Sinn Féin's hat into the ring for the justice Department. At least two other parties are ahead of the SDLP in the queue, and they would have a serious argument to make on their behalf.

Sinn Féin is determined to secure the transfer of policing and justice powers and pursues that aim relentlessly. In the first instance, powers should be transferred into the hands of elected representatives from here. We like the idea of, and are totally committed to, d'Hondt, but there must be transitional arrangements. Sinn Féin was involved in negotiations, although other parties, particularly the SDLP, seem to think that they were the only ones involved. The SDLP must have been talking to itself in 1998 because, from what it says, no one else was involved. Sinn Féin is wedded to the necessity of power sharing.

Mr Kennedy: Is it the ambition of the Member, or his party, to hold the Department of justice at some stage?

Mr A Maskey: I thank the Member for his question. Why would any party with a mandate deny itself the

opportunity to take responsibility for any area of governance? I presume that Mr Kennedy's party — the Ulster Unionist Party, UCUNF, or whatever its name may be this afternoon — would consider taking any Department to which its mandate secured it the right. I look forward to a time when all parties, including mine, will have the opportunity to consider each Department before deciding which to select under d'Hondt.

The absolute inclusion of all parties is essential to the political dispensation in which we are all involved, and that brings me to my next point. Mr Attwood referred to the process of exclusion, but Sinn Féin is committed to a process of inclusion. That is why there is a power-sharing Executive: the parties in the Executive share power. The difficulty for the SDLP is that it does not occupy a lead position in OFMDFM, but that is simply the democratic outworking of the last election. That may change: who knows? As the SDLP is not in a lead position, it falls to Sinn Féin and the DUP to work their way through the issues by showing leadership and working inclusively with the other parties. Mr Durkan, the outgoing leader of the SDLP, is aware of that. Sinn Féin and other parties have spoken with the SDLP about the issue, and SDLP Members sit on the Assembly and Executive Review Committee.

Mr Speaker: In trying to keep the discussion to the amendments and clause 2, I have shown some latitude to all Members. However, I detect that some Members are straying outside the amendments to the justice Bill and, specifically, at present, support for, or opposition to, clause 2. I remind Members that, as far as possible, they should keep to the subject of the debate, which is the Department of Justice Bill.

Mr A Maskey: I thank the Ceann Comhairle for his reminder to Members; I will do my best to honour that commitment. I do not wish to recap to ensure that I clarify all the relevant points.

We support the sunset clause because it is very important, and we clearly support clause 2 and the Bill as a whole because we are focused on getting policing and justice powers transferred into the hands of locally elected representatives. The arrangements in clause 2 are interim and transitional, and that is verified and underscored by writing a sunset clause into the Bill that will bring those arrangements to an end by May 2012. Sinn Féin supports and will continue to support the Bill as it stands because we believe that it represents the best efforts of people to ensure that powers are transferred as soon as possible.

The time frame mentioned in some of the amendments has been dealt with earlier. It will come up again later, so I suppose that we can deal with it then, too. As far as Sinn Féin is concerned, the Bill does not require a time frame. Although some people want a time frame to be included, the Bill is an essential piece of enabling

legislation that does not require one. The Bill needs to be passed sooner rather than later, because it is a necessary element of devolution. People who argue, inside and outside the House, in favour of powers being transferred must explain how voting against the Bill and working actively against it will serve that need.

Our party supports the Bill, and we oppose the amendments unapologetically in our relentless pursuit of having the powers of policing and justice transferred to locally elected representatives as soon as possible.

Mrs Long: I support the Bill and oppose the amendments. The devolution of policing and justice is a positive step for Northern Ireland. It brings potential benefits, because it allows much closer collaboration and co-operation among the existing Departments and the Executive on a range of issues relating to policing and justice. My party believes that it should happen as soon as possible.

However, we have never set artificial deadlines for the process, because we recognise that the issue is sensitive in respect of political and community sensibilities. We want our approach to be constructive because we want people in the community to have genuine confidence — not the kind of confidence that is about setting up a series of hurdles for people to jump — in the House and in the Executive to competently and capably deliver on the issues. We have tried to be constructive from our position outside the Executive, and I am trying to do the same now.

I wish to speak about the amendments and the picture painted of them. First, as to whether clause 2 should stand part of the Bill, the Alliance Party has never made any secret of the fact that it believes that the Executive should not have been formed using the mechanism laid out in the Good Friday Agreement. That was not our first choice, and we have been very open and honest about that.

We support moving from a mandatory coalition to a voluntary coalition in which Members negotiate a Programme for Government and work together on it. That would create a level of cohesion and co-operation in the Executive and tie Members to a programme in a way that the mandatory coalition has not done. We have been open and honest in saying that we would prefer that. However, we respect the fact that some Members are not comfortable with that or confident that it would work. Some view voluntary coalition as a mechanism to exclude them, while others think that it is a mechanism that would benefit them by excluding others. My party believes that voluntary coalition is not about that; it is about trying to find a system that works.

We have made no apologies for the fact that we are not and never have been wedded to d'Hondt. We view it simply as a mechanism to deal with proportionality. However, it is only one of many mechanisms that can

do that. It can be argued that, in many cases, it is not the best mechanism for dealing with proportionality. The Good Friday principles underpinning the issue are inclusion and proportionality, not d'Hondt, and they can be achieved in a range of ways. We are again in danger of making the mechanism the principle, and that is a very foolish thing to do.

3.45 pm

I aspire to the day when we no longer need the d'Hondt mechanism for any of our Ministries and when we can move away from the type of mandatory coalition that we have currently. Therefore, I welcome any opportunity to demonstrate how other mechanisms can deliver. I believe that the Bill presents such an opportunity.

It is not about who gets the job of justice Minister; it is about how a person gets the job. The Bill provides a better mechanism for electing a Minister than that which we use at present.

I am not going to shed any tears if the person who is appointed justice Minister is appointed on the basis of a cross-community vote. However, I am realistic enough to know that clause 2 is not some sort of Trojan Horse by which we will be able to speed up getting voluntary coalition into the Assembly. Much as I would like to see that happen, and much as I wish that that were the case, I do not believe that to be the reality. However, as political fixes go, this is preferable to those that we have chosen in the past. Therefore, I have no difficulty with clause 2 standing part of the Bill.

Alex Attwood talked about the rules of democratic inclusion. However, which ones was he referring to? The d'Hondt mechanism is only one of many ways by which to achieve democratic inclusion. I find it quite strange that when we talk about the rules of democratic inclusion, we talk about it in those broad terms. The SDLP is wedded to the d'Hondt process. It amazes me that an obscure Belgian gets so much attention every time we debate any issue in the Chamber.

The reality is that the SDLP has acknowledged that there may be other, better means of inclusion. Through the Equality Commission, the SDLP challenged Lisburn City Council for allegedly breaching equality rules because it went beyond other inclusion mechanisms so that it could use d'Hondt. I do not disagree with the position that the SDLP has taken on that matter. However, it raises the question that if other methods of inclusion are good enough for other places, why is the SDLP so wedded to the d'Hondt mechanism when it comes to appointing a justice Minister? There is a contradiction in the SDLP's position on the d'Hondt process.

Mr Durkan: The SDLP's concern is that clause 2 is a departure from the provisions of the Northern Ireland Act 1998. Those provisions are based on the agreement. If there is a review of the agreement, and if parties

agree to a different form of inclusion according to mandate — such as the Sainte-Laguë method — that mechanism will become the rule. However, the principle of the agreement remains inclusion according to mandate. Clause 2 is a departure from inclusion according to mandate and is a departure from the existing Act.

Mrs Long: I will raise a number of issues in response to that.

The first departure from the Good Friday Agreement is having an extra Department. If we are to devolve policing and justice —

Mr Durkan: It does not have to be an extra Department.

Mrs Long: If we are to devolve policing and justice, it looks, at this stage, as though that will require an extra Department. If we are to redraw the Departments, that is another departure from the Good Friday Agreement. Furthermore —

Mr Durkan: No, it is not.

Mrs Long: Furthermore, Mr Durkan specifically said that clause 2 would be a departure from inclusion on the basis of mandate. However, nobody knows who the justice Minister is going to be. There is no guarantee that it will not be someone who is being included on the basis of mandate. Frankly, I think that people are getting ahead of themselves in suggesting otherwise.

I want to deal with the issues on amendment Nos 2, 3 and 4. I listened very carefully to Alex Attwood as he made the arguments in favour of those amendments. He did two things. First, he emphasised the likelihood of failure to agree a long-term solution by the deadline of 2012, and secondly, he emphasised the consequences of that failure. I will look at both those points, beginning with the first.

Alex Attwood emphasised the impossibility of finding agreement by 2012 on the future shape of a Ministry, and he purported that that was an argument for tabling his proposed amendments. On the surface, that argument has a certain ring to it, from our perspective. Mr Attwood said that there has been a series of issues that the Executive failed to reach agreement on and that that is evidence that they are not capable of reaching agreement.

That argument does not, however, bear close scrutiny for a number of other reasons. First, if we had followed that pattern in 1998, we would not be sitting here now. Secondly, if we had said that we would not move forward because the risk of failure was too great, we would still be where we were in 1998 and we would perhaps be even worse off.

We did not say that getting the UUP and the SDLP to agree thing in the future was the issue. We did not say that getting engagement between the UUP with Sinn Féin when the electoral tables were turned was a reason not to proceed with the process. We did not even say that the idea of getting the DUP and Sinn Féin to go into Government together, which was unimaginable at the time, was a good enough reason to stop the process. In such instances, instead of not embarking on the process, the answer is to carry out the process in a controlled way and to see it for what it is — a process. The process will evolve over time in the context and circumstances that present themselves, and it is dependent on the work that will be done over the next 30 months. I cannot accept the argument that Executive failures are a reason for stopping the process of devolution.

The other argument was about what will happen if we fail to agree by May 2012. For me, such a scenario raises a much deeper question, which was not touched on. If we cannot agree on what happens with the Ministry for policing and justice by 2012, much more significant questions about the future of the institutions will be raised. We all realise that. There is more import and more pressure to reach a solution by 2012. It is very simplistic to say that we cannot do it. I do not buy into that argument, because there is too much at stake if we do not agree a solution.

The third thing is this; if it is so inconceivable that parties in the House are capable of reaching agreement on the issue in 30 months, how come we have an interim agreement that people are happy to sign off on? The logic is that, if people can sign off on an interim agreement, it is not beyond their capabilities to sign off on a longer-term agreement. I cannot follow the logic of the argument that we cannot reach agreement.

Mr Attwood then argued about the consequences of failure. There seems to be conflict in his argument, because its logic was very contorted. Mr Alex Maskey highlighted that in his speech. In great depth and with great vigour, Mr Attwood painted the most apocalyptic scenario possible for May 2012. He used the word “catastrophic” twice. I listened carefully to his description of what could happen in 2012, and it conjured a picture in my mind of prison doors being left open, prisoners wandering onto the streets and various other types of madness and mayhem. All of that was based on the assumption that the Assembly would fail to agree.

Mr Attwood then said that Westminster would not allow such a scenario to happen. According to his legal advice and in his view, an Order in Council would come from the Secretary of State to stave off the apocalypse. At that point, I was able to draw breath again and feel much calmer about the situation.

After posing the grave and potentially catastrophic consequences of a failure to agree, Mr Attwood reassured us that there will not be a cataclysmic meltdown and that there is a fallback position. His concern seemed to switch from the apocalypse ahead to his suspicion that the First Minister and the deputy First Minister know that there is a fallback position but do not want to articulate it in the Assembly. That is what I am not clear about. I am not sure that it matters whether people know that there is a fallback position, because, any time between now and 2012, legislation and amendments to deal with a likely meltdown could be made in Westminster. Frankly, it is inconceivable that the Government would allow our Prison Service to implode, for example. Therefore, I cannot understand the logic of an argument that states that, on the one hand, there will be cataclysm and then states that there will not and that, because people will not admit that, we should vote against the Bill in its present form.

Mr Durkan: Those who supported and passed the legislation that provides for the sunset clause in May 2012 have literally legislated for failure. We did not introduce the concepts of failure, collapse and dissolution. Members legislated for that because it was the best interim solution that they could come up with. Those who supported it, particularly Sinn Féin, have made a virtue of saying that there is no fallback position. We believe that there could be a fallback position that could be used by the British Government. However, it may not work, because it depends on votes in the House.

Mrs Long: I will address several aspects of that intervention. First, the matter seems to have been distilled down to the SDLP trying to point out that what Sinn Féin has said all along is incorrect. That seems more like an attack for party political purposes than dealing with concerns about the stability of the justice Department. I suspect that such logic underpins a lot of what we are listening to today. That is part of the difficulty.

I do not understand how anyone can believe, based on their legal advice, that there is a fallback position and, at the same time, articulate an argument that says that there is no such position. It is completely illogical, and the argument does not stack up. Regardless of whether the fallback position exists at the minute, it could be created at any point in the future. Therefore, the idea of apocalypse does not add up. The SDLP has argued that it is, in essence, trying to avert crisis and crisis-proof the legislation, yet it has proposed a series of amendments that appear to be designed to precipitate a series of mini crises in the system.

Mr Durkan: No.

Mrs Long: The Member beside me says no. However, putting time frames, deadlines and demands

on such matters and introducing additional sunset clauses into the legislation has the potential to create more of a crisis.

Amendment No 1 sets a deadline. Everybody in the Chamber recognises that the issue will be subject to detailed and sensitive discussions in which everyone in the House has an interest. I agree entirely with Members who feel that, for whatever reason, they do not know all the facts. They should know all the facts, because this is a matter of importance, not only to parties represented in the Executive but to those that are not represented. The Alliance Party's voters need to have confidence, too, as do those who vote for the SDLP, the Ulster Unionists, the DUP, Sinn Féin, the Green Party, the PUP and others who sit in the House. People need to have confidence that the system will work, because it is a serious matter. We do not take issue with any of that. However, creating deadlines is a way to heap on pressure, and it is deeply unhelpful. I suspect that it exposes the SDLP's need to do down any proposals that come from the Executive. That is unfortunate.

I have read amendment Nos 2, 3 and 4 several times. I listened carefully to Alex Attwood's speech, in which he proposed the amendments, to try to get to the bottom of what they would achieve. That remains unclear. The amendments seem to force the First Minister and the deputy First Minister to make written and oral statements to the House within seven days, after which there would be a vote.

Mr Durkan: That is correct.

Mrs Long: The Member has provided helpful clarification from a sedentary position. That is what I thought that it meant. Therefore, I am unclear about the point of the amendments. The seven-day requirement seems to place potentially unrealistic and silly deadlines in the Bill in the hope that somebody will drop the ball, not jump through the hoop, and revert to d'Hondt. Moreover, it seems unnecessary, because no other legislation that has been passed in the House has proposed that somebody has to report within seven days. Indeed, if people want the First Minister and the deputy First Minister to explain — I think that is the word used in the amendment — their view on the issues, they can do so at any time now. They do not have to wait until the Bill is passed. It does not change anything. I cannot get my head around that: it does not actually change the situation.

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

4.00 pm

Mr Durkan: The Member said that no one has ever proposed here that statements should come from the First Minister and deputy First Minister, but I recall that her party moved amendments to the Financial

Assistance Bill that would have required that statements be made by the First Minister and the deputy First Minister in relation to the implementation of that Bill and any actions flowing from it.

Mrs Long: I said that I did not recall a piece of legislation being passed anywhere that required statements to be made within seven days. It is clear that Mr Durkan was not paying attention, because our proposal was that the First Minister and deputy First Minister should report to the Assembly on an annual basis. It was an ongoing clause, not simply another hurdle that they had to jump over after commencement with a once and once only explanation. The comparison does not stack up, because there was substance to our amendment. There is no substance to the SDLP's amendments.

I will move to the issue of clarification and explanation. The First Minister and deputy First Minister are in the Chamber, so perhaps when they respond they will be able to give clarification. However, my reading is that they could come in and provide us with an explanation. It might not satisfy us, but such an explanation, written or oral, would not change anything. They would simply have to provide the explanation in order to tick the box. That achieves absolutely nothing, as far as I can tell. I am slightly bemused by that, but on reading the amendments together, it is clear that they are designed so that, assuming that the SDLP's arguments in relation to clause 2 are lost, another opportunity is created to revert to d'Hondt after commencement. The SDLP's argument is not about trying to get clarity, because that can be obtained at any time. *[Interruption.]*

Mr Durkan has been allowed a significant number of interventions, but nothing seems to satisfy him, because as I try to make my contribution to the debate, he is constantly chirping in my ear, which is very distracting. I have been generous with the Member in allowing him to have interventions. I wish that he would either stand up and make his point or allow me to make mine.

Mr Attwood made a long and meandering speech containing a lot of convoluted logic, but eventually, at the end, we got to the core of the issue. He said that the SDLP felt entitled to the justice Ministry and that that entitlement would not be guaranteed under clause 2. There were those who, in previous interventions, said that they were happy to run d'Hondt for all 11 Departments, but Mr Attwood said that he objected strongly to the SDLP's being excluded from the process to appoint a justice Minister. He raised the issue that the DUP did not see the SDLP as fit to do the job and that his party was being blocked as a consequence of Sinn Féin's position. There was more to Mr Attwood's speech than the issue of being nominated for any Ministry.

However, while the justice Ministry would not be guaranteed under clause 2, neither is it ruled out. It is not inconceivable that the SDLP could be nominated and voted through on a cross-community basis. The assumption that it will not happen is an SDLP assumption; it is not shared by anyone else. To be fair, Mr Attwood delivered a heart-rending plea for the SDLP to get the justice Ministry, which almost brought a tear to my eye. He said that his party had been slighted and that its contribution to policing and justice had not been fully recognised.

The Alliance Party could make an equally heart-rending plea: we could say that throughout the years when things were very difficult in Northern Ireland, coming from a cross-community background and representing a difficult constituency, the Alliance Party maintained its links with the police service and sat on the Police Authority when others would not join it and would not do that job. It is a bit rich for people to expect sympathy from those of us who weathered the storm when it was very difficult to do so. From that point of view, I do not have a lot of sympathy on that point. However, I am less concerned with who the Minister for justice will be, what party he or she represents or where he or she is from, than I am about what a Minister for justice will do for the people whom they are elected to serve. That is what matters: it is the programme that a Minister for justice will follow and what that person will achieve that is of consequence. I cannot see any reason why any party here would be guided simply by self-interest.

Other Members have raised the issue of d'Hondt in relation to clause 2. If an eleventh Ministry were to be added, various meetings with the Secretary of State notwithstanding, d'Hondt would have to be rerun for all Departments. That is clearly stated in the Northern Ireland Act 1998. If that were the case, I do not think that anyone believes that policing and justice would still be on the table when the SDLP got to make the fifth choice, let alone the eleventh. It would say something fairly skewed and malign about other parties in the House if it were still on the table at that stage.

I have some sympathy with Danny Kennedy on that point. He said that the debate was surreal at times. I agree; if we think that policing and justice can be delivered by any means other than ongoing political dialogues and agreement, we are fooling ourselves.

If the mechanisms that were used in 1998 were sufficient for this task and could create the required confidence, I suspect that they would have been used by now. That is not the political reality of this situation, and we need to wake up and accept that.

I am disappointed that the SDLP seems to oppose the devolution of policing and justice unless it benefits them either directly through that Ministry, or indirectly

by obtaining a second seat in the Executive. In an intervention to Alex Maskey earlier, the SDLP leader —

Mr A Maginness: The SDLP is fully committed to the devolution of policing and justice, without conditions. We are fully committed to that, and we have made that plain. I do not know how I can emphasise that point more.

Mrs Long: Perhaps if the SDLP had voted in favour of the Second Stage of the Bill, that would have made it clear. The issue there was the principle of the devolution of policing and justice. *[Interruption.]*

Mr Durkan is again interjecting from a sedentary position. However, in an intervention to Alex Maskey's speech, he walked us through the process at Westminster very carefully, and explained how he could vote in favour of a Bill at Second Reading and table a series of amendments in Committee. One should do the equivalent in these circumstances.

Dr Farry: The implication of supporting the Bill at Second Stage was that one supported the principle of the devolution of policing and justice and, in particular, the creation of a justice Department in Northern Ireland. It is in order for the SDLP to propose an amendment to change the mechanism in the Bill and go back to d'Hondt; that is a logical position for them to argue from if they wish. However, voting in favour of the Second Stage of the Bill would still have allowed them to do that and, at the same time, would have made clear their support for devolution, whereas voting against it sent out, at best, a very dangerous, mixed message.

Mrs Long: That is exactly the case. The normal way to deal with such a situation is to vote in favour of a Bill at Second Stage and to table any amendments at the next stage. If the amendments fall and people believe that the Bill as it stands is unacceptable, it is at that point that they should vote against it. One does not vote against a Bill at Second Stage if one is in favour of the principle of it, and the principle of this Bill is to devolve policing and justice powers and to create a Ministry of justice. Therefore, the SDLP's position with regard to the devolution of those powers is unclear.

Mr Kennedy raised some concerns. He referred to the difficulties of the Bill creating a puppet Ministry. He was concerned that, if appointed in the way that was suggested in the Bill, the justice Minister would be a puppet. I do not believe that to be the case; however, I believe that there is a risk that the justice Minister could be a puppet.

The mechanism for appointing the justice Minister will make them no more or less of a puppet than any other Minister; it does not change anything. They would arrive at the Executive table with the same authority and ability to do their job. However, some issues could create the circumstances in which we would be dealing with a puppet Minister. The problem would, first, lie in the potential for a Minister to be

removed by cross-community consent. We cannot deal with that, because it is dealt with in legislation that went through another place. It is not something —

Mr A Maginness: Will the Member give way?

Mrs Long: No; I will not give way on that point.

The way in which a Minister can be removed from office has the potential, in certain circumstances, to make that Minister more susceptible to pressure. However, we cannot deal with that issue, because our legislation is subordinate to the Westminster legislation, which sets out how any Minister would be removed from office. Indeed, the issue arises only when a Minister who is so desperate to hang on to his or her ministerial seat does not resist such pressure. Therefore, in addition to there being a poor mechanism for their removal, it would require a weak-willed Minister with no backbone for that situation to arise. If we are to subject someone to a cross-community vote in the House, I hope that we will pick someone of sufficient calibre and robustness and who has enough backbone to withstand that pressure.

Some Members from the smaller parties on the Executive wax lyrical about the potential for a Minister of justice to be a puppet, but it is dangerous to tread on such ground. It may not be possible to eject smaller parties' Ministers from their ministerial seats under d'Hondt, but those Ministers have little say over their budgets. Sinn Féin and the DUP have the lion's share of the votes and can make those decisions. Those Ministers do not have much control over what legislation they can bring to the House, because that is largely in the gift of Sinn Féin and the DUP as well. Some people might say that Ministers from the smaller parties in the Executive, even though they were nominated under the d'Hondt system, could be puppets if they do not have sufficient backbone to walk away when push comes to shove and when they feel that they have been maligned or mistreated.

Mr Kennedy: The Member clearly does not listen to, or heed, the First Minister's assertions that we have a four-party mandatory coalition. There are no puppets in this Administration, and it is not expected that there will be any. The Member seems to doubt that.

Mrs Long: I was explaining the risk of someone's becoming a puppet Minister. I would not be so rude as to suggest that any of the Ministers from his party or the SDLP is a mere puppet. If Mr Kennedy feels aggrieved by my comments, I may have struck a chord that I did not intend to. I was simply saying that it is possible for Ministers to be nothing more than puppets under the current system if they are willing to accept whatever the two main parties foist on them rather than running the risk of having to walk away. Unless Ministers have the backbone to walk away in such circumstances, they risk being puppets. The question

for Ministers is whether they can be more than puppets in the Executive. I will leave it for Mr Kennedy to decide that on behalf of his colleagues.

Mr O’Loan: The Member speaks in a very principled way and, indeed, almost claims that the Alliance Party is the only principled party in the Assembly. She has spoken very nobly about how neither she nor her party has any interest in who becomes the Minister of justice and says that the Alliance Party is concerned only with the outcomes from our having a Department of justice. The Alliance Party was prominent in describing itself as “the party of opposition”. Indeed, it was the opposition in the Assembly for many months. When Bills were debated, the Alliance Party was assiduous in proposing amendments and discussing them at great length.

However, it is noticeable that the Alliance Party has not proposed an amendment today. The Member has not used the word “opposition” at all and has described her party as being “outside the Executive”. A reasonable person might conclude that her position is less principled than before and that she and her party may have a vested interest in taking the stance that they are taking.

Mr Deputy Speaker: Order. Some private conversations are being conducted in the Chamber, and that is very distracting for me, not to mention for the Member who is on his or her feet. If Members wish to carry on their private conversations, I ask that they do so in the Lobbies or elsewhere in the Building. I also remind Members that interventions should be short and sharp.

4.15 pm

Mrs Long: Thank you, Mr Deputy Speaker. I appreciate both of those points. I will be clear about the issue that Mr O’Loan raised: I said that we had no selfish interest. I also said that we were less interested in who the Minister was and which party he or she came from than what they do. That is a principled position. If Mr O’Loan is asking me, as a politician and a member of the Alliance Party, whether I aspire to be in government, the answer is yes. If that makes me unprincipled, what does it make any other party that sits in this Chamber? What would it make me, other than a fool, if I were to say that I did not aspire to be in government for my party? Of course political parties have aspirations to be in government, but not at any price. That is what gives principle to our position. If Mr O’Loan does not understand that, I am not sure that there is much that I can say to help him.

Mr O’Loan also talked about proposing amendments. We propose amendments to legislation as and when we feel that they are required. However, we have articulated an argument today to explain why, based on our principles, we are happy with the legislation, which represents a move away from a mechanistic approach to the nomination and appointment of Executive

Ministers and towards an approach that we prefer. Regardless of the outcome in respect of the make-up of the Executive, we would prefer that that body be formed voluntarily. We believe that this is a move in that direction, and that is a principled position.

On the issue of opposition, I am not in the sad and unfortunate situation of being confused about my role in this House. I am outside the Executive and I am part of the opposition. However, it would serve the Member well to talk to his party about what its role is, because it seems to be confused: it holds seats at the Executive table, and acts as opposition in the House. That is a much more confused and less principled position than the one that my party has adopted.

In conclusion, Members will be glad to hear, there have been many political fixes on the road from 1998 to 2009. Some of those were designed by the SDLP and the Ulster Unionists and others by the DUP and Sinn Féin. Some have further entrenched division in this Assembly, some have reduced it, some have moved us forward, and some have made it much more difficult for us to achieve progress. Some of those fixes have been based on good politics and others, frankly, have not. That is the reality of the situation. My party will look at each situation on its merits. The Bill provides for a move away from a rigid, mechanistic method of power sharing and towards a situation in which cross-community consent becomes more embedded in how we form an Executive. The Alliance party believes that that is a good thing, and, therefore, we support clause 2.

The Bill moves us to a situation in which the Minister of justice will be from Northern Ireland. There will be difficult decisions ahead on finance and many other issues, but the person who makes those decisions will, when they need a police officer, call 999 and go to the same people as me and the people whom I represent. That is a step forward, not a step back. That is a welcome change, and, therefore, we will support the Bill and oppose the amendments.

Mr Hamilton: I am sure that there were some Members in the House to hear that Mrs Long was coming to a conclusion, Mr Deputy Speaker. Perhaps that has changed because you have called me to speak, but I will do my best to make a valuable contribution to the debate.

It is no secret that my party and I support the devolution of policing and justice. However, as we have made clear on many occasions, that requires community confidence. One element that helps to build community confidence is confidence in the institutions to which matters are devolved. That is why clause 2 is so important, not just to me and my party, but to the community that we represent.

During his lengthy contribution at the start of the debate, Mr Attwood talked about people needing to live in the political real world. He is not living in the real world if he believes that there is any other method of appointing a justice Minister that is capable of commanding community confidence in Northern Ireland — critically, unionist community confidence — other than that contained in clause 2.

In making a case for clause 2, I must stress that, as desirable as it may be for some of us, the Member who takes up the justice post, from whatever party they come, will not do so simply on the DUP's say-so. The decision is not something that we wholly control. The Member who becomes Minister of justice must be able to command cross-community support in the Assembly.

I am sorry that the SDLP has such a slavish devotion to the principle of d'Hondt that, in its eyes, nothing else is feasible, viable or possible. However, as Mrs Long pointed out, there are ways other than d'Hondt by which we can get cross-community buy-in. I ask the same question that I did at Second Stage: how much more cross-community can we get than a clause and a method of appointment that requires support for an individual by a majority of Members on each side of the House? Somebody who can come through that test and command that support will surely also have wider support in the community.

As the First Minister, Mr Robinson, pointed out, the cross-community voting mechanism is used regularly in the House. We use it to appoint the Speaker and Deputy Speakers, and during the passage of Budget Bills. We can also invoke cross-community support mechanisms in the House if Members decide that a matter is critical. The point is that to have cross-community support for an individual, or any proposal in the House, is not so alien, so different or so abnormal. It is something that we do —

Mr O'Loan: Will the Member give way?

Mr Hamilton: Yes.

Mr O'Loan: I note that the Member said that there is no method other than cross-community support in the House that will secure community confidence. In particular, he said, "unionist community confidence". Therefore, I take it that he is rejecting a continuation of d'Hondt, which would lead to the SDLP's taking the new justice portfolio.

Will the Member make it absolutely clear that it was not mere rhetoric when his party leader, the First Minister, said that he would reject the SDLP nominee? Was the DUP taking a determined and fixed stance to reject an SDLP nominee for Minister in the Department of justice?

Mr Hamilton: I am not the first person to make the following point. Others have done so, but I will go as slowly as I can. I honestly do not think that the

Member gets the point. The SDLP seems to have some sense of ownership of the justice position. If the SDLP were to get its desire, and if the position were subject to the d'Hondt mechanism, there would be absolutely no guarantee that the Member's party would get it. However, we repeatedly hear that the SDLP is being deprived of the Ministry — that it is losing out.

That is not the case, because d'Hondt would be triggered for all Ministries, and it is highly unlikely that the eleventh pick would be the Department of justice. I would be very surprised if the Department were not chosen sooner.

Mrs Long: In his intervention, Mr O'Loan used an interesting phrase: "continuation of d'Hondt". There appears to be some confusion in the SDLP, because Mr Hamilton was asked specifically about opposition to the SDLP's holding the justice Ministry — not any Ministry or the eleventh Ministry, but the justice Ministry — under a "continuation of d'Hondt". However, others in the SDLP are saying that they are happy for the eleventh Ministry to be any portfolio, not just the justice portfolio. There seems to be confusion, and I cannot understand what the problem really is.

Mr Hamilton: I concur with the Member. I am not sure whether the SDLP is upset about losing out on gaining the Department of justice or the Department for Employment and Learning, but it does not seem to register with that party that there cannot be a continuation of d'Hondt. D'Hondt does not work like that; it is a system that runs throughout. It is not possible to allocate 10 Departments and then go back for an eleventh; the process would have to begin again.

Mr Attwood: I may be able to clear up the confusion on both sides of the Chamber. There is no confusion, because, looking at the Hansard report, we have been able to confirm that if the d'Hondt process were to be run, the SDLP would be entitled to the eleventh Ministry, whatever it may be. The critical issue, Mr Hamilton, is that —

Mr Deputy Speaker: Order. The Member should refer all his remarks through the Chair.

Mr Attwood: The critical point is that, regardless of whether the SDLP looked for the justice Ministry, on 8 July 2009, outside 10 Downing Street, on the record and in front of cameras, Mr Hamilton's party leader, the First Minister, said "I'm going to veto" an SDLP nominee for justice Minister. There is no confusion, because the issue was put on the table by the leader of the DUP, the First Minister, independently of whether or not the SDLP was entitled to the justice Ministry. It was your party that said explicitly on the record that it would stop us.

Mr Hamilton: The Member has got very upset about that point, which reveals the truth behind it all. It is the loss of the chance to have the Department of

justice in the hands of the SDLP that is at the core of everything that is going on today. It is not some high point of principle; it is the loss of that potential position for that party. Nobody from the Member's party has been put forward, and, although I am not going to prejudge anything, whoever is ultimately selected to take on the Minister of justice post must be capable of commanding the support of both communities. As everyone knows, the position is of such critical importance and sensitivity that the person who is appointed to it must be capable of commanding support from both sides of the community.

The Member quoted the First Minister — who I see is back in his place — but it is not only the First Minister who ruled out the SDLP for the Minister of justice role; the leader of the Ulster Unionist Party did so as well. In that respect, he is in good company. More than one unionist party is ruling out members of Mr Attwood's party from taking the position. Community confidence is at the core of clause 2; it is absolutely critical that that confidence is there. In the past, my party has made it clear that it would not have confidence in Sinn Féin holding the post, and, although I have no particular insight into the mind of republicans, I am pretty sure that they are not too keen on any member of my party holding the position.

Ms Anderson: Do not take it personally.

Mr Hamilton: I certainly do not take it personally.

In that respect — and this is where I have some confusion about the SDLP's opposition to clause 2 — this is not some sort of unionist utopia that is being put forward. It is not what only either unionists, republicans or nationalists want; it is what both sides in the Chamber want. That is the critical point; whoever is put forward must be capable of commanding support from both sides of the community.

As I said, some Members may be exhibiting a slavish devotion to one particular method, but we have to be much more innovative, and there are different ways to achieve community support. Given that we use cross-community votes in the Chamber on quite a few occasions, it is not a particularly original method. Consensus and inclusivity are at the core of clause 2, and, down through the years, the SDLP has preached ad infinitum that we must have consensus and be inclusive. Those principles are at the core of the clause, so I am confused about why the SDLP opposes its standing part of the Bill. It may not be its preferred option, but it must at least accept that it is an option for having consensus and inclusivity and for achieving cross-community support for whoever the justice Minister is.

4.30 pm

I turn to the opposition to this clause from the unionist Benches. I do not want to go into an historical

retrospective about what people have agreed to in the past. Others have not engaged in that, and I do not want to go down that path, unless provoked into doing so. I have to point out that the clause protects the interests of unionism. Their opposition comes from a concern that there is sensitivity in the unionist community about the position of a justice Minister. Emotions run high, and there is great concern about who might take that position. That is why those Members have stated their opposition, notwithstanding things said and done down through the years and in the not too distant past.

I ask why they oppose the clause, when it protects the interests of unionism and allows unionists a clear say on who holds the very sensitive position of Minister of justice. No other option in legislation available to the Assembly offers the protection offered by clause 2. Clause 2 ensures that political unionism has a say over who holds that position; that is something on which those Members should reflect. As I mentioned, they said recently that they oppose both Sinn Féin and the SDLP holding that position. This goes back to the point about the rerunning of the d'Hondt system. No other system protects that position and ensures that certain members of certain parties do not hold it. I ask those Members to reflect on that in their opposition to this clause and their support for the SDLP's proposal. Clause 2, as it stands, protects the interests of unionism that the DUP has espoused and which the Ulster Unionist Party has latterly come around to espousing.

Mr Kennedy: I am grateful to the Member for giving way. Does he understand that one of our primary objections is that the institution of the Executive was formed on the basis of the d'Hondt system and that implies that that system should be used to choose Ministers during this mandate?

Likewise, will the Member concede that the Alliance Party, in its current strength, is not entitled under the d'Hondt system, as of right, to a Ministry? However, a convenient agreement is being hatched, which is being labelled "cross-community support", to enable the Alliance Party to expect that that Ministry will be given to its charge.

Mr Hamilton: The d'Hondt system may well have been the mechanism used at the start. However, I would have thought that the Member would agree with my point about the sensitivity of the office of a Minister of justice — indeed, a first Minister of justice — and that he would agree with the position outlined in clause 2 that cross-community support is essential.

The Member may be mathematically correct that the Alliance Party has not the strength of numbers to have the right to a Department according to the d'Hondt system as it is currently constituted. However, I suggest that that is not the issue at hand: rather, it is the need to have confidence on a cross-community basis in the

person appointed Minister of justice. I would have thought that the Member would agree with me on that.

Dr Farry: I am grateful to the Member for giving way. This is not about the Alliance Party; it is about a new Department and the mechanism of election. In today's debate, the Alliance Party is judging the issue on its merits. It is not about our party.

Does the Member recognise that, with respect to size of mandates, it is commonplace around the world for parties that are smaller than the Alliance Party in terms of seats in the legislature and support in elections to be in government legitimately? South of the border, there is the recent example of the Progressive Democrats and, at present, the Green Party, both of which have proportionately smaller mandates than the Alliance Party but play a full and active part in voluntary coalition Governments.

Mr Hamilton: The Member has made a very valid point. In other democracies not too far from here, where coalition Governments are the norm, parties very much smaller than the Alliance Party regularly form part of the Government and regularly punch well above their weight.

I say to Mr Kennedy that this is not a point about one particular party; it is about having a system in place that commands community support. Obviously, we on these Benches are keen to ensure that there is unionist confidence in any system that appoints a Minister of justice. I ask Mr Kennedy and his party to reflect again on how any of the other available systems could command cross-community support.

The First Minister: The Member was in the process of making the key point when he was interrupted. That key point is that a future Department of justice will have responsibility for the most sensitive life and death issues that affect our community.

If the SDLP were to achieve the post of Minister of justice using the d'Hondt system, it would mean that that Minister would command less than 15% of the support of the Assembly. It would also depend on a SDLP Minister being able to gain the support of all of his or her colleagues, and that is unlikely. There is a requirement in the Department of Justice Bill for the person selected as Minister of justice to have the support of more than 50% of both sections of the community through the designation system.

Mr Hamilton: That is absolutely correct. Perhaps it would be better for the SDLP to wait until its leadership contest is decided before it nominates someone as Minister of justice.

The issues that will be dealt with by a future Minister of justice are so sensitive that a higher threshold for the post is required. Therefore, to subject the post to the vagaries of the d'Hondt process, as the UUP would

do, despite acknowledging those sensitivities, which, I think, they now do, is something that they need to reflect on. Opposing for the sake of opposing or doing so for spurious reasons such as timing — there are no timings involved, which will be demonstrated when the second set of amendments is proposed — is wrong. The UUP must reflect on its opposition, which is not particularly principled, is entirely manufactured, and does not represent the position that it has espoused in recent times or indeed that has been espoused by the wider unionist community.

I want to move on —

Mr D Bradley: Will the Member give way?

Mr Hamilton: I have been trying to move on to my second set of points for some time, but I will give way to the Member.

Mr D Bradley: Will the Member confirm explicitly what he has said implicitly: the cross-community mechanism has been chosen by the two main parties and his own party in particular to exclude a nationalist from the position of Minister of justice? In fact, the Member has said what the SDLP has said all along, and the message is that no nationalists need apply.

Mr Hamilton: I have allowed the Member to get his intra-nationalist warfare sound bite in, but I cannot see how, if he examines clause 2, he can conclude that its intention is to exclude anyone. Instead, it embodies inclusiveness and the need to have cross-community support for whoever is nominated. The point that the First Minister made was that whoever is selected will ultimately have the support of the majority of Members on the unionist and nationalist Benches. That is inclusiveness and consensus and exactly the type of principles that the Member and his party have been ramming down everyone else's throat for the last number of years.

I will now move on to the other amendments tabled by Mr Attwood. Amendment Nos 2, 3 and 4 deal with the requirement for reporting and voting by the Assembly on what may or may not happen in May 2012. Having listened to Mr Attwood speaking about those amendments and using words such as "grave", "acute" and "catastrophic" I was interested in the motivation behind the amendments. Were they motivated by some genuine concern about what may or may not happen after May 2012? I listened intently and with interest to what he said to find out whether he was genuinely concerned about what might happen or whether there was some other motivation. It did not take too long to see that there was another motivation, and it is not genuine concern about some catastrophic state of affairs in May 2012; it was about protecting a slavish devotion to d'Hondt and trying to protect the SDLP party position on the justice Ministry.

No one in the Assembly should be planning for failure. Times have genuinely changed when a member of the SDLP is more pessimistic than me about the future. We should not be saying that the world will end, things will collapse, and it will all be doom and gloom and catastrophe in May 2012. No one believes that, if the Assembly cannot agree a continuation to the current arrangements or even an alternative set of arrangements, policing and justice will suddenly just end. Halloween is not too far behind us, but Mrs Long mentioned a nightmarish scenario in which prison doors would be opened — I thought that had happened before; a recurring nightmare, perhaps — police would not be on the streets or have any resources and the justice system would grind to a halt. That sort of nightmare scenario, implied by Mr Attwood, is not at all realistic.

I concur with others who said that the argument that was put forward was based on twisted logic. We are facing what Mr Attwood regards as a catastrophic set of affairs or there is a fallback position. We cannot have both: it is one or t'other. However, that is the twisted logic that was put forward in support of the amendments. I am not confused; my interpretation of the section of the Northern Ireland Act 2009 that deals with this issue is that the Department, having been created, would dissolve unless the Assembly passes a motion to sustain it, or —

Mr Durkan: Is the Member saying that there is no fallback? Is he supporting the legislation on the basis that there is no fallback?

Mr Hamilton: The legislation clearly places an imperative on us all, including the Member's party, to get engaged in developing a long-term resolution to that issue. That, in one respect, is a fallback, and I do not believe that there will be some awful set of circumstances, or that Northern Ireland would be allowed to continue without having any policing and justice powers resting anywhere. It is crazy to think that that would be the case. Services would not just simply end at the end of May 2012, as Mr Attwood suggested.

Mr Attwood claimed that these matters cannot be sorted out or that it would take a long time and that there was simply no chance of getting them sorted out by 2012. By tabling the amendments, his party is attempting to precipitate a crisis much earlier in the process than he suggested might already be the case. The SDLP amendment would mean that, within seven days of this Bill receiving Royal Assent, the First Minister and deputy First Minister have to make a report on what the fallback position is. Within seven days of that, the Assembly must then endorse the current arrangements or other arrangements. Therefore, instead of having the time between Royal Assent and May 2012 to see how the arrangements work and to see whether

people are content or whether they want to look at other possibilities, the SDLP is proposing, much earlier, within a fortnight, to force a crisis on the Assembly.

I am in no doubt that, in that fortnight, SDLP members would do absolutely nothing to assist in coming to a long-term arrangement. They would happily sit on their hands and do nothing, because it is the SDLP's belief that the fallback is that the d'Hondt principle would kick in. In fact, the amendment proposes that d'Hondt become the de facto position for nominating a Minister of justice. That is at the heart of the SDLP amendments.

4.45 pm

The amendments have not been tabled out of a genuine concern about what will happen after 2012 and a fear that violence and chaos will run amok across the streets of Northern Ireland. That is not what it is about. That concern is feigned and synthetic; it is not genuine. It is about d'Hondt and the SDLP's belief, as Mr O'Loan and others enunciated, that, under that principle, the SDLP is entitled to the position of justice Minister. That is what it comes back to. It is nothing to do with a genuine concern about law and order in Northern Ireland.

The SDLP wants to force a crisis onto the Assembly within a fortnight of the passage of this legislation. It wants to force a crisis in advance of the actual devolution of policing and justice powers. The effect of that would be that the likelihood of devolving the powers to the Assembly would be little or nil, because the SDLP would be forcing a crisis that would take a long-term decision. That is why we want the interim measure. It will allow us the advantage of space and time, until 2012, to agree on something long-term to which everybody can subscribe. As Mrs Long said, if the SDLP fails to kill clause 2, this is its fallback position. It is about the SDLP trying and wanting to become justice Minister. It is not about any genuine concern.

Mr Attwood: Will the Member give way?

Mr Hamilton: Yes. I was trying to conclude, but I will give way.

Mr Attwood: I anticipated that the Member was trying to conclude, and that is why I asked him to give way. For Mr Hamilton to say to the SDLP, never mind its constituency, that it does not have genuine concern for law and order flies in the face of any objective evidence base or realistic assessment about where the SDLP stands on the issues. Does Mr Hamilton think that that accurately reflects the SDLP position? Although Mr Hamilton might say it, I have enough confidence that he does not believe it.

Does Mr Hamilton accept that, under the SDLP's amendment Nos 2, 3 and 4, the outcome will be that we have a Minister who is either elected under d'Hondt

or under cross-community provision? That will not create a crisis; it will create certainty and the appointment of a Minister who knows, one way or the other, the terms under which he or she will act until May 2012.

Mr Hamilton has to get his head around what will happen in 2012. Will there or will there not be a vacuum? Mr Hamilton, as a considered man and as a potential legislator, has an obligation to himself and his constituency to explain and understand that. That is the issue before the House. I ask him at this late stage, as he concludes, to address that issue.

Mr Hamilton: Mr Deputy Speaker, perhaps you can correct me if I am wrong, but I am under the apprehension that I am an actual legislator. The Member may not like how I vote on particular pieces of legislation, but a legislator I am, as is he.

Mr Weir: You have a better chance of getting something on the statute books.

Mr Hamilton: I will leave that comment. With regard to Mr Attwood's first point, I believe that his party supports law and order. If he cares to check the Hansard report tomorrow, he will see that I said that I did not believe that his tabling of the amendments was motivated by a genuine concern about what happens with law and order in Northern Ireland post May 2012. It is not about his party's support for law and order in general.

In tabling the amendments, Mr Attwood and his party are asking for a long-term solution to be put in place before we have even tried the short-term solution and, indeed, before we have even had policing and justice powers devolved to the Assembly. Unfortunately, they are supported by members of the Ulster Unionist Party. If by some miracle his amendments are accepted by the House, I ask Mr Attwood to reflect on how helpful those would be in getting policing and justice powers devolved in the first place, never mind achieving a long-term solution.

In conclusion, I go back to my first point: I think that we are all committed to having policing and justice powers devolved to the Northern Ireland Assembly, yet there are outstanding matters that must be dealt with, not least community confidence. Community confidence has as much to do with finance as it has to do with the institutional arrangements. Those institutional arrangements and community confidence, particularly in the unionist community, are predicated on clause 2 standing part, to ensure that whoever holds the sensitive post of justice Minister is capable of commanding support on both sides of the Chamber. That is why, in the spirit of consensus and cross-party support, I support clause 2 and oppose the SDLP's argument that that clause should not stand part of the Bill. I also oppose the SDLP's other amendments and ask the House to do the same.

Mr Deputy Speaker: Once again we have the vexed problem of mobile phones and Blackberries. I ask all Members to switch off their mobile phones, Blackberries or other electronic equipment as they are interfering with the sound system in the Chamber.

Ms Anderson: Go raibh míle maith agat, a LeasCheann Comhairle. I oppose the first group of amendments — amendment Nos 1, 2, 3 and 4 — and I declare an interest as a member of the Policing Board. The Bill demonstrates that the process of delivering policing and justice powers into the hands of locally elected politicians is moving forward. Key stages in that process have been reached, including the report of the Assembly and Executive Review Committee and legislation passing through the Executive to the Assembly.

I note the positive comments from the joint First Ministers' office that a significant offer has been made regarding a financial package. However, I want to deal with the sunset clause. Many people in our society will agree that the 2012 deadline creates an imperative for all Members to try to secure agreement before that deadline. That is particularly important because a local Minister will do a better job than a British Minister.

We must build confidence across society, because people want a local Minister so that they can discuss the policy framework within which policing and justice functions will reside. I reminded the SDLP both this morning and the last time that we discussed the Bill in the Chamber that that party flagged up the success of the sunset clause in the St Andrews Agreement, which ensured that the DUP went into government by 26 March 2007. Although the SDLP claimed — rightly or otherwise — the credit for that, it agreed in principle to a sunset clause in the St Andrews Agreement. Therefore, one would imagine that on such a crucial matter as policing and justice the SDLP would today support the need for such a clause.

However, I am mindful of the fact that members of the SDLP might have changed their minds. The manifesto assertion that deals with the sunset clause was made before the outgoing leader of the SDLP, in a speech in Oxford, talked about "the ugly scaffolding" in the Good Friday Agreement around power sharing and representativeness and about how that needed to be dismantled. I understand what that said: some parties, including the SDLP, have difficulties with the current arrangements for the appointment of a justice Minister. However, what is proposed is a temporary measure. It is necessary to move the process forward, and I believe that our people want to see us moving forward in a positive and constructive way. It is our position that the allocation of the ministerial position should revert to d'Hondt post 2012, but all Members have a lot of work to do between now and then.

I will deal with the issue of the sunset clause.

Mr Deputy Speaker: Order. Again, there are a number of private conversations going on in the Chamber. It is distracting to me and to the Member who is on her feet. Please desist, or go to another part of the Building.

Ms Anderson: Go raibh míle maith agat. I will deal with the issue of the sunset clause. The provision for the British Secretary of State to impose a ministerial model of policing and justice becomes spent once the Assembly passes an Act. That is a fact, and the purpose of the powers as previously stated was to allow the British Secretary of State to intervene to kick-start the transfer of powers. That process falls away once the Assembly makes its own provisions. That is precisely what we are doing today as part of that process. The precondition is that the imposed solution addressed by an Order in Council will be taken forward only if it appears to the British Secretary of State that there are no reasonable prospects that the Assembly will pass an Act. However, an Act of that kind is precisely what the Bill will achieve.

As Alex Maskey correctly stated earlier, the House of Commons Hansard report of 4 May 2009 shows that Paul Goggins said:

“The Bill provides no fall-back position beyond May 2012. Frankly, it is not for us in this place”

— Westminster —

“to determine any additional model beyond that period”.

He went on to say:

“There is no fall-back position...and it is entirely a matter for the Assembly...It is important to know that central Government do not have a major hand in determining what happens in a model beyond May 2012. That is a matter entirely for the Assembly”.

The British of Secretary of State dealt with that matter on 4 May 2009. The SDLP opposition to the Bill is dressed up as concern, but it once again demonstrates the negative role that that party has played throughout the political process of dealing with the transfer of policing and justice powers. People want leadership from all the political parties in the Chamber. People know who is leading and who is not. That is probably why the SDLP has faced more than six electoral defeats.

The SDLP stated that, under the rules of democratic inclusion, as the SDLP members call it, it is entitled to the position of justice Minister. However, section 17 of the 1998 Act states:

“(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.”

Section 18 of the 1998 Act states — this is very important in the context of the SDLP amendments

— that all Ministers shall cease to hold office in the event of a resolution that causes one or more ministerial offices to become vacant. Therefore, as has been said by other Members, it is not a matter of an additional ministerial post being added on through d’Hondt. A total rerun of d’Hondt would be required, and, therefore, the Department of justice would be more likely to reside in unionist hands. I concur with what Simon Hamilton said with regard to how the republican and nationalist community would feel if a Minister for justice was from the unionist community, regardless of whether that person was from the DUP or the UUP.

We have a job of work to do to build confidence by 2012. Confidence is a two-way street. We are not talking about the confidence of the unionist community or some other community; our community, regardless of the traditions of unionism or nationalism, needs confidence instilled in it.

5.00 pm

Without doubt, the republican/nationalist community does not want a justice Department to go to a unionist Minister at this time. Hopefully, by 2012, we can build enough confidence across society so that whoever is entitled to the justice Department gets it, allowing us to move forward. Sinn Féin and the DUP have said that they do not intend to nominate and that they are prepared to set aside their party interest to show leadership. People may try to make politics and say that one party is doing that to keep the other party out, but that decision is about providing leadership, which is what people want. They want to see that from all the political parties, including the UUP, and, with particular reference to our community, the SDLP.

We regard the transfer of policing and justice as more important than one party or other holding a ministerial position. To be clear: Sinn Féin’s preferred position is that the ministerial position go to the SDLP. However, clause 2 allows us to get power back from Westminster into the hands of locally elected politicians, and the people of our society want access to a local Minister.

In my constituency of Foyle, I have dealt with cases that would be much easier if I could get access to a Minister here to discuss even some of the concerns that emanate from my constituency to do with the justice system, policy decisions that are taken and the policy framework within which they are set. I am sure that that is the case for every Member.

There is an appetite for a local Minister to be put in place, but, as the SDLP stated, the first group of amendments is an attempt to remove clause 2. However, the SDLP cannot handle the fact that clause 2 has already been agreed.

On 18 November 2008, the Office of the First Minister and deputy First Minister said that it had agreed on the transfer of policing and justice, including the steps by which it would be achieved. It outlined how a Minister of justice would be appointed: nominations would be invited from Members and the successful candidate would require the support of the majority of Members, present and voting, including a majority of designated nationalists and a majority of designated unionists. That was accepted by the Assembly and Executive Review Committee and was reflected in its report. As well as setting out an arrangement for appointing the Minister, the Committee's report contained recommendations to deal with the departmental structure and the powers that are to be transferred.

On 20 January 2009, the Assembly approved a motion that endorsed the report. Therefore, clause 2 has been agreed by the Assembly and Executive Review Committee, and the SDLP needs to explain better than it has done today why it is trying to usurp and undermine that agreement. Perhaps it is genuinely concerned from its own selfish political point of view that Sinn Féin and the DUP will make further progress on a subject that the SDLP and the UUP could not even discuss, let alone get to the advanced stage that it is with us today.

Although I can accept the SDLP's political concerns, it must show leadership on the issue and engage with people who are hungry for a local Minister to whom they can have access and to whom we, as elected Members, can have access to discuss our concerns about how the judiciary is working.

Arrangements for the appointment of a justice Minister under clause 2 are interim measures. They would last until May 2012, at which point the Department of justice would dissolve unless the Assembly were either to extend those arrangements by resolution or to devise alternative arrangements. That puts an onus on every Member in the Chamber to work to resolve arrangements beyond 2012.

Before that date is reached, there will be an opportunity, which was mentioned earlier by Simon Hamilton and other Members, to review the ministerial arrangements that would have worked up to that point and to decide then what is needed to move forward. If the Assembly supports the SDLP amendments, it will remove that opportunity by imposing an unrealistic time frame. Of course, no one wants to see the Department's dissolution in 2012. That is precisely the incentive to agree permanent arrangements.

Despite what the SDLP has said incorrectly, there would be no shortage of Assembly scrutiny of the process. The resolution that would request the transfer of power would be debated and would require cross-community support. The determination of ministerial

offices would be brought to the Chamber. The new justice Minister would be elected by the Assembly with cross-community support.

No matter what the SDLP says, the transfer of policing and justice powers away from London and into the hands of locally elected politicians is part of the St Andrews Agreement; it is not an optional extra. It is also a British Government obligation.

People demand a justice system that delivers. They want access to a local Minister who is in charge of a Department of justice. They are sick and tired of the revolving-door justice system that allows hoods and thugs back onto the streets after they have been arrested. People want to be able to go to a Minister to discuss the policy framework that allows that to happen. They have had enough of seeing death drivers walk free on bail to continue attacks in their communities.

After the transfer of policing and justice powers to the Assembly, the statutory framework that governs policies on what constitutes crime and what appropriate penalties should be would become the responsibility of the Assembly Minister. That is what society wants. Regardless of whether they come from east Belfast or the Bogside, that is what people demand and want.

Although we accept that certain issues need to be resolved, we must use the time ahead to secure consensus. We must all try to ensure that we work with each other's traditions and work together in the Chamber to show the leadership that people expect and want from the Assembly.

The process is moving ahead. The SDLP and the UUP need to face up to and deal with the choices that are in front of them. They can either continue to ignore a political reality, or they can become involved in the process. I hope that they do become involved, give that leadership, put people's demands in front of party interests, and play a constructive and meaningful role towards building the justice system that people throughout society demand and deserve. Go raibh míle maith agat.

Mr Deputy Speaker: I remind Members that mobile phones should be switched off.

Mr Shannon: For the record, Mr Deputy Speaker, my mobile phone is switched off. Just to prove it, its wee light is off. I turned it off earlier when I became aware of what was going on.

I want to speak first to amendments Nos 1 to 4, which deal with one issue. Other colleagues have already spoken on them. I commend those Members for highlighting the nonsense of those amendments, which, with respect to the SDLP, are another failed attempt by that party to establish itself as the opposition, despite the active role that it plays in the partnership Government.

I cannot speak for the people who voted the SDLP into its Assembly seats. I can speak only on behalf of my constituents. I speak with full confidence that I am representing that majority when I say that the people of the Province have been battered and bruised by years of conflict, broken promises and neglect. For too long, we hoped for better days, to no avail. Now, there is no doubt that we are emerging from the deepest darkness. I do not dispute that for a second. However, it is a fool who learns nothing from the past. We, in the DUP, are not fools.

At the outset, let us get it straight that the effect of amendment Nos 1 to 4 will be to shut down the sunset clause contained in the Northern Ireland Act 2009. Ultimately, that clause is a torch in case the lights do not come on and the Department of justice is a failure.

The sunset clause allows the Assembly the freedom to say that the process has not worked and that it must start again. That provides an essential assurance to the people of the Province that the Department of justice is not set in stone. That fail-safe mechanism means that there is light at the end of the tunnel.

I have spoken to my constituents, and it is abundantly clear that, despite their recognition of the need for a Department of justice, they fear that knowledge and power may be given to those who may use it against them and that those responsible for heinous crimes may benefit while moral and upstanding people receive no redress. The only way to dissolve such genuine fears is to build confidence slowly and to ensure that people are aware of the existence of that fail-safe mechanism should their worst fears be realised. That is why the DUP opposes the amendments.

The Assembly was set up not to railroad people but to represent them and to ensure the best for the Province. It is not best for the Province to steam ahead with no regard for people's opinions or for the justifiable reluctance of some. The ability to start anew after a few years is essential to the peace of mind of people in the Province. The DUP hopes to bring along the majority of the people with it in supporting the legislation, and it is, therefore, not possible to accept the amendments.

I am known in my constituency as a people person, and that may also apply to other Members. I speak in the Chamber not on my behalf but on behalf of many members of the public. I listen to what people tell me, and I take it on board. They tell me of the real fear that someone who has been associated with terrorism may be able to control justice, and they say that that could never be acceptable. The DUP makes that point clear on their behalf.

The DUP sits in the Chamber with Sinn Féin today because that party has a mandate. The turnabout of Sinn Féin's position to public support for the PSNI and other signs of change mean that the unionist people

have had to accept that, in a democracy, votes count. However, that does not mean that we will accept someone in the role of justice Minister who has been intimately affiliated with terrorism. Memories of the past have not been, and will not be, forgotten. It is prudent and wise to learn from the past.

It is, therefore, essential that clause 2 remains as is. Were the DUP to accept the SDLP amendment, instead of a system requiring a cross-community vote that incorporates a veto security lock, the appointment of a Minister of justice would be left in the hands of the d'Hondt system. For many unionists, that would mean the end of their confidence not only in a justice Minister and Department but in the Assembly as a whole. That is a critical factor.

The Province's unique history has left it in a unique situation. We have suffered as no other country in the UK has suffered, and the scars, mistrust and fear run deep. That is a natural result of years of terrorism, and it is simply not realistic to expect people who have been terrorised and abused for years to welcome a Bill that would allow for a Minister of justice from the Sinn Féin Benches. It would be an insult to the memory of those who suffered and made sacrifices to ensure that genuine justice is achieved. The DUP will not allow it.

It is possible that the game playing in which the SDLP is engaging today may cause the majority of people in the Province to lose faith in the Assembly and its ability to govern Northern Ireland. When I read amendment Nos 3 and 4, which seek to rush the process, I wonder exactly what the SDLP seeks to achieve. It wants to apply pressure so that the system is in place before the people are ready to trust and believe in it. That must not happen, because unionist confidence is vital.

Members are here to represent, not railroad, the people. I will have no part in what the SDLP is trying to achieve. The establishment of a Department of justice and the appointment of a Minister of justice can come about only when the electorate places sufficient trust in the process and the system. At present, the people whom I represent have no confidence in the d'Hondt system and badly need reassurance that the appointment can happen only with the approval of the largest unionist parties. The SDLP must consider what the people whom it represents want. If they had wanted a Sinn Féin Minister in charge, they would have voted for Sinn Féin instead of the SDLP. The SDLP would do well to remember that it is the party that is playing games.

I have a fair idea who voted for me, and I know that cross-community voting happens in my constituency. I am more than satisfied that I represent all my constituents when I say that the security of clause 2, as it stands, is required. We are nowhere near reaching the level of

trust required for the SDLP amendment to be acceptable.

We cannot treat the Bill as if we were travelling in the rush hour. If the people of the Province are not comfortable with the arrangements being steamrolled through by the SDLP within seven days, there cannot be a designated day or dissolution.

This is a delicate business that must be treated with care and consideration. Reading the proposed new clauses, I honestly do not know what reality the SDLP is living in, but I know that it is not the one that the rest of the Province faces daily. That is why I support the Bill but not the amendments.

5.15 pm

As a Member of the Committee for OFMDFM, I have sat through evidence sessions on the Bill, and I have listened today to Alex Attwood defend his stance on and reaction to the Bill. I know that he will not be entirely convinced by what other Members have said in the Chamber.

I know for a fact that the people of the Province are watching and listening to this debate with great interest. I reiterate the point that we will ensure that controls and safety measures are in place and that there is confidence in our ability to protect that position and the people whom it represents. We will also ensure that the Bill is not steamrolled through and that the appropriate measures are in place. In fact, we believe that those are in place in the Bill already without the SDLP's changes, schemes or amendments.

We have listened to our constituents, and we will abide by what they want and need. They need the sunset clause and the cross-community vote to apply to ensure safety. We will ensure that that happens. Our constituents need us to dismiss the SDLP's amendments and to ensure that common sense and wisdom prevail. We will do that, too. They need us to ensure that the process is not rushed by unreal deadlines. That is what we will do.

For the sake of the people of Northern Ireland, I ask the SDLP to stop playing games and to do what it is elected to do. It must represent its voters, who wanted it, not Sinn Féin, in a position of power. We need devolution of policing and justice, but only at the right time and with the right person at the helm. Rather than furthering the case for devolution, the amendments do the opposite and, therefore, cannot be supported. I subsequently support the Bill as it stands, and I oppose amendment Nos 1 to 4.

Mr McFarland: I declare membership of the Assembly and Executive Review Committee. I wish to speak about clause 2 in particular, which Members on this side of the House will be voting against. That is because the entire Bill is a back room deal between the

DUP and Sinn Féin. My party was neither involved in nor consulted on the Bill, which was pushed through the Committee by the two big parties.

Mr Hamilton: The Member said that this is a back room deal that he and his party were completely unaware of. Was the Member not sitting three seats down from me throughout the Assembly and Executive Review Committee's deliberations on this issue and the proposals?

The First Minister (Mr P Robinson): He was here during the Second Stage debate, too.

Mr Hamilton: As the First Minister pointed out, the Member also sat through the Second Stage debate in the Chamber. Therefore, for him to say that he and his party are unaware of what has been proposed is a complete and utter fallacy.

Mr McFarland: Mr Hamilton knows that the Member for Foyle made it clear in her speech earlier that this came out of a deal that was done at St Andrews. That is what she said, and she quoted bits and pieces of the sunset clause that was agreed at St Andrews. The clause was agreed between the DUP and Sinn Féin at St Andrews. *[Interruption.]*

Mr Deputy Speaker: Order.

Mr McFarland: As everyone will recall, the deal then got stuck for 154 days before it was unlocked when the First Minister and deputy First Minister came to the Committee, at which the Member was present, and announced a 35-point plan that they had agreed privately, without any reference to my party. Therefore, I am correct in saying that this is a deal between the DUP and Sinn Féin.

The First Minister: Will the Member give way?

Mr McFarland: No, I want to progress my argument a bit. *[Interruption.]*

I will give way in a minute, so I ask that the First Minister bides his time.

Clause 2 is a complete perversion of the system that is used to elect Assembly Ministers. It is not for the benefit of the Assembly; rather it is for the benefit of the First Minister and deputy First Minister, who have dug themselves into a hole and are now trying to get out of it by using this system.

It is not the first time that the DUP, in particular, has ended up interfering with Assembly procedures. We all know that the DUP, at St Andrews, messed around with the system for electing the First Minister and deputy First Minister. That will, I suspect, lead to Mr McGuinness being elected Prime Minister of Northern Ireland at the next Assembly election. People need to remember that about the Democratic Unionist Party.

The First Minister: Will the Member tell the Assembly how the DUP messed around at St Andrews

with the positions of the First Minister and deputy First Minister? If the Member took the time to read the St Andrews Agreement, he would see that it states that the position of First Minister goes to the largest party in the largest designation.

Mr McFarland: The First Minister knows that, subsequent to the St Andrews Agreement and the dealings around it, his party acquiesced — it did not die in a ditch, or object — to a change that Sinn Féin very cleverly managed in agreement with the DUP. That change was that the position of First Minister would, from then on, be given to the largest party. Given the way in which the TUV is fracturing the DUP, we will end up with three unionist parties, Sinn Féin as the largest party, and Martin McGuinness as Prime Minister of Northern Ireland, thanks to the DUP.

The First Minister: Will the Member give way?

Mr McFarland: No; as the DUP keeps telling us, I must progress and move on.

We can see that the DUP and Sinn Féin are fearful of each other and that neither party is willing to take the justice Department. However, the damage to the Assembly system by putting a Member from the Alliance Party into the position of justice Minister is plain wrong.

Electorally, the Alliance Party is a tiny party, and it has no right to the justice Ministry. It is sad, as has been mentioned, that the Alliance Party is so ready to ditch the principled position of opposition that we have heard so much about for the past two years. Almost the first thing that Mrs Long said when the Assembly was formed in 2007 was that the rest of us were in the Executive together, that the Alliance Party was the only party of principle and the only party in opposition, and that it would hold the Government to account. It is interesting that all that has been ditched. The Alliance Party has sacrificed its principles to save Ulster.

Clause 2 clearly shows that the justice Minister will be selected — *[Interruption.]* Shush — *[Laughter.]* The justice Minister will be selected and, if necessary, deselected by the First Minister and deputy First Minister.

Dr Farry: Will the Member give way?

Mr McFarland: Yes, go on then. *[Laughter.]*

Dr Farry: Will the Member clarify whether his party is against saving Ulster?

Given that his party has seats on the Executive, will the Member clarify whether his party is part of the Government or is an opposition party. The Alliance Party is clear that it is not in the Executive, and, because of that, it plays the role of opposition. We have ambitions to win our place in the Government, perhaps in the near future or some time in the future.

The Alliance Party never said that opposition is a party principle. Good governance is a principle of the party, and we are happy to play our role in providing that, whether outside the Executive or in the Government. If the Alliance Party is in the Government, it will know that it is. Unlike the Member's party, we will not be in the Government and in opposition at the same time.

Mr McFarland: Jolly good: we have Her Majesty's principled opposition. Crack on.

It is perhaps a bit strong to call the justice Minister a puppet. However, the threat to remove that Minister if he or she does not behave is real and will remain so. The ability of the two largest parties to influence the justice Minister, even through a quiet word in the ear, exists. No Minister should be put under such pressure.

The DUP tells us that community confidence must be in place before the devolution of policing and justice, and that the DUP is going to be able to measure that confidence. If that is so, and if that confidence exists, which will have to be the case before anybody moves forward, why can the justice Minister not be a normal Minister and be elected by the d'Hondt mechanism?

Mr Ross: I have listened to the Member's argument as it has progressed. He said that he has no confidence in the Alliance Party taking the justice Ministry and that he wants to run d'Hondt. Does that mean that the Ulster Unionist Party thinks, as it did in 2002, that Sinn Féin should be eligible to take the post of justice Minister?

Mr McFarland: Sinn Féin has made it clear that it will not take the post, as has the DUP. Why should Sinn Féin — *[Interruption.]*

Let me kill this canard completely, because the DUP goes on and on about it. If d'Hondt is run, the largest party has first choice. The largest party in the Assembly is the Democratic Unionist Party. If the Democratic Unionist Party does not want to take the justice Ministry, that is its choice as the largest party. If the DUP wants to give the Ministry to Sinn Féin, that is its problem. Do not ask the Ulster Unionists about that. Unfortunately, we are not the largest party in the Assembly, although the way that the DUP is going, we may be again in the future.

Mr Beggs: Does the Member accept that he has illustrated the lack of confidence that surrounds the devolution of policing and justice?

Mr McFarland: There seems to be a lack of confidence all round; there is caveat upon caveat upon caveat.

I end my remarks on the group 1 amendments by making reference to the sunset clause. The way we are going, the Minister of justice will have two years in post at best. As it does not look as though there will be

agreement before Christmas, devolution will probably happen in the spring. A date of May 2012 for closure on the matter gives the Minister two years in post before he or she — presumably Lord Ford or Baroness Long — is removed. *[Interruption.]* Shush.

What happens if the justice Minister is not re-elected in 2012? If you put all the questions together, it shows that the system is a daft one to introduce when we have one that works perfectly well.

Alex Attwood covered the default system over the sunset clause and the intervention that the Secretary of State will make when no agreement can be found on the way ahead. The way things are going between the DUP and Sinn Féin, agreement is unlikely before the next election. After the election, the party positions may change. Why get into a situation of delayed crisis in 2012 when the standard Assembly system could be adopted, regardless of private agreements between the DUP and Sinn Féin about not taking the job? Why not run the d'Hondt system and, if confidence exists, have a fully operational Assembly right from the off?

The Bill is deeply flawed, and we will not support any measure that damages the integrity of the Assembly.

Mr Durkan: I support the group 1 amendments and oppose clause 2 standing part of the Bill.

Confidence has been talked about quite a lot in relation to the devolution of justice and policing. Inside and outside the Chamber, there has been much emphasis on the necessary confidence that people need before the devolution of policing and justice powers can take place. People want to have confidence, not just on matters now but on matters in the future. People want to have confidence in the budget situation, not just for the next two years but for the years ahead. People want confidence and assurance on the operational independence of the Chief Constable, although some of those who are insisting on it have been trying to put pressure on the operational independence of the Chief Constable by introducing various preconditions in our deliberations this week. Nevertheless, confidence is an issue not only for the short term but for the long term.

5.30 pm

In the past, parties have said that, in their experience and interpretation, one reason why the devolution of justice and policing should not be rushed is that people need to gain confidence in these institutions and that the building of such confidence would provide grounds for confidence in the devolution of justice and policing. On the basis of the issue of confidence, which has been stressed so emphatically by many other parties, we have tabled the amendments, which go to the core of an issue that projects a serious lack of confidence and creates serious grounds for concern: the so-called

sunset clause that was built into the Northern Ireland Act 2009, which was passed in Westminster.

That clause states that the Department of justice, which will be created on the basis of public confidence in 2009 or 2010, will automatically dissolve on 1 May 2012 if there is no agreement to continue the current arrangement, which we are told is an interim arrangement that is proposed in the Bill. However, the Bill provides that the interim arrangement might be the long-term arrangement. We must agree to that if we are to prevent the dissolution of the Department of justice in May 2012. Alternatively, we can agree to another model from the menu that was provided by Secretaries of State in various pieces of legislation. That will prevent dissolution in 2012. Of course, we could agree to use d'Hondt.

Our amendments would ensure that, at this time, the Assembly has the option to still use d'Hondt for the appointment of the first devolved justice Minister and not rely solely on election by cross-community vote. Our amendments do not absolutely exclude the possibility that parties will use their numbers in the Assembly to have an election by cross-community vote. They mean that we will retain the possibility of electing by d'Hondt if the Assembly, on the basis of the statements and reports that would be made by the First Minister and the deputy First Minister, has the confidence to go that way.

Amendment No 2 creates the obligation on the First Minister and the deputy First Minister to report to the House. It would allow the First Minister and the deputy First Minister to demonstrate and advertise political and public confidence in the prospects for the devolution of justice and policing.

Mr Elliott: Will the Member provide clarity: if the Ministry of justice falls in 2012, where will the powers be designated?

Mr Durkan: The Member moves me to a topic that is slightly astray from where I want to be. We do not know the answer. That is one reason why the First Minister and the deputy First Minister should make a statement to that effect. When we raised those questions previously, we were told that we were wrong, that there is absolutely no fallback or that the Secretary of State would not use the fallback that might exist. The reality is that the nature of the fallback in paragraph 8 of schedule 1 to the Northern Ireland Act 2009, which was passed in Westminster, means that the Secretary of State will impose a model for the Ministry. However, that model of a Minister and a deputy Minister would still require an election in the House. Even if there is a fallback, Ministers might not be appointed.

Mr A Maskey: The Member is providing a lot of conjecture about what might be a fallback. Will he tell us whether there is a fallback position and, if so, what

it is? He argues that there is a fallback position, but he cannot tell us what it is. On the other hand, his party says that we face grave consequences because there is no fallback. Will he clarify his position?

Mr Durkan: I thank the Member for his point. We have clarified that, but the confusion is in the position that the Member and his party are defending — a position that will be in the Bill, combined with the twin Westminster legislation. At the Bill's Second Stage, Alex Maskey said emphatically that there was no fallback but, at my invitation, in a later intervention, John O'Dowd said that of course there was a fallback and that, sensibly, there had to be one.

The contradictions and the riddles are in Sinn Féin's position. On the one hand it says that there is no fallback; it makes a virtue of saying that the sunset clause has absolutely no fallback and that it is curtains if nothing else is agreed. On the other hand, John O'Dowd insisted at Second Stage that there has to be a fallback. Now Sinn Féin is saying again that there is no fallback.

From the DUP Benches, we heard the First Minister say that it could be argued that paragraph 8(3) of schedule 1 to the Northern Ireland Act 2009 provides a fallback for the Secretary of State to impose a model for appointing a Minister of justice and a deputy Minister of justice after 2012 but that he thought that it would be politically unlikely that a Secretary of State would use such powers. Legislatively and theoretically, there could well be a fallback, but whether that is politically feasible is seriously open to question.

The question for us as legislators is whether any of that is satisfactory. We should be saying that the confusion about whether there is a fallback or whether a notional fallback is politically feasible and achievable is, from our point of view as legislators, simply not good enough. The devolution of policing and justice is so fundamentally important that we should not leave it on a wing and a prayer, against all the vicissitudes, vagaries and try-ons that could be used in the run down to the 2012 deadline for the dissolution of the justice Department. The Sinn Féin, DUP and Alliance Party Members are defending the twin Westminster legislation. They are saying that the sunset clause that dissolves the justice Department in May 2012 is a good thing.

To all the people who are defending the dissolution of the justice Department in 2012, what does that mean? It means that the Department will cease to be, but the Minister will not. Perhaps we do not have a problem, so long as we have a Minister. However, as Alex Attwood pointed out, under our system, with the exception of a few laws that make specific reference to the Minister of Finance and Personnel, the power and authority are vested in the Department.

When the Department ceases, what happens to its various functions? Members have decried the list of interests that Alex Attwood mentioned, such as the Prison Service. The Prison Service does not exist as a non-departmental body; as it stands, it is simply part of the NIO. On the basis of everything that we have been told by the First Minister and the deputy First Minister, the functions that are intended to be transferred will be part of the Department of justice. As things currently stand, that is where the Prison Service will be. If the Department of justice is dissolved, what will happen to the Prison Service? The same applies to the Youth Justice Agency; it will be in exactly the same position. It is part of the NIO; it is not a Next Steps agency or a non-departmental public body. The Compensation Agency and Forensic Science Northern Ireland are in a similar position; they would be integral parts of the Department of justice that would be dissolved.

The people who insist on the need for confidence and certainty for the future are the people who are giving us this legislation. They say that it is a good enough basis for them. They say that it will be all right. They do not care about the difficulties that there were when the Executive did not meet, the big ticket issues or the strategic issues that we could not agree on, that we are disagreeing on and that we are running into the ground. They are confident that everything will be worked out just fine, just in time by May 2012. Who seriously believes that? If there are going to be difficulties in May 2012, is it not better to ensure that we do not get there in the first place by making sure that we do not rely on such a dangerous device or ensuring that, in the absence of agreement, there is a safe, clear, known fallback? Our amendments would provide that the safe, known, absolutely reliable fallback in 2012 would be d'Hondt.

Martina Anderson said that Sinn Féin's preference is a return to d'Hondt in 2012. If Sinn Féin really believed that, it would support our amendments. Our amendments would stipulate that, by law, we would revert to d'Hondt in May 2012 if other issues were not agreed. If Sinn Féin wants to be believed on that, it can prove it by supporting our amendments. Of course, nobody believes Sinn Féin on that.

Mr O'Dowd: The Member says that nobody believes Sinn Féin. I think that you will find that the vast majority of the nationalist, republican electorate believe Sinn Féin. Let us not have such sweeping comments. In relation to a number of points that you are making, I have sat through several hours —

Mr Deputy Speaker: I ask the Member to refer all his remarks through the Chair.

Mr O'Dowd: I was following the example set by the First Minister earlier, but I will take my lead from the Deputy Speaker.

Mr Deputy Speaker: Order. You are questioning my ruling, Mr O'Dowd. When the First Minister spoke, he did not use the word "you"; he referred his remarks through the Chair, and I ask that you do the same.

Mr O'Dowd: I am always enlightened by the Deputy Speaker. As for the SDLP amendments and contributions, they seem to base their arguments on the premise that Armageddon will commence if agreement is not reached within 30 months. However, their amendments state that, if agreement is not reached within 14 days of the devolution of policing and justice, Armageddon will commence. I would much prefer to place my bet on a 30-month timescale than a 14-day one. I believe that we can achieve agreement. It is not guaranteed — nothing is guaranteed in life, especially not in politics — but I am sure that agreement will not be reached within 14 days.

Mr Durkan: The Member seems to be referring to amendment No 3 when he raises the issue of 14 days. Amendment No 3 would provide that, within 14 days of the relevant date, if the Assembly has not received the report by the First Minister and deputy First Minister that would be required by amendment No 2 and if the Assembly has not voted to appoint a Minister by cross-community vote, a Minister would be appointed through the d'Hondt mechanism. It would not be Armageddon; nothing would stop. The process would move on.

Amendment No 3 would provide that we would know within 14 days that the election would either be by cross-community vote, which some Members appear to favour, or by d'Hondt. Our amendment would allow everyone who supports d'Hondt, both now and in the future, if it is departed from in the short term, to fully do so. Equally, it would allow those who still insist that a justice Minister could be elected only by a cross-community vote to do so. The amendments would not prevent the first devolved justice Minister from being appointed by cross-community vote; they would ensure that d'Hondt would still be an option.

The test is that the First Minister and deputy First Minister come before the Assembly to deal with the issue of the target date of May 2012. The First Minister and deputy First Minister gave us the sunset clause. We did not ask for or seek it. They said that the devolution of policing and justice would occur on the basis that the Department would be dissolved in May 2012. Sinn Féin is telling the nationalist community that it will really put it up to the DUP and will insist on terms, because there is no fallback otherwise. That will end up in a serious game of chicken that will go right down to the wire. The Assembly has the right to know whether that is happening. We cannot pretend that there are not all sorts of political games going on in what Members are telling their electorate and saying what each clause means or does not mean. We cannot pretend that Members are not telling people in their backwoods that

there is a fallback, that there really is a way around this and that the sunset clause is not a bad thing.

5.45 pm

As a competent legislature and Chamber of accountability, we have a right to demand clarity and openness if different sections of the community are being given different assurances. It is a legislature's job to know the basis on which legislation is being adopted. That basis must not be confounded later by all sorts of other interpretations and hidden understandings.

Mr A Maskey: There has been much conjecture about the nature of the fallback position. Some people claim that there is no fallback position, but the Member tells us that there definitely is. However, no one other than the First Minister and deputy First Minister has said that they have agreement to do anything until May 2012. It has been stated clearly that there is no agreement on what to do beyond May 2012. Will the Member tell us whether his party can get agreement with anybody here to take matters forward until 2012, never mind beyond that date?

I do not know what the Member needs to hear for the situation to be clearer to him. Agreement has been reached to transfer powers if we can agree a date between now and May 2012. There is no agreement beyond that date; there must be agreement by May 2012 if the matter is to be taken forward. The sunset clause is in the Bill to ensure that people's minds are concentrated. Will the Member tell the House with whom his party will get agreement to take devolution forward tomorrow, next week or at some other stage within 14 days if the amendment is agreed? He has not told the House of a single way in which his party can take matters forward.

Mr Durkan: The Member is entirely wrong, and, not for the first time, he made a statement that distracts and misrepresents. The Member said that there is agreement on how to deal with these matters until 2012. Of course there is agreement between Sinn Féin and the DUP on how to deal with these matters until 2012 and on how to shaft the SDLP. There is agreement on how to depart from the rules of inclusion according to democratic mandate, show patronage to one party and discriminate against another that has a democratic entitlement. I resent that agreement between Sinn Féin and the DUP, but I am not jealous of it.

Earlier, the Member decried the fact that the UUP will support some of the SDLP amendments but not others. I have no qualms about agreeing with another party where possible, but we will always retain our position. Unfortunately, when Sinn Féin agrees with the DUP, it ends up adopting the DUP's position. I am proud that we have not adopted the UUP's position of not wanting a deadline or target date for devolution.

We do, and that is our clear position. We have not surrendered our position or been distracted from it for the sake of agreement with the UUP or any other party.

Sinn Féin claims to believe in inclusion under d'Hondt, but it has departed from that position completely. Where did the deadline of May 2012 and the sunset clause come from? The sunset clause was the fig leaf that Sinn Féin produced in desperation to cover up the fact that, in July 2008, the deputy First Minister agreed with the First Minister that the justice Ministry would be established on the basis of a cross-community vote at all times. In our recent talks, the DUP boasted that it had a permanent veto and would be able to use that to veto any Sinn Féin Minister. The DUP also told us that it may agree to a member of the SDLP being appointed Minister of justice at some stage — that was nice of them — but its main point was that it would permanently be able to veto anyone from Sinn Féin being appointed Minister. It was only when we pointed out the folly of Sinn Féin's negotiation and its concession to depart from d'Hondt and democratic inclusion for this post, not just temporarily or for the first appointment but for all time and in perpetuity, that Sinn Féin desperately tried to recover its position.

When we pointed out Sinn Féin's folly, the First Minister asked us to ease off because the process was going nicely for the DUP. He told us that difficulties had been created only because we had alerted Sinn Féin to the problem. Perhaps we contributed to making sure that Sinn Féin saved itself, to a degree, from its mistakes.

However, its answer has given the rest of us a serious problem because of the effect of the sunset clause as it is framed. We did not frame it in that way; we did not invite the threatened dissolution of the Department. The fact is that, as things stand, the dissolution of the Department will have fundamental implications, not for the Police Service of Northern Ireland — it is constituted outside of the Department and has a separate legal constitution — but for the Prison Service, the Youth Justice Agency, the Compensation Agency and Forensic Science Northern Ireland.

We are told that that situation will not come to pass. I really hope not. All of us will have to work very hard to make sure that that does not come to pass in those terms. All of us will have to make every effort, because we cannot afford it. However, whether all of us will be allowed to play a role in that regard is another matter because, as we have seen in a large part of this process, we are told that we have responsibilities but that we have to wait until we get the call, cue or invitation before we are able to say or address anything that is relevant to our responsibilities. Sometimes the rest of us only get a role in trying to unravel some of the problems

and difficulties and in trying to unhook people from some of the hooks onto which they have climbed.

If things can be done to avoid having an impasse in 2012, let us do them. The first thing that we could do is correct this legislation. That would help. We could make sure that we have an option now, in the short term, so that we do not have to go only by the cross-community-vote, departing-from-the-agreement route; or we could make sure that, as a way out of the dissolution crisis that we could face in 2012, we would have the safe fallback of d'Hondt.

People tell us that we should think positively about this process and that we should forget all the experiences of the past two and a half years and have wonderful expectations of the next two and a half years. That is great; I hope that it is all sweetness and light and Shangri-La in May 2012. However, if people are so confident that it will be so good and will all work very well and very positively, why not have d'Hondt as the fallback? The danger is that, by having the device of the sunset clause with the dissolution of the Department, we are creating a temptation for parties to play chicken, to use leverage, to manipulate things, to grandstand and to barter on other issues.

Even this week, we have seen how an issue like the devolution of justice and policing is being used to gain leverage and purchase on all sorts of other issues that are completely unrelated, hardly related or, in some cases, are being quite dangerously interrelated in a way that is unwarranted. When we know how people use those devices to create trouble and difficulties and to create stand-offs and all sorts of stand-and-deliver tactics, why so casually legislate again for that on a matter such as this?

Everything that I have said so far has related very much to the issue of the Department. I listened to Naomi Long from the Alliance Party and somebody from Sinn Féin trying to say that the SDLP goes on about the Minister as though it is its Ministry and that people are not talking about the Department. The questions that I have raised are about the Department and its role and stability. We cannot say that this legislation absolutely guarantees the stability of the Department, because it is the one Department whose dissolution is legislated for. If we want to have confidence to say that its stability is guaranteed, we should be addressing these issues. That is what our amendments are about.

I do not believe that it would be too tall an order for the First Minister and deputy First Minister to make the sort of report that is requested in proposed clause 2A, which would require them to come to this House and soberly, clearly and plainly address those issues on the basis of the best legal and Government advice.

I do not doubt the capacity of the House to make the judgements that must be made within a week or two weeks, conscious of the parties' voting strengths. Thus, despite people trying to say, as Simon Hamilton did, that we are not being "real" politically, the fact is that we are being very real politically about where the balance of forces lies in the House. However, we are trying to take at their word people who say that they still want d'Hondt; the amendment gives them the chance for that, either in the near future or by 2012. Similarly, the amendment gives those who say that they are concerned about stability, about ensuring that there is confidence and about making sure that the Department is durable a way of avoiding the very dangerous, potentially nightmarish, sunset clause.

Regardless of which party nominates for the position of justice Minister or what means of appointment is used — d'Hondt or cross-community vote — May 2012 may not be the first test of that Minister's position. An Assembly election is scheduled for May 2011 but may take place sooner. The Minister may or may not be re-elected to the subsequent Assembly. Whether or not the Minister is re-elected, a cross-community vote will still be required for the election of a justice Minister in the new Assembly.

After the Assembly election, parties will be thinking very seriously about the May 2012 sunset clause. Therefore, while the parties negotiate the formation of the Government, how to run d'Hondt and the Programme for Government, there will inevitably be negotiations about who should be elected as the justice Minister by cross-community vote. Parties will be tempted to front up some issues in relation to May 2012, and, in those circumstances, they might be naive not to indicate some of their ambitions and intentions in respect of May 2012.

Hence, it might well be that after the Assembly election we wait some time before we appoint a Minister, because the relevant 2009 Westminster legislation provides that the Executive can be formed on the basis of running d'Hondt for all the other ministerial posts. The Executive can be formed on the basis of the First and the deputy First Minister being appointed and all the other posts being filled. The Executive can continue without the justice portfolio being allocated.

At least after May 2011, there would be a justice Department and there would not be a question mark over the Prison Service, the Compensation Agency and the Youth Justice Agency. In those circumstances, there would be a Department without a Minister, whereas in May 2012, we could potentially have a Minister without a Department. Therefore, under the Bill's current provisions, we may not have to wait until May 2012 before difficulties emerge and games of chicken are played.

Mr O'Dowd: The Member is indicating that the legislation, as it is currently penned, is not competent. His argument is that the legislation could create the scenario of having a Minister but no Department. Surely, as the report went through the Assembly and Executive Review Committee, the Assembly and Westminster and is now back in the Assembly, some of the highly qualified individuals in all those places would have copped on that we were putting legislation that is not competent through Westminster and the Assembly. However, the Member is telling us that the legal eagles in his Front Bench have spotted it, revealed it and are now bringing it to the public's attention.

Mr Durkan: I advise the Member that this is not a recent discovery. When the legislation was going through Westminster, I and others pointed out that issue, and the Government did not contest it. The Government did not contest that that scenario would be the effect of dissolution. The only thing that the Member, because he is not contesting —

Mr O'Dowd: On a point of order, Mr Deputy Speaker. Is it in order for the Assembly to debate or discuss legislation that is not competent?

Mr Deputy Speaker: The legislation that is in front of the Assembly, Mr O'Dowd, has been deemed by the Speaker to be competent.

6.00 pm

Mr Durkan: I am not the first Member to refer to the sunset clause, which is also part of the twin legislation in Westminster that, similarly, provides for a departure from d'Hondt. In the Second Stage debate and today, Sinn Féin strongly relied on and invoked the sunset clause, and it talked about there being no fallback position.

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

The sunset clause deals with the Department's dissolution: it does not address whether there will be a Minister or not, so the position seems to be that there could be a named Minister in limbo with no Department. Of course, the twin Westminster legislation also ensures that, in the event of an election, the Assembly's failure to elect a justice Minister by cross-community vote will not prevent the Executive being formed and the other Ministers being appointed to discharge their duties. Therefore, the scenario has been legislated for.

I did not write the legislation: other parties supported it and said that it is all about generating confidence, certainty and stability. Nevertheless, in 2011, we could end up with a Department without a Minister for a long time, when other Ministers will have been appointed and will be doing their business. In 2012, we could end up with no justice Department but with a notional Minister floating in the ether like a lost

boy or girl in a strange land. Mr O'Dowd may be right to question whether that legislation is competent and sensible. For a lay person, it does not seem like a competent or sensible way to govern; however, it is the way chosen by Sinn Féin, the DUP and the British Government.

The substantive reason for clause 2 is to gerrymander the appointment of the Minister; it is the provision to bypass the laid-down rule for democratic inclusion and proportional representation in the Executive. I agree with Naomi Long: the d'Hondt mechanism is not the only mathematical formula that can be used to effect democratic inclusion. However, rightly or wrongly, it is the only one set down in the Agreement and in the Northern Ireland Act 1998. Others mechanisms may be favoured, and, during the talks, we canvassed for others, but we had no takers for any of them. Some parties liked the d'Hondt mechanism either because they had experience of it in the European Parliament or because they had suggested in proposals and talks in previous Assemblies that it would be a good way to share committee positions. However, there was no interest in other mechanisms, such as the Sainte-Laguë system. We have no problem with looking at those sorts of things in the context of a properly constituted review of the Agreement and based on the principle that it is about a finding means of democratic inclusion. We do not, however, entertain the idea of abandoning d'Hondt in favour of anything like voluntary coalition.

Contrary to what Martina Anderson said, the SDLP has been clear and consistent about what I said in the speech that I made in Oxford, when I robustly defended d'Hondt both now and in the future. I also roundly condemned Sinn Féin for departing from d'Hondt in respect of the justice Ministry and for being prepared to completely abandon the principle of inclusion by democratic mandate in the comprehensive agreement in 2004, when Sinn Féin insisted that parties had to vote for First Minister and deputy First Minister if they wanted to be included in Government.

Consequently, the SDLP and UUP would have been excluded had they not voted for DUP and Sinn Féin candidates for First Minister and deputy First Minister. It was only the SDLP's talks with the DUP before the St Andrews Agreement that prevented that from happening. The position of Sinn Féin, the British Government and the Irish Government was that inclusion would not be by democratic mandate; rather, parties would only be included if they submitted their mandate to the parties of the First Minister or the deputy First Minister. When the SDLP was negotiating d'Hondt in the Agreement, it negotiated true inclusion, not just for itself or with traps to get other parties to exclude themselves. Of course, when Sinn Féin was doing it, it did so to suit itself, and to hell with anybody else, even other nationalists.

No one else had democratic rights unless they bowed the knee to Sinn Féin. I am proud of the fact that the SDLP stood for inclusion according to mandate. That is why we stand by it now. We would stand by that principle regardless of which party found itself in this predicament or which was to be the victim of this deviation from the norm.

We are given nonsense explanations as to why this should not be the norm. Yet again, Martina Anderson misquoted section 17 of the Act and particularly subsection 4. Section 17 of the Act states that for there to be more than 10 Departments, consent must be given by the Secretary of State. That applies even now; it applies to the method, the Bill, that other Members are supporting. The approval of the Secretary of State is needed. *[Interruption.]*

Alex Maskey says that the SDLP is looking for a way that needs the consent of the Secretary of State, but the way that Sinn Féin is going needs the consent of the Secretary of State. For there to be an extra Department, consent must be given by the Secretary of State. *[Interruption.]*

Mr Deputy Speaker: Order. Remarks must be made through the Chair.

Mr Durkan: I want to make the point to Mr Maskey that the creation of an extra Department to bring the number of Departments to more than 10 needs the agreement of the Assembly on a cross-community vote. That is the point on which Martina Anderson misquotes section 17(4) of the Northern Ireland Act 1998. She said that section 17(4) means that if there is going to be an extra Department, the Minister must be elected by cross-community vote. Such a presentation is a sleight of hand. The cross-community vote is required only to agree that there should be an extra Department, beyond the total of 10. The Secretary of State's consent is required as well. That condition applies if the appointment is by d'Hondt, and it applies equally to this Bill, which is the way that Sinn Féin has chosen.

Mr A Maskey: I thank the Member for giving way. Will the Member confirm that, whatever about having to go to the Secretary of State, these decisions require agreement between people here before we go anywhere? If that is the case and the Member accepts that, can he tell us with whom he can get agreement about any of this? He has not told the House that.

Mr Durkan: That is what we are in the business of doing here by way of this legislation. It is what we are trying to do in the Assembly and Executive Review Committee. However, those are not genuine all-party negotiations for two reasons: there are questions as to how well all parties are represented in those discussions, and also because those discussions are confined —

Mr A Maskey: On a point of order, a LeasCheann Comhairle. Is it in order for the Member to question the integrity of the Assembly and Executive Review Committee? That is what the Member has just done. That is a fundamental question that must be addressed by you, as Deputy Speaker. It is a serious statement to make.

Mr Deputy Speaker: I leave it to the Member to explain.

Mr Durkan: Allow me to clarify: I said that one could not call the Assembly and Executive Review Committee an all-party negotiation because, first, there is a question as to how well-represented all the parties are. Is the Member saying that all parties are on that Committee? They are not. That is a limitation of the Assembly and Executive Review Committee.

[Interruption.]

Secondly, that Committee finds itself constrained because some things are subject to determination, decision and cues from the First Minister and the deputy First Minister. A lot of these matters were already pre-determined according to the very flawed negotiations that took place between the First Minister and the deputy First Minister. Indeed, that is where the sunset clause came from; it was an attempt to unravel some of that damage. Therefore, the Assembly and Executive Review Committee has not been getting an entirely free run on those issues.

That is where we see the “now you see it, now you don’t” game from Sinn Féin and the DUP. Sometimes it is all just them, and aren’t they the boys? It is just the two of them, and they can do everything together. Suddenly, at other times, it is everybody: all parties have responsibility and we are all involved. They speak with forked tongues and are two-faced in so many ways. Those parties are responsible for the inconsistencies and contradictions.

The reason that the SDLP opposes clauses 2 —

Mr A Maskey: On a point of order, Mr Deputy Speaker. I again ask you to reflect on the Hansard report of the debate, because the Member has clearly stated that Sinn Féin and one other party are speaking with forked tongues. Is that appropriate language for a debate in the Chamber? It is a serious allegation, and the Member may well have lost the run of himself because he has forgotten where he is.

Mr Deputy Speaker: I did not hear anything that was unparliamentary, but part of the reason for that might be that Members are ignoring the Chair and are not conducting themselves in the fashion that I expect. If Members speak through the Chair I will have a better chance of hearing what is being said.

Mr Durkan: I want to address some points that Members made in opposing the amendments proposed by Alex Attwood. Members have questioned our

position and suggested that we said that the Minister of justice post is ours and ours alone and that no other party should get it. During the Second Stage debate on the Bill and in the meetings that the SDLP held with the First Minister and the deputy First Minister, I said that the best course to follow was to create a Department of justice from within the existing 10 Departments; after all, the DUP has told the House that it already thinks that there are too many Departments, yet it wants to create another one.

Under the Northern Ireland Act 1998, it is feasible to rejig or merge Departments and create a Department of justice: it can be done. The First Minister and the deputy First Minister can put such proposals to the House and have them passed by cross-community vote. Therefore, contrary to what Naomi Long said earlier, it is entirely within the competence of the House to vote and ensure that we stay within the 10 Department limit. The First Minister and the deputy First Minister could have used their powers to do that and could have run the d’Hondt process. As such, it would neither have been the SDLP claiming that the justice Ministry was its entitlement, nor would it have been a departure from d’Hondt or the Good Friday Agreement. Rather than Members saying that the SDLP’s purpose was to bag the justice Ministry and that no other parties could have that Ministry; that was the way to go. That way is open, and the SDLP has pointed it out on several occasions.

Mrs Long: I appreciate that the Member may have been consistent in his personal position. However, the issue that I raised was not that it was outside the competence of the Assembly to create a Department of justice from within the 10 existing Departments; it was that it was not politically feasible to do so.

[Interruption.]

Again, the Member is speaking from a sedentary position. There is no agreement to create that Department from within the existing 10 Departments. Furthermore, although the Member has been consistent; his party colleagues have not. Today, SDLP Members made interventions claiming that they were entitled to the justice Ministry, not just an eleventh Ministry, and stated that the d’Hondt process should be used for the appointment of the Minister of justice. The Member may be consistent but there is no consistency in his party.

Mr Durkan: I appreciate that intervention and I will reply to it. The Member said that it would not be politically feasible to absorb the justice Ministry into the existing 10 Departments. Why not? It was politically feasible for the First Minister, when he came back from Florida, to say that he was going to kill dead things and reduce the number of Departments. If that is politically feasible, why is it not politically feasible to create a Department of justice from within the existing 10 Departments? There is no reason why it would not

be feasible: the fact is that parties were not tested on it. The only party that canvassed that position was the SDLP.

Mrs Long: I was present when the First Minister made the speech on his return from Florida, when he stated that he wanted to reduce the number of Departments. However, I ask the Member: has that happened? Has the First Minister been able to affect that change? He has not, because he would require more than just his own opinion to do so: the weight of his views would have to be carried by the House.

It is one thing to talk about it; it is quite another thing to do it. The Department of justice could not have been delivered from within the 10 existing Departments because there would not have been agreement to do that. That is the point that has been made today.

6.15 pm

Mr Deputy Speaker: I remind Members to focus their attention on the amendments under discussion.

Mr Durkan: We are speaking to clause 2 stand part as well as to the amendments, Mr Deputy Speaker, and that is why some of those issues are relevant. Members have been questioning whether d'Hondt is a viable option and asking what running d'Hondt as specified in the Good Friday Agreement would mean. It is pertinent to address those issues, particularly given that the SDLP position was questioned and misrepresented at great will earlier in the debate. Therefore, we have to be allowed some room to counter and to account for ourselves. It would also demonstrate consistency.

Therefore, to have the justice Department as one of 10 Departments would have been a feasible option. There is no reason that that should not have been proposed, thought about or discussed. The SDLP certainly did that. We made it clear in various conversations that that was our position, not just recently, but going back to last year, when we had conversations with the DUP on the third floor of this Building. Of course, the party then said that that could not be its position. The DUP could not afford to agree to run d'Hondt for the justice portfolio because that would mean that it could not exercise a veto. That is it, plain and simple.

The SDLP advocated that position all along. However, the DUP, for all its claims that it is worried about the cost of government and about having too many Departments, is insisting on creating an extra Department for its own political necessity and to be devious. That proves the hypocrisy and humbug of the DUP. It says that we do not need 10 Departments, yet it is making damned sure — sorry, Mr Deputy Speaker, darn sure — that we get 11 Departments, not including the Office of the First Minister and deputy First Minister. That is another example of doublespeak, or whatever parliamentary term accords with forked tongue, two faces, and so on.

If we are not to run d'Hondt for the justice portfolio as one of 10 Departments and there is to be an additional Department — the Secretary of State's consent and cross-community support in the House is required for that — in order to be consistent with the Good Friday Agreement and the 1998 Act, d'Hondt should be rerun to take in the justice portfolio. The SDLP is open to that. However, we gathered very quickly that the view of other parties was that a rerun of d'Hondt would be too disruptive to other Ministers, could lead to speculation games on policies and could disrupt the Programme for Government.

If other parties are agreeing to there being 11 Departments but that ministerial posts cannot be filled through rerunning d'Hondt, two things can happen. First, d'Hondt could be rerun with all the parties agreeing the order in which they are nominating Ministers. Remember, that has happened before. Parties had agreed their choices in advance of d'Hondt's being run in the Chamber in 2007. A dry run of d'Hondt had taken place, and parties were free to change their choices if they wanted in the Chamber, but that would have been in defiance of an agreement that they had reached. Legally and technically, however, it would have been within parties' rights to do that. Therefore, parties could reach an all-party agreement to let d'Hondt run and let the justice portfolio be the eleventh choice.

Secondly, on the basis that Sinn Féin and the DUP have said that they are not taking up the post, d'Hondt could be run in the knowledge that the DUP and Sinn Féin are going to pass up on the post, and it would then depend on whether the Ulster Unionist Party nominated first to the position or the SDLP did. D'Hondt would be run, consistent with the agreement.

Of course, Martina Anderson tells us that that is the great "Ha ha" — the great "Gotcha" — to the SDLP position, because such a scenario would allow unionists to nominate the justice Minister. Well, D'Hondt is run according to the principle of democratic inclusion. That is in the agreement for which the Irish people voted, and if we have confidence in the agreement and our institutions, that is that. We are not saying that for a unionist to hold the post is the worst thing in the world. Therefore, it seems strange that Martina Anderson and her party are trying to say that a great confidence is breaking out, that there will be a brave new world, that there is no question of there being any difficulties with the May 2012 date, and all the rest of it, while at the same time insisting that a unionist not be allowed to take the position and stating that the SDLP might have entertained a unionist in the role.

There are ways in which to handle the matter. A rerun of d'Hondt up to the eleventh post has been ruled out, even on the terms on which Sinn Féin and the DUP had already decided that they were renouncing taking up the justice portfolio — a renunciation that

they would simply practise during the rerun. That leaves the remaining option, which is that if there is to be democratic inclusion under d'Hondt, that that be done simply by means of a d'Hondt top-up. That would mean that parties' portfolios for none of the other 10 Departments would change, and the eleventh Ministry would be the eleventh choice under d'Hondt. If the Alliance Party had the eleventh choice under d'Hondt, I would be supporting that option. I have said that before not only in the Chamber but in other meetings, talks, negotiations and chambers.

Contrary to Naomi Long's earlier unworthy allegations, the proof that we are sincere was demonstrated when previous Secretaries of State suggested legislation for various models for devolving justice and policing. One version stated that Ministers could be appointed by a cross-community vote, and there was provision that a Minister could not be from a designation other than unionist or nationalist. Although my party and I did not agree with departing from the Good Friday Agreement by way of departing from d'Hondt, we were not going to agree that, when people were legislating to depart from d'Hondt, there should be further discrimination built in against the Alliance Party. On the Floor of the House of Commons, I protested to the Secretary of State that that was double discrimination; it was preventing the due run of d'Hondt and inclusion, and it specifically excluded one party. Even if that party were democratically entitled to the position, it would have been excluded. If the Alliance Party had a bigger representation here in the future and, therefore, was entitled to a ministerial position under d'Hondt, it would have been excluded on the cross-community basis. That would have been direct discrimination against one party, and the SDLP protested against that because it was wrong. We do not do discrimination or exclusion, unlike the parties that are opposing our amendments.

We heard earlier from the Alliance Party, and, in an intervention, my colleague Declan O'Loan spoke of how that party had strongly trailed itself here as the party of principled opposition. It is no secret that other parties are talking directly and intently about the Alliance Party's providing the justice Minister. Neither is it a secret that the Alliance Party leader, in particular, is being named. He is being named not only by Members but by the Government and the Secretary of State. Let us stop the pretence about the issue. Let us not pretend that there is not an expectation about done deals or anything else. Let us bring a bit of honesty and reality to the issue. The Alliance Party, which was the voice of principled opposition, will come into government on that basis; the opposition will be no more, and the principle never was. That is the position that we will have.

For instance, the leader of the Alliance Party has already received confidential security briefings, and I

know that he has been asked to back off and calm down on issues such as a shared future. Last week, some of us inadvertently discovered that those sorts of untoward approaches were being made to the Alliance Party leader by the British Government. The party was asked to quieten down about a shared future in the countdown to the devolution of justice and policing, and, because that was rumbled, the Alliance Party suddenly went into hot and heavy mode late last week about the devolution of justice and policing and a shared future, and it appeared to introduce its own precondition.

Mr Ford: Get your timetable right.

Mr Durkan: Mr Ford might tell me to get my timetable right, but we know the timetable of the e-mail to the Liberal Democrats in which he might not have said that it was time to be nice to Shaun Woodward, but he did say that Mr Woodward was trying to do the right thing in the current situation and that, perhaps, people should go easy on him. We do not work like that. I used to think that the Alliance Party did not work like that either, but we have discovered differently.

It is for that variety of reasons that we are in this situation. It has corrupted not only d'Hondt and the Good Friday Agreement but there is evidence that it is corrupting the Alliance Party. We are seeing that today, for instance, by virtue of the different language that is being used. We are seeing traces of the voluntary coalition that the Alliance Party wants. It wants a voluntary coalition with Sinn Féin and the DUP, so it is happy to get into the practice of voluntary coalition. Sinn Féin betrayed democratic inclusion when it supported the exclusion of parties that did not vote for the First Minister and deputy First Minister, and, at that time, it was basically opting for voluntary coalition because the principle that a party should be in government only if it votes for the heads of government is part of the theory and understanding of voluntary coalition. Sinn Féin was justifying that.

In fairness, the Alliance Party has been consistent in that, and Sinn Féin has been totally inconsistent.

Mr Ford: Are we being corrupted or consistent?

Mr Durkan: The Alliance Party is being consistent on the issue of a voluntary coalition and corrupted on various other issues, including the shared future and the whole notion of principled opposition. I recall the leader of the Alliance Party telling us that they were in opposition as a matter of principle. In one interview he said that even if they were entitled to a post, they would not take it because they thought that this place needed opposition. He even said that in relation to the justice Ministry. The Alliance Party held the position that it would not even take the justice Ministry because this place needed the Alliance Party in opposition. Of course, that has changed. *[Interruption.]*

This is very much about the Bill; this is about the problems of clause 2 and the entirely false arguments that were raised against the SDLP's amendments and its opposition to clause 2.

The SDLP has been able to demonstrate that its amendments do nothing to wreck the Bill or to prevent the devolution of justice and policing. It has not tabled its amendments as preconditions that would stand in the way of the devolution of justice and policing. None of our amendments, if they were legislated for, would be a barrier or an impediment to the devolution of justice and policing. They would not stop anything from proceeding on a given date. They would ensure that things proceeded according to the agreement if no vote had been taken to do things outside the agreement, which is what other parties want. Nothing would stop.

There is the idea that the SDLP's amendments would create a crisis in 14 days. They would not. They would create certainty in 14 days: certainty that would be well fuelled by the confidence that the public could take from the fact that in agreeing this we were agreeing that once we started a process, that process would continue to full devolution in a reasonable time. There would also be the confidence that would come from the statement that could be made by the First Minister and the deputy First Minister, not just dealing with the issues of 2012 and allaying the different concerns and interpretations that might exist around the sunset clause and whether the fallback arrangements may or may not come into play.

In addition, the statement that we are asking the First Minister and the deputy First Minister to make in our second amendment would include a statement on the functions of the Department of justice. In conversations with the First Minister and the deputy First Minister and others, the SDLP has suggested that questions regarding the functions of the Department of justice are valid and should be examined. The Department should not be defined just by taking the functions, the personnel and the premises from the NIO. If we are talking about a serious project of devolution, let us think about the character and the remit of the Department.

Some functions that are currently devolved could sensibly move to a Department of justice. This is not about party turf and party territory; in my view, the functions that deal with licensing laws, etc, which currently rest in DSD should, very sensibly, go to a Department of justice. Of course, that would have to be proposed by the First Minister and the deputy First Minister and go a vote in the House. However, there are similar functions in other Departments. Various legal functions are tied up in DFP for no other reason than it was felt at the time that there was nowhere else for them to sensibly go. However, they could fit in with a Department of justice. The licensing function rests with the Department of Justice in the South and

with the Home Office across the water, and sensibly so. Those are sensible, straightforward things that could be addressed in the report that the First Minister and the deputy First Minister would make, and they could, possibly, be adopted and reflected in the resolution that the House would adopt under the SDLP's amendments.

The SDLP's amendments are not meant to wreck anything; they are meant to achieve devolution, and to get it done in good, sound and well thought out terms. This group of amendments is not proposed to wreck anything; it is proposed to prevent the wrecking tactics that could come in 2012 and to prevent the uncertainty around the re-election of a justice Minister — or the failure to re-elect a justice Minister — that could happen in 2011. We could do without all of that uncertainty.

That uncertainty about 2011, on top of all the budget difficulties that we will have and the strains that we will be under at that time, could be too big a temptation for some parties.

6.30 pm

We do not feel, on the basis of the experience that we have had, that we can be blasé about those things and simply believe that the worst-case scenario will never come about. As good legislators, we are trying to ensure good prospects and good outcomes, rather than legislate for bad ones and just hope for the best.

Mr McKay: I declare an interest as a member of the Policing Board. This stage of the Bill is another important step towards the devolution of policing and justice, although one would not think that, given the Armageddon attitude of the SDLP. Much of what has been put forward by the SDLP runs contrary to what has been agreed by the Assembly and Executive Review Committee and the Assembly, and that, of course, is deliberate.

Although the proposer of the SDLP amendments argued that there has been no agreement on certain issues, considerable work has been done, and that work is ongoing. Agreement has been reached on a number of issues pertaining to policing and justice, and further agreements will be made in preparation for devolution. All those amendments have not been proposed in the interest of resolving those matters. Indeed, the SDLP Members seem to be very good at telling us what they want but not how they would go about getting what they want while taking account of the stark political reality, as everyone else has to do.

It is similar to the debate about academic selection, when, for more than two years, they criticised the Minister for her proposals but gave absolutely no alternative. What alternative did they give at the end of that debate? The retention of the 11-plus — the status quo. That is no surprise.

Similarly, today, they have no alternative based on the political reality of what we in Sinn Féin are doing in regard to policing and justice. They would probably not mind if the status quo were to remain in this case too, so that they could engage in further politically opportune attacks on us. That is all the SDLP is about these days: attacking Sinn Féin at every opportunity, regardless of how serious the consequences might be. We, however, will continue to build on the political progress made and will not feed into those negative political agendas.

The devolution of policing and justice should happen sooner rather than later, as the Minister of Finance and Personnel has already said, especially given the substantial amount of money that has been secured from the British Government. It would be extremely foolish of us to look that gift horse in the mouth. The sunset clause and the 2012 date create an imperative on everybody to secure agreement, and people will want to see a locally accountable Minister in position post 2012; not a fly-in, fly-out British Minister from across the water.

I have been listening to much of what Mr Durkan said. He mentioned side issues, and Members in his party have referred, in recent weeks, to the full-time Reserve and parades, and they have given out misinformation, particularly in regard to the comments that they made about members of the strategic review into parading, which were simply untrue. The SDLP needs to check its facts. Perhaps that party was feeding the public misinformation for political opportunism.

We should not spend too much time discussing the proposed amendments, because they are mischievous and a waste of time. The reasons for tabling the amendments are politically opportune; they demonstrate the SDLP's negative attitude and the fact that that party is about nothing but scoring points against Sinn Féin. One could be forgiven for thinking that the SDLP is working hard to ensure that the devolution of policing and justice does not come to pass. To date, its contribution to the Bill has been extremely unhelpful and stands in the way of the devolution of policing and justice, rather than helping it. Go raibh maith agat.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. It has been a lengthy debate on policing and justice, and perhaps rightly so, but I suspect that the SDLP contributions have relied on quantity rather than quality. SDLP Member's contributions can be condensed down; they have probably lasted around two and a half hours so far.

Despite that party's valiant attempts at the end of each contribution to claim that its opposition to the Bill as it stands is based on concerns to do with d'Hondt and concerns about the Good Friday Agreement, the vast majority of its Members' contributions so far have

been on the needs of the SDLP: they have been about the Social Democratic and Labour Party; the party, rather than the people whom it is supposed to serve.

We would not even be at this stage of discussion on policing and justice if the SDLP's view had been upheld in the previous debate. If the SDLP had had its way in September 2009, policing and justice would have stopped. Transfer of those powers would have been over. We would have gone back to year zero because the SDLP wanted to vote down the Bill.

Despite the SDLP's valiant attempts, we have now reached Consideration Stage of the Bill. We are currently discussing the amendments that the SDLP tabled, as it was perfectly entitled to do. However, it cannot table those amendments on the basis that the Bill is not competent, because the Deputy Speaker has already made a ruling on that. The Assembly can only discuss legislation that is competent. I assume that the same rules are adhered to in Westminster, and I am confident, despite the comments of Mr Durkan, that the Assembly and Executive Review Committee is more than capable of producing a report that fits in with the competency of the Assembly.

The SDLP's argument, through its amendments, is that the Assembly and the public are incapable of reaching agreement within 30 months. According to that argument, Armageddon will fall upon us all at the end of those 30 months, and the creatures of the night will come out to rule society.

However, let us consider the position of 30 months ago. This institution had not elected its Executive, we were at the tender beginnings of that process and we were not involved in the legislative process. A few months before even that, few commentators or politicians were convinced that we would be able to reach agreement, but Sinn Féin and the DUP worked to reach a deal. In fact, the SDLP laboured on that issue at great length. At the height of the negotiations among Sinn Féin, the DUP, the British Government, the American Government and the Dublin Government, it proposed that we should abandon those talks and introduce a commission of businesspeople because the politicians would not be able to work it out.

Mr Durkan: I have a direct correction to make. The SDLP never made that proposal during negotiations.

Mr O'Dowd: Is that right?

Mr Durkan: The SDLP made that proposal during a prolonged period of suspension that had no end in sight and when no talks were in prospect. It was not made during any talks or any negotiations. Again, Sinn Féin has completely misrepresented the facts.

Mr O'Dowd: I am sure that the Deputy Speaker will allow me some latitude as I deviate from the Bill to explain where the SDLP stood on that matter. Does

the SDLP honestly believe that negotiations never stop? Does the SDLP really believe that the public forum is the only forum in which political negotiations take place? Of course negotiations were going on. They may not have been intense or pointed, but they were going on. In the middle of that, the SDLP said that politicians would never agree; the Shinnars and the DUP would never agree. It suggested that an unelected and unaccountable commission of 10 businesspeople be introduced, not by d'Hondt or by cross-community support, to run this place.

The SDLP amendments to the Bill try to convince us that, despite its serious concerns, its observation is that we will not reach agreement until after 30 months. I do not know whether we will or not. I know that the politicians and the community outside are capable of reaching an agreement. Despite all the odds, they have proven that. However, the SDLP —

Mr Boylan: The note that John has been passed can be read some other time.

Mr O'Dowd: It says:

"Can you advise John to sit down?" *[Laughter.]*

The SDLP tells us that, although we will not reach that agreement in 30 months, under its proposals, we will reach it within 14 days. Later, in the second part of the debate, we will discuss amendment No 6, which asks for 7 December 2009 to be inserted into the Bill as devolution day. Therefore, the SDLP tells us that, by 21 December, we will have reached political agreement on the way forward, everything will be rosy in the garden, and the SDLP will have corrected all of Sinn Féin's — in its opinion — negotiating mistakes. The DUP will have explained where Sinn Féin is going wrong, and the SDLP will have sorted everything out. The SDLP suggests that, by 21 December 2009, there will be a permanent, immovable, unshakeable justice Department.

Mr Hamilton: The Member says that that will occur by 21 December 2009. Having listened to previous contributions from Members on the SDLP Benches, will he accept that that will actually occur within two weeks of Royal Assent being granted to the Department of Justice Bill; not within two weeks of devolution day? Potentially, therefore, it would be earlier than 21 December.

Mr O'Dowd: I am glad that Mr Hamilton pointed that out, because that makes it even more stark; there is even less time to reach agreement. We will not reach agreement within 30 months; however, we will do it within a couple of weeks. That is the logic of the SDLP's argument. Despite the two-and-a-half-hour-long contributions that have been made by the amendments' sponsors, I have not heard anything that contradicts that logic.

Why has the SDLP tabled those amendments? Are they an attempt to make the SDLP relevant to the discussion on the transfer of policing and justice? That is, quite possibly, the case.

Mr Durkan: The Member has castigated my party for its target date of 7 December 2009. He says that it is unrealistic. Does that, therefore, mean that Sinn Féin no longer takes the position that the transfer can be achieved before Christmas? That is its public and private position. It has said that it must be done before Christmas. Gerry Adams said that clearly and categorically. Have I got that wrong, or does Sinn Féin now resile from that position?

Mr O'Dowd: I am more than happy to correct Mr Durkan on that point. Sinn Féin has said that the deal is required to be done before Christmas. There is no reason why a deal on the transfer of policing and justice cannot be completed before Christmas. In legislative and practical terms, that does not mean the establishment of a policing and justice Department before December. However, an agreement on the date, process and operations of that Department is more than achievable before Christmas.

The motivation behind amendments is as important as the amendments themselves. I hope and wish that the SDLP would join with other parties who attempt to ensure that policing and justice are transferred to this institution, that they fall into local hands, and that the new Department carries out the remit for which it is required. As I said earlier, the issue is not about the needs of the SDLP, Sinn Féin, the Alliance Party, the DUP or the Ulster Unionist Party; it is about the needs of the communities whom we serve. They are crying out not only for a locally accountable policing service, but for a locally accountable justice system that meets their needs. At present, it does not.

Martina Anderson mentioned occasions when she, as an elected representative in the city of Derry, requires access to a local Minister. All Members could think of examples of times when they need access to a local justice Minister or, indeed, to a justice Committee in the Assembly to ensure that criminal legislation that is passed meets their communities' needs. That does not happen at present.

If other Members have workable, practical solutions to the problems that the Assembly faces, I can assure them that Sinn Féin is all ears. However, the amendments that are before the House do not offer those solutions. They will not ensure the transfer of policing and justice powers; they are only a furtherance of SDLP contributions to previous debates, which would mean an end to discussion of the transfer of policing and justice.

6.45 pm

I move on now to who should hold the post of Minister and why my party supports the arrangements

in the Bill. We must build confidence in the new Ministry because the lack of accountable policing and justice systems was at the heart of the conflict that we endured for more than 30 years. Members from the unionist Benches spoke about their experiences of the conflict; our experiences were clearly different. The justice and policing systems were used against, rather than on behalf of, the community.

An Ulster Unionist Party contributor to the debate talked about the Minister of Home Affairs. I assure him that I can think of no previous Minister of Home Affairs who, in the opinion of the nationalist community, served it fairly, equally or justly. Those Ministers were used to introduce repressive legislation against communities from the 1920s to the 1970s, when they were replaced by British Secretaries of State, who followed on.

The nationalist and republican communities who endured the worst of those excesses must have confidence in a Minister of justice. Cross-community support is the best way in which we can deliver that essential element of confidence at this time. I am always bemused by the SDLP's constant references to how it corrected Sinn Féin and saying that had it not been for the SDLP, the entire process would be blah, blah, blah.

I am more than happy to listen to contributions and take interventions from any political party. It would be foolish of any party, including mine, not to listen to fellow politicians during public or private negotiations. I can give an assurance, however, that Sinn Féin did not need the SDLP to point out anything during the wider debate on the transfer of policing and justice. In the words of Alex Attwood, we went into the negotiations with our "eyes wide open", and they remain wide open. We are conscious of the difficulties that we have overcome and those that we face. We continue to believe, as we have throughout a difficult process, that we can overcome any problems through co-operation with everyone around the table. If, at times, we have to go on alone, we will. Sometimes, that is the way it has to be in politics; it is a difficult post.

Sinn Féin has ruled out only one party from taking the post of justice Minister; that party is Sinn Féin. The Democratic Unionist Party ruled itself out. Why? Both parties believe that they need to instil confidence in the post. If the SDLP can agree and nominate a candidate, Sinn Féin is on record as saying that it will support that nomination. Today, Mark Durkan revealed that there has been ongoing dialogue for a considerable time between the SDLP and the DUP. I must take note not to have a private meeting with Mark in case details of it end up in the middle of a debate, but that is another matter.

If, during discussions with the DUP, Mark Durkan or the future leader of the SDLP can convince the DUP

that the SDLP has the best person for the job, so be it. That would be good, but Sinn Féin cannot convince the DUP of that. Sinn Féin cannot provide the DUP with a reference for the SDLP; it is up to the SDLP to do that.

The SDLP's current strategy as wreckers of the Executive and wreckers of the transfer of policing and justice does not allow any political party to take it seriously. Today, its role in political life is to wreck. If I were sitting on the Benches opposite, I would be placing a major question mark over approaching a party that seems intent on disrupting the whole political process or advancing its political cause above what everyone else is doing.

The transfer of policing and justice presents challenges ahead for us all. The situation is not ideal, but the Bill is what is required at this moment in our collective history in order to move forward.

It is decision time on policing and justice. We have been through a long, complex negotiation, and we have succeeded in many ways. Collectively, the DUP and Sinn Féin have succeeded in securing an extra £1 billion for the justice package from the British Government and the British Treasury. That alone is a remarkable contribution to society. However, if policing and justice powers are not transferred, that contribution will not be made, and there will be a continuing deficit in the policing and justice budget. In fact, in the run up to the next CSR period and the next Budget, the British Government may make major cuts to all our public services.

All the political parties have a lot of soul-searching and decision-making to do. The DUP and Sinn Féin have major decisions to make; the SDLP and the Ulster Unionist Party, in particular, have decisions to make too, because as long as the Ulster Unionist Party plays cheerleader for the TUV, the Members on the Benches beside it will continue to look over their shoulders and wonder what is going on.

Mr Elliott: I thank the Member for giving way. Will he enlighten me on comments that his party leader made this month? Mr Adams said that the DUP is in breach of the commitments that it entered into at St Andrews. Will the Member expand on what those commitments are and how the party is in breach of them?

Mr O'Dowd: I suspect that the Member knows the answer to that question, because any politician who asks a question that he does not know the answer to —

Mr Deputy Speaker: Order. Members must focus on the issue that is being debated.

Mr O'Dowd: We certainly agree. I assume that my party leader was referring to May 2008, which has now passed, when he made those comments.

I support the Bill and oppose the amendments for the reasons that I have given. As the days tick by, there is no point in debating the legislative process in the Chamber; we must now enact legislation to appoint a justice Minister and a justice Committee and start dealing with the matters that affect all in our community. Go raibh maith agat.

Mrs Hanna: Through its amendments to the justice Bill, the SDLP is seeking to ensure that the public is best protected and served. It is important to remember that the Bill is about providing good community policing and robust local justice powers. Sinn Féin, in particular, has stated that there should be no further hurdles to the devolution of justice and policing. The deputy First Minister and other Sinn Féin members are on record calling for devolution before Christmas. I, therefore, ask that they consider supporting our amendments today and committing to devolution by December 2009.

I want to focus on some of the issues mentioned. I was interested to hear Anna Lo highlight one such issue that is of concern to the community. She said recently:

“It would be nearly impossible for progress to be made on issues such as policing and justice if we don’t have a shared future strategy agreed urgently.”

We remember the whirlwind of bad publicity worldwide over the intimidation that forced Romanian families out of their Belfast homes. We are in the teeth of a financial crisis; yet cash is being wasted on maintaining the division. Therefore, the best way to safeguard vital front line health and other services is to sort out our shared future.

It was my understanding that the Alliance Party signed up to the Good Friday Agreement and its protections, but, apparently, they are not now entirely supportive of it. The Alliance Party has no qualms about accepting the post of justice Minister that is provided for under legislation that bars half the community from applying for that post.

Mrs Long: Let me make it crystal clear for anyone who has not been listening: the Alliance Party has not said that it would have no qualms in accepting the justice Ministry. The Alliance Party has not been offered the post; therefore, it has not responded to any such offer. As I have said in the past, although Members seem unwilling to listen, the Alliance Party has not said that it would have no qualms in accepting a justice Ministry. However, we have been crystal clear about wanting to see reform of the institutions with regard to how the Executive is formed.

Mrs Hanna: I apologise; I obviously took the Member up wrong.

Nevertheless, it begs the question: what is the DUP’s job description for the justice Minister’s post,

which openly excludes an SDLP Member? It says, in other words, that no nationalist need apply. According to Ms Anderson, a unionist justice Minister, from either the Ulster Unionist Party or the DUP, would not be acceptable to the Sinn Féin electorate. Therefore, it is a mutual veto.

Ms Anderson: I did not say that that would not be acceptable to the Sinn Féin electorate. Under its outgoing leader, the SDLP has had six electoral defeats. I said that the republican and nationalist community will not accept a DUP or UUP Minister. If the Member had her finger on the pulse of the community she would know that.

Mrs Hanna: That is exactly what I said. However, I do not believe that the SDLP electorate would be opposed to either a unionist or nationalist justice Minister who was appointed fairly.

How much has really changed? Is this about community confidence or is it about discrimination and sectarianism? Whichever it is, it is extremely depressing.

As a solution, we have heard the DUP, Sinn Féin and Alliance Party cross-community design to ensure that a nationalist Minister may not be appointed. That principle — that a nationalist need not apply — is what the SDLP is concerned about. What if the DUP and Sinn Féin change their minds and throw out an Alliance Party justice Minister? What mechanism will we use then?

Mr A Maskey: The Member referred to the relationship between different parties. However, her own party lauded the fact that the SDLP, the Ulster Unionist Party and the Alliance Party are great wee parties that could work together and govern the place fine, as long as the rest of the parties were kept out. If I remember correctly, the SDLP fought a number of election campaigns on that basis.

Mrs Hanna: I do not agree with that statement; the SDLP has always supported inclusive politics.

For most of the population of the North, community confidence is about how we deal with victims of crime, the imprisonment of offenders, the provision of youth justice services and ensuring that we have the best resources, such as state-of-the-art forensic science technology, so that we can catch criminals. All those issues are dealt with in the amendments that have been proposed by the SDLP. None of those issues appears to have been considered by the other parties.

In September, the SDLP held a conference on youth justice, during which we outlined our plans and proposals for the reform of the current youth justice system. At that conference, party members heard testimony from Sarah Holland, the daughter of murdered west Belfast greengrocer, Harry Holland. Mr Holland’s killers were given lenient sentences after it emerged

that that the Public Prosecution Service had struck a bargain that resulted in some of the charges being dropped. Ms Holland told the assembled audience that her family had learned the hard way the failings of the criminal justice system. Her family described the PPS and judiciary as inefficient and not fit for purpose to address crime in the twenty-first century.

7.00 pm

So, there are many questions. How do people experience policing in their neighbourhoods? What powers will come our way? Will the system that we inherit need a radical overhaul? It is clear — and not only from the experience of the Holland family — that the fear of crime in communities is high while the level of public confidence in the justice system is low. Our justice system must exist to serve the public by offering protection, by instilling competence in its agencies, by serving the needs of victims and by preventing reoffending. Only when we recognise those issues — as the SDLP has done in its amendments — can we even begin to think about tackling the real problems.

It is in our interest as a society to ensure that crime and antisocial behaviour are tackled effectively. Society as a whole will benefit from such a system. We must begin at the most basic level by calculating benefit through increased public savings.

I recollect speaking about two years ago in this Chamber about the disparity in child protection regulations and the registration of sexual offenders across the island of Ireland. In today's amendments, the SDLP recognises the need for further consideration of the management of offenders. Rather than the squabbling between the DUP and Sinn Féin, we should be debating the best way to cope with the issues on an all-island basis. It is imperative that our child protection system should be safe and have the confidence of the people of Ireland on both sides of the border. It is imperative that there be full co-operation in both jurisdictions to adopt the best possible practice —

Mr Deputy Speaker: Order. I ask the Member to return to the issue that we are discussing.

Mrs Hanna: I understood that we were talking about competence in the justice system and how we can achieve that. I apologise if I misunderstood.

Mr Deputy Speaker: We are talking about the amendments to the Bill.

Mrs Hanna: I beg your pardon, but I am talking about community confidence. My remarks have been far more direct than some of what I have been listening to since noon. *[Interruption.]*

Mr Deputy Speaker: Order. I ask Members to respect the Chair and to make their remarks through it. I am doing my best to chair the debate, and I need the

support and help of those Members who are shouting across the Chamber.

Mrs Hanna: We need to concentrate on community confidence.

It is interesting that, in August last year, David Ford recognised that the Executive were failing in their duties and not dealing with the substantive issues. 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.”

What has the DUP promised the Alliance Party in order to change its mind? Has it promised to publish the long-overdue and fought-over cohesion, sharing and integration strategy? It would be great if that strategy was published, but surely it would happen anyway. Securing that should not require the rights of half the population to be neglected.

All the parties in the Chamber should consider supporting the SDLP amendment to oppose clause 2 standing part of the Bill, in order to protect the democratic voice of all communities in Northern Ireland. All parties must then agree a date for devolution so that we can get on with dealing with the substantive issues, such as youth justice, helping victims of crime, the imprisonment of offenders, enhancing North/South work on policing, child protection and the provision of the best up-to-date ways to catch offenders. I support the SDLP amendments.

Dr Farry: We are a considerable way through what has been a very long and unproductive debate. There have been close to six hours of discussion, and I hesitate to say that we are any further on.

Frankly, we have heard approximately three hours of contributions from the SDLP, which has not made one iota of progress towards convincing anyone of the merits of its proposals. If anything, the party has illustrated its own confusion and highlighted the quite destructive role that it is playing in the potential devolution of policing and justice.

I have strong ambitions for this society and strong liberal principles. I have a clear notion of how society should be organised and governed. However, as a politician, I am a pragmatist, and I must recognise that policing and justice powers have not been devolved. I dearly want that to happen. I think that we are ready for it, and I think that society needs it. The Bill is part of the mechanism by which we will achieve that. Therefore, although we might need interim arrangements and a fix of some description to get there, we must be clear that our actions are making progress in society. Over the past 10 to 15 years, progress has sometimes been extremely tortuous. However, it is important to keep making progress.

Although it is in everyone's interest to gain as much clarity as possible, we must be realistic about what is achievable at the moment. We have reached a measure of agreement on how devolution can occur, but we must find further agreements in the immediate future through which to make further progress. We should be thankful that we can make those steps in the right direction. We should not create a situation in which the perfect becomes the enemy of the good.

My colleague Naomi Long gave a substantial tour de force on the issue, and I do not intend to repeat everything that she said. Indeed, I will endeavour to be in the lower half of Members' speaking times during the debate. I will seek, as far as possible, to discuss the amendments. I will respond to the comments of the Member from the SDLP who spoke previously. My colleagues and I are more than happy to engage in full and detailed discussion on criminal justice policy in Northern Ireland. There is much to be said and much to be done. Frankly, that is not the topic of discussion today; we are having a supposedly focused debate on the amendments.

The central issue of the debate and the amendments is, perhaps, the notion of a cross-community vote versus the use of d'Hondt. Mrs Hanna referred to the Alliance Party's support for the Good Friday Agreement. The Alliance Party did support the Good Friday Agreement; we were extremely proud to do so and extremely proud of the role that we played for 30 years to help Northern Ireland to reach that point. However, although we were not comfortable with some aspects of governance in the Good Friday Agreement, we made a decision to support it in the round. We gave our support despite those aspects, not because of them. It is perfectly legitimate for us to make arguments for improvement.

On 10 April 1998, it was not the case that a group of individuals who were infused with some special wisdom laid out a set of institutions and mechanisms that were right for that time and for every day in the future. Our society is constantly changing, and our institutions need to evolve. The Alliance Party has been clear about its agenda for reform of the institutions. Indeed, we published a substantive document about seven years ago named 'Agenda for Democracy', which set out our proposals, particularly those for moving towards a voluntary coalition approach to Executive formation and for changes to the voting system and designations. There are different ways to provide cross-community power-sharing governance. We are open to such a debate.

The principles that lie behind the Good Friday Agreement are important. The d'Hondt process is not a principle; it is purely a mechanism of proportionality, although not a very good one.

Although the Alliance Party has an agenda for reform, we embrace the mechanisms that are set out in the Bill as positive influences on that agenda. Not for one minute, however, do we think that it represents a sudden lurch towards the voluntary coalition in which we believe. I want to make it clear that, from our perspective, any party could be a part of a voluntary coalition.

We have several criticisms of d'Hondt. First, it creates a system under which Ministers can make solo runs. I will correct Alan McFarland, who said earlier that d'Hondt was the best way of providing inclusive government. Even from the Ulster Unionist Party's perspective, there are concerns about the way in which Ministers have been able to make solo runs in the Chamber. I will give two examples: on the one hand, the Sinn Féin Minister of Education can pursue proposals that do not have the support of the Assembly, but because her party got the education portfolio, the Sinn Féin perspective dominates in that area, and everyone else has to suffer that. The DUP did something similar. There was a groundswell of support in society for the establishment of an independent environmental protection agency. However, because the DUP controlled the Department of the Environment, it was able to impose its will and frustrate that development.

The d'Hondt system does not lend itself to power sharing. It lends itself to carve-ups of power, in which different parties get control of different sections of the agenda. Consequently, we do not have collective outcomes that are fashioned across the political divide. That is the essence of power sharing: ensuring that the interests of every section of society are taken into account in decisions, and d'Hondt does not lend itself to that.

The potential move in the legislation towards giving any Minister of justice a sense of cross-community legitimacy is a positive suggestion. I will clarify how that fits into our longer-term agenda. The Alliance Party made a proposal at the St Andrews talks that even after d'Hondt had been used to select Ministers, there should be an overall —

Mr Deputy Speaker: Order. The Member must return to the amendment.

Dr Farry: OK. I am grateful for the Deputy Speaker's guidance. I am trying to make a point about how a cross-community vote, which is set out in clause 2, and which the amendment would remove, can play a positive role in providing cross-community legitimacy and making it parallel. The Alliance Party wanted that vote to ratify the entire Executive, and there is a precedent for that in the case of the European Commission.

Mrs Foster: I am loathe to challenge the Member's technical ability to talk about d'Hondt, but will he accept that it is just a mechanism for selecting Ministers

and that it does not govern the powers of Ministers when they are appointed? The Member mentioned the establishment of an independent environmental protection agency, but that has to do with the powers of a Minister and is not related to the method by which Ministers are selected.

Dr Farry: It is also a reflection of the limited breadth of the Programme for Government, which allows Ministers to make solo runs in areas that are not covered by it. I take the Minister's point and I will place it in that context.

I want to make some points about whether d'Hondt is an inclusive system. First, d'Hondt is a very blunt form of proportionality. It carries the risk of distortion in that it is biased in favour of larger parties and groupings. It is also biased in favour of sections of society that are more cohesive and united. For example, if there were a situation where there were two unionist parties and three nationalist parties, or vice versa, the section of society with the fewest parties would do better under d'Hondt. A section of society should not suffer as a consequence just because it is more fractured than another. However, that is one of the consequences of the system.

7.15 pm

Secondly, the d'Hondt mechanism runs the risk of creating substantial anomalies. To explain the risks that are inherent in a system that is supposedly so fair and inclusive, I will give three examples of where d'Hondt has gone off the rails badly. During the 1996 Forum elections, the d'Hondt system was used to allocate seats. In Lagan Valley, which I will discuss in a minute, five unionists were elected. No one from any other section of the community was elected, yet I know for a fact that at least 20% of people in that area are not unionist. Is it right and fair that d'Hondt was used to exclude those people?

Equally, in the Foyle constituency, where I accept that there is a significant unionist minority, the use of the d'Hondt system returned five nationalists and no unionist representatives whatever.

Perhaps the most farcical example of the use of d'Hondt lies in this Assembly and concerns the formation of the Executive. If one looks back to the Executive —

Mrs Foster: The Forum.

Dr Farry: Yes, the Forum. The first Assembly Executive between 1998 and 2003 had a 50:50 ratio of unionists and nationalists. Perhaps 99% of the population of Northern Ireland and most international commentators thought that that balance was written into the Good Friday Agreement.

Ms Anderson: I am sorry. I would like some clarity. I was confused when the Member spoke about what

happened in Foyle. He mentioned that the election was run by d'Hondt. Can the Member explain that, please?

Dr Farry: Without going into too much detail of electoral systems, a list system was used whereby the seats were allocated on the basis of the d'Hondt formula. I am happy to explain it to the Member after the debate so that I do not detain everyone, but it is a matter of public record that that system was used for the 1996 Forum elections.

The 50:50 split of the Executive between 1998 and 2003 was effectively an accident of how d'Hondt worked out. Given that, at that stage, unionism was fractured among a multitude of parties and nationalist parties had two seats, the system effectively brought a balance of 50:50 between the two blocs. Since then, there have been fresh elections, and we have a new Executive. The balance between unionist and nationalist politicians is now 60:40 in favour of unionists.

Since the first Executive were formed and into the formation of the second, there has been an increase in the number of nationalist politicians in the Assembly. We are in the bizarre situation of having an increased number of nationalist seats in the Chamber and a decrease in the proportion of nationalist seats in the Executive. So much for the all-inclusive, very effective system of d'Hondt.

The SDLP has now recognised the limitations of the d'Hondt system, even though it notionally seeks to defend d'Hondt at every quarter in the Chamber. In Lisburn City Council, it has quite rightly realised that d'Hondt works against the interests of inclusion of all sections of the community, particularly nationalist representatives. We support what the SDLP has sought to do in Lisburn by challenging that, but the position that its councillors have taken is completely at odds with the position of the party in the Chamber. That issue has not been addressed so far.

The SDLP has made great virtue of its opposition to all forms of discrimination and its favouring of inclusion. I remind the SDLP that it defends tooth and nail the system of designation and the associated voting system. That system discriminates against my party and any other party whose representatives in the Chamber do not align themselves with unionism or nationalism. Votes from my section of the community count for less in cross-community votes. That is not a good advertisement for inclusive governance, and that system needs to be changed significantly.

As many Members mentioned, the implications of selecting a Minister by a cross-community vote include the security of tenure of a Minister of justice, whether he or she is from the Alliance Party or another party, and the potential for that Minister to be a puppet. Naomi Long made the point that any Minister in the Executive could potentially be a puppet and that

Ministers from the Ulster Unionist Party and the SDLP are particularly vulnerable to that risk. The risk of puppetry exists across the board, but we are extremely conscious of that aspect of the legislation. Our support for that system is balanced; it is a new departure for the Assembly as regards cross-community legitimacy and it is the right way to go.

I wish to clarify how the risks relating to security of tenure can be managed. The most effective way of reducing those risks is to have as much agreement and discussion as possible on what a Minister of justice and the Executive will seek to do regarding policing and justice policy in advance of devolution. I will resist the temptation to speak in detail, as Carmel Hanna attempted to do, on what should and should not be done. However, I will say that devolution must be a process rather than simply an event that takes place on a particular day, after which we sit back and relax.

The more agreement there is on policy issues, the more protection a Minister of justice will have. The greater controversies in the Assembly have occurred in areas in which Ministers have sought to take actions as individual Ministers outside the context of an agreed Programme for Government. At the time of its inception, my party was critical of the Programme for Government's shortness, its lack of detail and breadth and its omission of some controversial issues. Progress has been relatively smooth in areas in which there has been agreement. However, the areas in which there has not been agreement have brought chaos to the Chamber.

It is in the interests of anyone taking the post, and of society as a whole, to have as much consensus as possible in advance of devolution. That may even involve an addendum to the Programme for Government. Security of tenure would thereby be addressed, because the Minister will be seeking to deliver on a Programme for Government. The Assembly, and society in general, will rely on parties to act in good faith to resolve some of the difficult residual issues.

If, as speculation suggests, a member of the Alliance Party takes on the position, that person will not be interested in being merely a caretaker in office who keeps the seat warm for two years while important decisions are taken in the outside world. If a Minister from the Alliance Party were confronted by other parties and placed in a difficult situation, I imagine that he or she would stand by the policy principles that have already been agreed.

Other amendments in the first group refer to the risk of a Department of justice collapsing after May 2012 if agreement has not been reached.

Many Members pointed out the extraordinary predictions of doom and catastrophe that have come from the SDLP Benches. It was articulated that there is

a fail-safe mechanism. It may not be the most desirable way to do things, but we must recognise its existence.

Even if we leave aside the current legislation, it is entirely within the competence of Westminster to legislate for further steps and protections at any stage at which it wishes to do so. If we faced a crisis, it would be the height of irresponsibility for any British Government to stand back. I am certain that, even under a Conservative Government, that would not happen.

Mr Durkan: Perhaps Dr Farry could enlighten us. He referred to the provision in the Westminster legislation as being a fail-safe mechanism and that at least we could rely on it being there. Three parties support the Bill: one party told us that there is no fail-safe or fallback mechanism whatsoever; another party told us that there is, arguably, a fallback mechanism but that it does not believe that that would be politically reliable; and Dr Farry said that there is a fail-safe mechanism. All three parties have different versions. Does that not press the need for the sort of report that is outlined and required by our amendment?

Dr Farry: I sense that we are almost being encouraged to panic at this stage. Many assumptions are being made about failure. The differences that Mr Durkan pointed out among parties reflect the SDLP's agenda. Perhaps we should be blunt and frank about what is happening. From Sinn Féin's perspective, there is clearly an agenda to take policing and justice out of the hands of the British state and place them in the hands of locally accountable politicians in Northern Ireland. I fully respect that agenda. I understand where that party comes from, and, to a considerable extent, I agree.

From my party's point of view, given that we support the principle of consent — and, no doubt, from the unionist parties' perspective, given that they support the Union — we do not have a fear of Westminster's legislating to provide safeguards for a situation in which the Assembly is in difficulties. It has happened in the past, and it may happen in the future, although I hope that that is not the case. I suspect that, behind many of today's discussions, the issue is not about a report from the First Minister and deputy First Minister seven days after the Act is passed but about the intra-nationalist battle over who is delivering on policing and justice and who is not and trying to paint Sinn Féin into a corner.

The SDLP has played a destructive role, particularly in the past few weeks, in trying to whip up hysteria over issues and deals that are being done behind the scenes, or in the open, to undermine A, B and C. That has not done the SDLP any credit. It certainly has not sped up the process of devolving policing and justice. If anything, it has created obstacles and barriers and has stoked up fears.

Mr Durkan: The SDLP raised issues, some of which involved criticisms. None of the issues involved obstacles, barriers or preconditions. Other parties, including the Alliance Party, create preconditions that stand in the way of the earlier devolution of policing and justice.

Dr Farry: In relation to the Parades Commission, the SDLP stands prepared to pounce if Sinn Féin gives a chink of light and says anything other than —

Mr Deputy Speaker: Order. The Member should return to the amendments.

Dr Farry: I shall endeavour to return to the matter that is before us. I shall give an example of Mr Durkan's point about the Bill and the amendments. It is a matter of record that the SDLP voted against the Second Stage of the Bill. For a party that nominally supports the devolution of policing and justice, that is completely illogical.

7.30 pm

The consistent thing to do would have been to support the Bill's Second Stage, which would have amounted to no more than supporting devolution and the creation of a Department of justice and then have the debate at Consideration Stage about how to proceed. However, the SDLP voted against the legislation at Second Stage. If its arguments, if one can call them arguments, had found favour with the majority of Members, we would not be any closer to devolution happening; we would be further away. The amendments do not do anything to advance the devolution of policing and justice; they create further distractions and obstacles. We are engaged in purposeless political games.

We must try to be as optimistic as possible about the way forward. There was a sunset clause in the St Andrews Agreement regarding devolution. That challenge was met. By debating the devolution of policing and justice today, we have partly met that challenge. We have already made some progress, and there is more to be made. If parties find agreement and devolution happens, the prospects of reaching a further understanding ahead of May 2012 will be significantly advanced. To a degree, we are talking ourselves into a false sense of crisis before one occurs.

I shall draw a parallel: the Assembly faces the challenge of agreeing Budget legislation twice a year. The consequence of failing to pass that legislation would be that no Departments would have the legal authorisation to spend money. Perhaps, that is the one scenario in which Alex Attwood's prediction of things grinding to a halt would come to pass. However, on every occasion so far, the Assembly has risen to the challenge of passing the Budget legislation, even in situations in which there were very difficult and controversial issues to be discussed. Therefore, the Assembly has a positive track record of meeting the

challenge of deadlines for finding fresh agreements and of banking agreements that have allowed us to make progress until now.

Mr Durkan: In the event of the Assembly not agreeing Budget legislation, the Department of Finance and Personnel has a reserve power that it can use. I had cause to research that matter on a particular occasion. Therefore, it would not be a case of everything grinding to a halt, which is markedly different from the dissolution provided for in the sunset clause. We do not want to see that come about, but we did not legislate for it; other people did, and they have to explain it.

Dr Farry: I am grateful to the former Finance Minister for that correction, but that is another example in which we have a fail-safe. Hence, we need not panic.

Our society is divided. There are contentious issues to handle, and we are taking steps forward gradually. It is important that Members see the Bill in the light that it enables us to get over the first major hurdle towards achieving something that we have not had so far — the devolution of policing and justice. Parties have defined their terms for how far they are prepared to go, and they can find agreement at this stage based only on temporary, interim provisions. From my perspective of wanting to see the devolution of policing and justice happen, I think that that is the positive way to go. Let us get the justice Department up and operational.

We must acknowledge that there are further challenges down the line. Things may well get rocky, in keeping with the SDLP scenario, but let us be optimistic that we can sort out the situation. If we cannot do that, the British Government have step-in powers. Frankly, if there is a sense of crisis in 2012, the crisis may be much bigger than policing and justice; it might involve the legitimacy and the continuation of the institutions as a whole. At that stage, we will have to ask about the fallback position in respect of other powers.

The notion of a potential crisis is inherent in ours or any other system. When it comes to the formation of Governments internationally, it is not unusual after elections to have an interim period during which parties have to find agreement. If parties cannot agree, the consequences are potentially severe. Time after time around the world, parties rise to that challenge, so we must back ourselves to do the job. We must have trust and faith in ourselves. If we decide to take devolution forward on the basis that we have to legislate for every contingency for failure, we will damn the whole project as unobtainable. Given that every party in the Chamber has staked its political reputation on the success of devolution, such a conclusion would be a sobering position to reach.

Finally, given that there has been much speculation on the subject, I wish to clarify the Alliance Party's position, to which my colleague Naomi Long referred. The Alliance Party is extremely supportive of the devolution of policing and justice. We want it to happen, and we see strong rationales for it. Like any other political party or set of political representatives, we have an interest in ensuring that devolution is done as well as possible in the circumstances that we find. This legislation allows that to happen.

There is a lot of speculation about the Alliance Party's role. The Alliance Party has not been invited to nominate a Minister, although that may well be the case in the future. We have not said yes or no to any offer. The party has made it clear that it is prepared to be constructive, as it always has been in the Chamber, and that it will do what is in the best interests of the people of Northern Ireland.

Mr Elliott: Surely the Member's party has already said no. Mrs Hanna clarified earlier that it said no.

Dr Farry: A lot of parties have created a small industry in interpreting what the Alliance Party has said. However, let me be clear, on behalf of the Alliance Party, about what we have said: in the summer of 2008, the Alliance Party said no to a half-baked situation whereby a Minister could be appointed outside the Executive, in essence a puppet Minister, something about which so many people have warned us. The legislation that went through Westminster in March 2009 was categorical about the fact that, just like any other Minister, the Minister for policing and justice would be a full member of the Executive. Therefore, that situation has moved on.

As things stand today, the Alliance Party's judgement will be based on what is in the best interests of the people of Northern Ireland. Unlike the SDLP, which has been making a virtue of its entitlement to the Ministry, the Alliance Party has never advertised such an entitlement. We have responded to speculation, but we have never chased the post. We have made it clear that we are prepared to be constructive on the way forward.

The Alliance Party's benchmark for determining what is in the best interest of the people of Northern Ireland will relate not only to how the legislation is taken forward today but, when further progress is made, to whether a Minister is prepared and able to deliver on behalf of those people. There is no point in a Member from the Alliance Party or from any other party serving at the top of a Department and being part of the Executive if he or she has no ability to deliver on policing and justice issues. Frankly, devolution depends on a continued process of building confidence. Confidence is not something that will be achieved before devolution; it is an ongoing process. After

devolution, confidence will depend on the system, which includes a Minister —

Mr Deputy Speaker: I remind Members that mobile phones and Blackberries are not allowed in the Chamber.

Dr Farry: Confidence depends on the ability of any Minister, the Executive and the Assembly as a whole to demonstrate the benefits of devolution and how it can make a real difference to people's lives.

I shall conclude by reiterating the point that we have been stressing: it is critical that, in advance of devolution, as much discussion as possible takes place and as much agreement as possible is found on the policy programme for the Department and on what the Assembly and the Executive will be seeking to do. For Members who have concerns about security of tenure and any potential puppetry, that is the best safeguard. It is the best signal that can be given that the Assembly is serious about devolution making a real difference to people's lives.

This legislation is an important milestone. It gets us from A to B. There is still a long journey to be made, but it is important that we take those steps, small as they may be, in the right direction. Unlike other parties that seek to play a negative role, the Alliance Party continues to play a constructive role in seeking to find peace, stability and a shared future in this society.

Lord Morrow: On a point of order, Mr Deputy Speaker. It is becoming a very cold House for unionists. I am not sure whether that affects the whole House, but it affects the unionist side. Could we have that matter dealt with?

Mr Deputy Speaker: I thought that it was quite warm.

I call the deputy First Minister, Mr Martin McGuinness, who will probably warm things up.

The deputy First Minister (Mr M McGuinness): Martina Anderson, who is sitting beside me, has been shivering for the last hour.

A vicious rumour circulated at the time of the Second Stage of the enabling legislation on the devolution and transfer of power that Alex Attwood was going to speak for an hour. In the event, he did. In retaliation, the First Minister spoke for nearly two hours. After that, I reminded the First Minister that he lives only five minutes from here, but I live two hours away. I was horror-struck when someone who lives in the same city as I do, the Member for Foyle Mark Durkan, began to speak today. As he went on and on, I thought that he was going to continue until 2012.

On the serious matter of the business in which we are engaged, the House should be in no doubt whatever about the purpose of the grouped amendments that we have been discussing: it is to remove clause 2 from the

Bill, either directly or indirectly. The direct approach is through the opposition of SDLP Members to clause 2 standing part of the Bill. The indirect approach is through amendment Nos 1, 2, 3 and 4, the combined effect of which is to create an unnecessary device of considerable legal complexity that will effectively add another stage to the legislative process. If those amendments are successful, the Bill will be returned to the Assembly for review within days or weeks of its enactment.

Let me remind the House where clause 2 comes from. On 18 November last year, the First Minister and I attended a meeting of the Assembly and Executive Review Committee. Following that meeting, we made public a letter that we had issued earlier that day to the Chairperson of the Committee in which we set out our agreed position on a number of matters, with an accompanying process paper detailing the steps by which devolution would be achieved.

In our letter of 18 November and in other correspondence with the Committee at that time, the First Minister and I indicated our preferred arrangement for appointing a Minister of justice. Our preference was that the process be one in which nominations would be invited from Members of the Assembly, and the successful candidate would require the support of the majority of Assembly Members, present and voting, including a majority of designated nationalists and a majority of designated unionists voting.

The Assembly and Executive Review Committee was clearly content with that proposal, and that was reflected in the report that it prepared on the devolution of justice and policing responsibilities. The recommendations in the report deal with the departmental structure, the powers to be transferred and, crucially for the debate on this clause of the Department of Justice Bill, the arrangements for appointing the Minister of justice. On 20 January 2009, the Assembly approved a motion endorsing the Assembly and Executive Review Committee report. That is the basis for the model of ministerial appointment set out in clause 2. It is the model originally proposed by the First Minister and me, and it is supported by the Assembly and Executive Review Committee. The Assembly approved that model when it considered the matter in January.

7.45 pm

The arrangements for appointing a Minister of justice under clause 2 are interim arrangements. The First Minister and I made that clear a year ago when we announced the basis on which we would move towards the devolution of policing and justice responsibilities. Those arrangements would last until May 2012, at which point the Department of justice would dissolve unless the Assembly were to extend

those arrangements by resolution or devise alternative arrangements. Those arrangements were also reflected in the legislation passed at Westminster earlier this year.

Before May 2012, the House will have the opportunity to review the ministerial arrangements and decide whether it would prefer an alternative. The House will have more opportunity for considered thought on the matter than the fast-track arrangements that amendments Nos 2, 3 and 4 would allow for reviewing legislation that it had only just passed.

Amendment No 2 would also compel the First Minister and me to deliver to the House a report that the amendment conveniently drafts for us. In response to the heading set out in that amendment, the functions to be exercised by the Department of justice are those that were identified in the Assembly and Executive Review Committee's report of March 2008. There is a sunset clause for the ministerial arrangements in clause 2. It is contained in schedule 1(8)(1) to the Northern Ireland Act 2009. The consequences of the dissolution of the Department of justice would be severe, but that is precisely the incentive for the Assembly to devise permanent arrangements before May 2012. That would be the gist of the report that amendment No 2 would require us to make. The objective of the report mechanism is to provide a further opportunity for criticism of the arrangements that the First Minister and I agreed last November. Those arrangements were reflected in the Assembly and Executive Review Committee's report of January 2009 and were endorsed by the House at that time.

The Assembly will have much opportunity to debate the details of the devolution of policing and justice before devolution day. The resolution request for the transfer of powers will be debated and will require cross-community support. The determination of ministerial offices will be brought to the House, and the new justice Minister will be elected by the Assembly with cross-community support. There is no shortage of Assembly scrutiny of the process, and I look forward to all those stages.

A number of points were raised during the debate. Alex Attwood again raised his claim that there is a fallback position that would prevent the sunset clause from taking effect in May 2012. He rests that claim on his reading of several sections of the Northern Ireland Act 2009 and the 1998 Act, as amended. The Department does not believe that the provisions that Mr Attwood relies on could ever have that effect, because the conditions attached to a Westminster Order in Council to impose a ministerial model would cease to exist with the passing of the Department of Justice Bill. In effect, that option among the menu of ministerial models will be spent once the Assembly legislates.

Mr Attwood: I understand the point that the deputy First Minister has made. However, I put two observations to him in reply. The first is that, although he indicated certainty with respect to the sunset clause, that is, to some degree, in tension with his own officials. At the OFMDFM Committee meeting of 14 October 2009 which considered the justice legislation, departmental officials said that, after the Second Stage of the Department of Justice Bill:

“we took the opportunity to consult people who were closer to the drafting of the Northern Ireland Act 2009. They stated that it was never the intention that the interpretation ... placed on the particular provision would apply to frustrate the operation of the sunset clause. It was not intended that there would be a hidden fallback mechanism.”

The official went on to say that, ultimately, those matters would have to be decided by a court.

There is a tension between the deputy First Minister’s certainty on that matter today and what was indicated to the Committee. In any case, the crucial point is that the deputy First Minister is quite right to say that the legislative provisions for what a Secretary of State can do will not apply to the first Department. In the legislation, however, the Secretary of State reserves unto himself the right to act in respect of a new Department that would be necessary in the event that, on 1 May 2012, the Department of justice as it then existed is dissolved. The legislation states that the Secretary of State reserves power in respect of the new Department that would be necessary to avoid what the deputy First Minister described as the severe situation that would obtain in the event of the dissolution of the first Department in May 2012.

The deputy First Minister: I thank the Member for his contribution but remind him that Paul Goggins, during the debate on the 2009 Bill at Westminster in March this year, said:

“The Bill provides no fall-back position beyond May 2012. Frankly, it is not for us in this place to determine any additional model beyond that period; it is a matter for the Assembly... There is no fall-back position, as I have said, and it is entirely a matter for the Assembly.”

He went on to say:

“The parties themselves will have to determine the model beyond May 2012. We are devolving policing and justice powers; we are not saying that we are partly devolving them and saving a little for ourselves. The matter is entirely for those parties.”

He makes it absolutely clear.

The SDLP has adopted a doom-and-gloom approach to the debate. It has been made clear that, as we agree this process, move forward and put in place a Department of justice and a Minister of justice, there will be a huge responsibility on the Assembly and the Executive to ensure that we arrive at a scenario in which we can continue seamlessly in the event of us all being returned, if we stand in the election of 2011, to

see through the process of ensuring that we have in place arrangements that will ensure that the dispensing of justice and policing is managed by this Administration.

I am not looking at this matter from a doom-and-gloom perspective or thinking that we will never succeed or that there are 30 months left and we will never agree on anything. I approach all matters that confront us in these institutions as a problem solver. If we all apply ourselves to that business, there is nothing that we cannot accomplish as we move forward and overcome the obstacles and challenges that lie before us.

Danny Kennedy raised the issue of the justice Minister being a puppet. The justice Minister, like any other Executive Minister, will have full legal authority. He or she will be bound by the Pledge of Office and the ministerial code. Consideration is being given to whether any amendments will be required to the ministerial code as a result of the devolution of policing and justice. However, any amendment to the code will come before the Assembly for approval and will not come into effect without cross-community support.

Alan McFarland asked what would happen if the justice Minister was not returned at the 2011 election. The Minister would cease to hold office, and the Assembly would have to elect another, with cross-community support. That is effectively provided for in the Westminster legislation.

The six amendments that the SDLP has tabled lie at the heart of this debate. It is my strong view that the SDLP is ignoring the political reality of the circumstances that we are dealing with at the moment and that the transfer of policing and justice powers was never really on the SDLP’s agenda until Sinn Féin put it there.

I was a Minister in these institutions from December 1999 until October 2002, during the period in which Seamus Mallon and Mark Durkan occupied the position of deputy First Minister. Not once did I have a conversation with either of my two colleagues about their views on whether policing and justice powers should be devolved. I did not hear it mentioned during any Executive meeting, and I was never invited by the SDLP to a meeting to discuss the possibility. Indeed, for many years after that, there were no discussions on the issue. The issue never raised its head from the SDLP’s perspective.

Mr Durkan: I thank the deputy First Minister for giving way. May I remind him of a conversation that took place in the office of the deputy First Minister early in my tenure, which was similar to one that I had with Gerry Adams, the Sinn Féin president? During that conversation I indicated that among the options that I was pursuing in discussions with the First Minister was the possibility of appointing additional

junior Ministers from Sinn Féin — the difficult issue was going to be whether or not there would be any from the DUP — and of having an additional adviser as a programme manager for each of the four parties in the Executive. One issue that I said that I wanted to address in that context was how to make progress towards the devolution of justice and policing, in the circumstances where we had the Patten report and the Policing Board in place. Sinn Féin was opposed to the Policing Board at that stage and was not prepared to embrace the debate around the devolution of justice and policing.

The deputy First Minister: Anybody who looks at the record of that period and at the public discourse from political parties around what were or were not priorities at the time will fail miserably to see any effort by the SDLP to raise the issue of the transfer of power in the way that Sinn Féin has raised it since we became the largest nationalist party. I say that because the issue is not important just for Sinn Féin. We argue for the need to transfer powers on policing and justice for the same reason that Ian Paisley gave for doing so in one of the first meetings that I had with him, and I know that many members of the DUP concur with this. As a member of a devolutionary party, he believed that local politicians could do a better job than Ministers who were coming over from England, Scotland and Wales. The transfer of policing and justice powers would be a good thing, and I think that many Members believe that, because all the parties agree with it in principle. As Carmel Hanna said, it would make a real difference for the people whom we represent across the community in delivering a better justice system and a more accessible court system.

As we move forward, we have to be conscious of the fact — at least, I am conscious of the facts — that the SDLP is making a huge mistake. I say that because, at its rawest, the truth is that, if the SDLP approach were to succeed, we would never see the transfer of powers on policing and justice, because the SDLP is ignoring the political realities.

I listened to Alex Attwood's contribution. He said that he had struggled so long to make this happen. That is a new one on me. We have struggled to make it happen, and many people in the community who have voted in election after election have made their own judgements as to who was delivering on policing and justice and many other issues related to the institutions. Those people have made their decisions; the people have spoken, and they have done so powerfully.

Mr Attwood: Will the deputy First Minister give way?

The deputy First Minister: I will give way in a minute; I do not want to have my train of thought interrupted. I listened carefully to the Members who were arguing for the amendments. SDLP Members

spoke for something in the region of three hours. Members gave way to them left, right and centre. I do not have a problem with that, but it was clear from the initial contributions from SDLP Members that they were more concerned with the SDLP's entitlement to the justice Ministry.

When Mark Durkan began to speak, he realised the mistake that was being made. This was being seen as a selfish demand from the SDLP, and Mark Durkan tried to move the issue from the SDLP's entitlement to a defence of d'Hondt. At that stage, I was really confused. Mark Durkan's Oxford speech clearly confused an awful lot of people several years ago and indicated clearly to many that at that time that the SDLP was prepared to move away from the election processes established under the terms of the Good Friday Agreement and the St Andrews Agreement.

8.00 pm

Mr Durkan: Will the Member give way?

The deputy First Minister: Let me finish.

At that stage, within hours of the speech being made, I remember that David Simpson, the MP for Upper Bann who was deemed an apostle, proclaimed that the speech was new light out of an old window from the SDLP. Indeed, I met many SDLP members throughout the North who were very confused by the speech. Many journalists were wondering what was going on at Oxford, because of the convoluted and very confusing speech that made no defence of the d'Hondt mechanism or the aspect of power sharing that they had all signed up to under the terms of the Good Friday Agreement.

Mr Durkan: I absolutely refute what the deputy First Minister has said. To correct the record, my Oxford speech robustly defended d'Hondt and exposed and criticised Sinn Féin's sell-out of d'Hondt on several occasions, including in respect of the justice Ministry. As regards looking 10 years ahead, and whether I envisaged anything about a possible movement away from d'Hondt; I said no. I said that, hopefully, if we had a robust bill of rights, parties in the Chamber would not have to put the same reliance on the cross-community voting mechanism as they do at the moment. I never said that the mechanism would need to be removed or reduced, but that it would not interfere with decision-making to the degree to which it does at the minute. However, I defended absolutely the democratic inclusion by mandate. Having been quite central to the negotiations and having it put it into the agreement, I am absolutely adamant that that is where it stays.

The deputy First Minister: Well, you obviously did not convince David Simpson and many other members of your own party in the North who voiced their concern to me about what the speech meant. You certainly did

not convince many people who wrote articles in the papers about what the speech meant.

Mr Durkan: You are talking about an article written by Brian Feeney, who, quite clearly, had not read the speech and went on misreports. He wrote a column that made no reference to the speech that I had made, and went on incorrect reports from the Press Association and on a completely false headline from 'The Irish News'. I accept that people were relying on the version in 'The Irish News' that was fed by Sinn Féin and other distortions. However, in this legislature, we should be talking about truth. I never bear false witness against a neighbour. I hope that the deputy First Minister will stop it.

Mr Deputy Speaker: I ask Members to make their remarks through the Chair.

The deputy First Minister: I rest my case on the fact that, at the time, quite a number of people who read the speech were totally and absolutely confused by the message being delivered. Anyway, all of that is by the by. The fact is —

Mr Durkan: It was not as confusing as "at all times".

The deputy First Minister: The fact is that we face a situation in which efforts are being made to ensure that powers are transferred so that we can put in place a Department of justice and a Minister of justice who will start to deliver for people in communities across the North.

The SDLP's contribution to the debate is particularly negative. They are making a serious mistake and a serious misjudgement about nationalists and republicans on the issue. If the SDLP's amendments were passed in the House today, the prospect of the transfer of policing and justice powers would be put off for a very long time. Therefore, I urge Members to reject amendment Nos 1, 2, 3 and 4 and to support clause 2 standing part of the Bill.

Mr A Maginness: The debate on the first group of amendments has been long, and many of the issues have been examined exhaustively. I do not intend to respond to each contribution in specific detail, but I will deal with the main issues that have arisen.

First, the SDLP is committed fully to the devolution of justice and policing powers. We wanted to see those powers transferred to Northern Ireland and to the Assembly long before now, and any suggestion to the contrary is absolutely untrue. Indeed, as far back as the time of the first Executive, indications were made and discussions took place on the matter. During the negotiations at Leeds Castle, the SDLP again brought forward a proposal to have a proto-Ministry of justice. Although that Ministry would have been a shell, it could nonetheless have been a useful departure for all of us in the Assembly.

Our amendments are timely, and they provide certainty in a process that is untimely and uncertain. Therefore, it is important that the amendments are seen in that context. Through the amendments, we seek to address certain problems with the Bill. In particular, we address the exclusion of the use of the d'Hondt mechanism for the appointment of the justice Minister. However, I will come back to that in due course.

We also seek to address the sunset clause, about which there has been a great deal of talk. We believe that our amendments provide a method of addressing the difficulties that that clause raises. It is important that all Members listen very carefully to what we have to say about that, because we are attempting to bring certainty to a process in which there is uncertainty.

There has been a lot of discussion about what will happen in May 2012. If anybody believes that the debate has created certainty about what will happen in 2012, they have got it wrong entirely. Our amendments deal with timing, and I believe that they are correct in their approach. My party is earnest about and dedicated to resolving this very difficult situation.

Members from Sinn Féin, the DUP, and, indeed, alas, from the Alliance Party, have attempted to misrepresent our views as negative. They have also attempted to claim that we have been obstructive and have put hurdles in the way of the devolution of policing and justice powers. We have not. We believe that our amendments are aimed at expediting the process and that that will benefit all in our society.

The issue of justice and policing is one of great importance to all in our society. Not a day passes in which some issue relating to justice and policing does not arise. There is an urgency to resolve the matter, and our amendments are a way of doing that.

The First Minister and deputy First Minister's decision-making role in bringing about devolution must be considered, and that is dealt with in the second group of amendments. I will not address that now.

The SDLP is not fixated on d'Hondt; it is concerned with preserving the principle of inclusive democracy. D'Hondt is not a principle: Dr Farry said that it was not a principle, and I agree with him. However, the SDLP believes that the d'Hondt mechanism supports the principle of inclusive democracy. If there is one element of the Good Friday Agreement that is necessary and crucially important, it is the inclusivity of democracy and involving all the significant elements of our society in the body politic and in the Executive. Therefore, it is wrong to say that the SDLP has some sort of hang-up over d'Hondt.

We are concerned with maintaining inclusivity in the democratic system in the Assembly and the Executive, and that is what our amendments are about. Under the Good Friday Agreement, d'Hondt is the system that

has been chosen to bring about inclusive democracy. That was approved and mandated by the people of Ireland, North and South. It cannot be casually thrown away, eroded or damaged.

I know that elements in the DUP want to roll back that aspect of the agreement. It is dangerous for any party in the Assembly, particularly Sinn Féin, to allow itself to facilitate the process of rolling back a very important principle of the Good Friday Agreement. Unfortunately, that has been conceded, although Sinn Féin says that that is only for a temporary period. Nonetheless, the strength of that principle is being eroded if d'Hondt is undermined, weakened or, in this instance, removed from the decision-making process of appointing a Minister.

The d'Hondt system is important because it establishes a pecking order for the appointment of Ministers. It is a proportionate system, but it also provides a pecking order so that one party cannot take all of what are regarded as the best and most important portfolios, leaving the rest to other parties. It is carefully calibrated to allow proper representation throughout the Executive, and it is very important that that be preserved.

The system also prevents vetoes. The whole point about a cross-community election is that it provides a veto so that a person can be prevented from becoming a Minister, in this instance a Minister of justice. That is no accident; the system is deliberately designed to provide a veto. The DUP privately and, on occasions, publicly boasted that it could exclude a Sinn Féin Member from becoming a Minister for justice for ever. It did so because it had a veto, and that veto was provided under cross-community election.

8.15 pm

That creates a great injustice, which is wrong. Not only would that exclude Sinn Féin members from becoming justice Minister, it would also exclude a nationalist from becoming justice Minister. On 9 July, the First Minister said that he would veto the appointment of an SDLP Minister. People say that my party makes things up, is alarmist and encourages fear. The fact is that the First Minister said in Downing Street that he would exclude an SDLP justice Minister.

Is it right and proper that the First Minister should have that power to exclude SDLP members from becoming justice Minister? That is a fair point for my party to make: it does not constitute some sort of entitlement claim. Is it right that the First Minister could exercise that veto over the crucial appointment of a justice Minister if the person happens to be an SDLP member?

Of course, Sinn Féin has said that it would support the SDLP in a cross-community vote. That is a hollow representation. That party knows that on 9 July — my birthday, incidentally — the First Minister said that he

would veto the appointment of any SDLP nominee to that position.

Surely, that is a flagrant act of discrimination. People in the North of Ireland, particularly those from the nationalist and republican community, have endured a history of discrimination. That community was deprived of all sorts of benefits — access to housing, access to employment and so forth. The history is here in this very House. The Assembly must do all that it can to stop that sort of discrimination from happening in the future.

At present, it is Sinn Féin, rather than the SDLP, which has got it wrong. The deputy First Minister said that the SDLP has got it wrong. He said that my party does not reflect opinion. If the public knew what has been designed for the appointment of a justice Minister — if they were aware that SDLP members, nationalists and Sinn Féin members are not entitled to be justice Minister — how would public opinion react?

The deputy First Minister: In the past couple of years, the debate on policing and justice has raged among the public. The SDLP has actually majored on it. However, that did not do the SDLP much good in the European elections, in which Mr Maginness was the SDLP candidate.

Mr A Maginness: Does the deputy First Minister seriously believe that, if there were a proper debate on the subject, such as the one that is under way in the House at present, and those facts were presented clearly to the people he and I represent — the nationalist and republican community, who are represented by Members on this side of the House — they would tolerate that situation? I do not believe —

The deputy First Minister: Will the Member give way?

Mr A Maginness: No, you have made your point. I put it to you and to Members of the House that the people in nationalist and republican communities would not find that acceptable. That is putting it mildly; they would be outraged.

Dr McDonnell: Does the Member accept that, after St Andrews, Sinn Féin told us that policing and justice would be devolved by May 2008 and scorned us for suggesting that it had conceded a triple lock? Will the Member give an assessment of what the outcome of that has been?

Mr A Maginness: I am grateful to the Member for his contribution. As far as Sinn Féin is concerned, the genesis of the problem was the deal that it made at St Andrews. The party came away from St Andrews saying publicly that the transfer of justice and policing would take place by May 2008. That is how Sinn Féin misrepresented the situation to the public at large. Of course, the DUP had no intention of making that

happen. Sinn Féin got itself into difficulties on that issue. Again, that is putting it mildly; Sinn Féin tied itself in knots.

Subsequently, at the Assembly and Executive Review Committee, it became clear, through a letter from the First Minister and deputy First Minister, that the arrangements would be for all time. At that stage, Sinn Féin panicked, and the result of its panic was that a further amendment, or rearrangement, was arrived at. The deputy First Minister may look incredulous, but that is what happened at the Committee.

The deputy First Minister: Will the Member give way?

Mr A Maginness: You have had your say, and there is not much more that you can add to extract yourself —

The deputy First Minister: Will the Member give way?

Mr A Maginness: No, there is not much more that you can do to extract yourself from your personal embarrassment. For all time — *[Interruption.]*

Mr Deputy Speaker: I remind all Members to speak through the Chair and to keep to the subject of the debate.

Mr A Maginness: If I offended you in any way, Mr Deputy Speaker, I am sorry. I will comply with your direction.

I outlined how Sinn Féin got itself into that difficult situation. Subsequently, the Member for West Belfast Gerry Adams said that the transfer of policing and justice would take place by November 2008 and that the DUP would not delay the process. Which member of Sinn Féin are we to believe? Sinn Féin puts a brave face and plenty of spin on the situation. However, Sinn Féin was outmanoeuvred at every point by the DUP. In that context and in the context of today's debate, the SDLP's amendments are clear, certain and timely. They provide a genuine context in which to address the extremely difficult issues.

It is important to raise those issues, because they identify the profound weaknesses that exist in the Bill, despite the fact that it is very short. Members cannot consider the Bill without considering the 2009 Act, which is full of booby traps and potential difficulties, not least the sunset clause and the provisions for reining in a justice Minister.

I invite the Alliance Party to look carefully at the Bill. I agreed again with Dr Farry when he expressed concern — I do not know whether that reflected the view of the whole Alliance Party — that a justice Minister may be removed from the Executive on a political whim. I do not think that I do any disservice to Dr Farry by paraphrasing those remarks. He is right; why should a justice Minister be different from any

other Minister in the Executive? If he or she is a full member of the Executive, why should he or she be treated differently? Those are rhetorical questions, because we know the answer.

The deputy First Minister can smile if he wants to, but he has dug a hole for himself. Anyone who is in a hole is advised to stop digging, and these amendments will help him to stop digging. I think that it was Sir Reg Empey who said that the restraints and constraints in the Bill will mean that the justice Minister will be a puppet. That flows from the fact that there is to be an election on a cross-community basis, which means that a Minister can be removed by a cross-community vote.

Mrs Long: Given that the method for removing a Minister has been put place in Westminster legislation before the Assembly has made a decision on how a Minister should be appointed, does the Member accept that it is factually incorrect to say that one flows as a consequence of the other?

Mr A Maginness: This is twin legislation. Although, the 2009 Act was passed in a different institution, the two are interconnected, and one cannot distinguish between them. The Bill could not be implemented if the 2009 Act was not in place, and that is the reality.

Mrs Long: Will the Member give way?

Mr A Maginness: No, I will not, because the Member has made her point. One of her Westminster colleagues Alistair Carmichael actually raised that issue on the Floor of that House. He expressed his deepest concern — *[Interruption.]*

He is a Liberal Democrat, as opposed to a member of the Conservative or Labour parties, and he is associated with the Alliance Party through its sister relationship. I do not have his quote to hand, but I know that he expressed deep concern about that aspect of the 2009 Act. That speaks volumes, and, when the Alliance Party starts to wriggle on the issue, perhaps it should discuss with Alistair Carmichael MP his concerns and the dangers that he saw in that aspect of the legislation. All of this flows together, all of it is interconnected, and it presents a serious danger.

8.30 pm

During the debate on the sunset clause, I listened very carefully to the deputy First Minister and other Members saying that there is nothing to worry about and that it will be all right on the night. Bar a miracle, it will not be all right on the night. If the legislation goes through, as is, the Department of justice will be dissolved.

Mr Hamilton: Will the Member give way?

Mr A Maginness: No. I want to develop that point. I will give way later.

That is a very serious problem; it is not just some sort of legal abstraction. The amendments tabled by the SDLP go some way, at least, towards addressing that. New clause 2A(b) asks the First Minister and deputy First Minister to make a report orally and in writing to the Assembly. It also asks the First and deputy First Ministers to explain:

“the provisions of paragraph 8 of Schedule 1 to the 2009 Act and, in particular, in the event that the Department of Justice is dissolved on 1 May 2012, the consequences of such dissolution for the exercise of the functions that the Department of Justice is to exercise, including such functions as may be conferred on the Department of Justice relating to—

- (i) the imprisonment of offenders;
- (ii) the compensation of victims of crime;
- (iii) the provision of services in relation to forensic science;
- (iv) the provision of services in relation to youth justice.”

The First Minister and deputy First Minister are part and parcel of the justice Department; they would suffer the consequences of that dissolution. That is not frippery or legal abstraction; it is important, and it needs to be addressed by the First Minister and deputy First Minister. They have brought about the situation, so it is their responsibility to give an explanation.

I turn to the cross-community election and the use of the d'Hondt mechanism for the appointment of a justice Minister. New clause 2A would restore the d'Hondt mechanism. However, that would not necessarily exclude the election of a Minister on a cross-community basis.

Careful examination of the amendments will demonstrate that Members who said that we are being negative and destructive and that we are creating hurdles and obstacles — all of which are accusations that have been thrown at the SDLP throughout the debate — are wrong. I ask Members to at least do us the favour of revisiting the amendments so that they can see that they will not provide the alleged outcomes.

Mr Hamilton: The Member spoke about accusations that were made about his party being negative. However, the only person that I heard being negative was the Member. He said that there was no chance of any agreement on the appointment of a justice Minister in the long term between now and 1 May 2012. If he believes that there is no chance of a long-term agreement by 2012, how on earth does he expect the Assembly to agree a long-term position in the two weeks before the Bill receives its Royal Assent? That would be the effect of the amendments that he asked us to revisit.

Mr A Maginness: The Member is ignoring the whole problem of dissolution. I am positive. We have made significant progress on a number of issues in the Assembly, but there are still many outstanding ones. Neither the SDLP nor I have ever lost our optimism during the process and before its inception. We were

positive throughout the 1970s, during the bleakest time in our history. We were positive throughout the 1980s, during the hunger strikes. We created a situation that made the Anglo-Irish Agreement possible in 1985. From that, we moved on to the negotiations, the ceasefires and the Good Friday Agreement.

Mr Deputy Speaker: Order. The Member is straying from the subject being discussed.

Mr A Maginness: Our colleague across the way Mr Hamilton is representing my party and me as being negative. I am optimistic that we can do things together. However, to use Alan McFarland's term, a “back room deal” is not the way to move forward. We have to move together and arrive at solutions on the pressing issue of the devolution of policing and justice. We can achieve that.

If a sunset clause is built in — I wish Mr Hamilton would listen to this point — that creates more uncertainty and instability in the process. A sunset clause does not create certainty or stability. Where is the stability or the certainty if a sunset clause is built in? If a sunset clause is included, stability and certainty are absent, which does a grave disservice to the issue that we collectively seek to resolve.

A number of issues were raised that I hope to address. I answered most of the issues that were raised by the deputy First Minister, who has either misunderstood or wilfully ignored the value of the amendments. This is a way to move forward, not a way to retard progress.

Mr A Maskey: I am trying to discern from the Member's commentary how serious the SDLP is about the need for the transfer of policing and justice powers. I ask the Member to reflect on a debate at which he and I shared a platform with the Law Society not long ago. I clearly recall that we had a fair dispute at the time. It is important to try to establish the truth about the matter.

During the Member's contribution to that debate, he referred to what he called the impasse between Sinn Féin and the DUP over the matter at that time. Mr Maginness said that he could not understand the fuss about the transfer of policing and justice powers because, on one hand, the Policing Board was fully in charge of policing and, on the other hand, there are so many independent agencies in the criminal justice system. He asked what the fuss was about, given that a Minister would be akin to no more than a caretaker.

His view during that discussion caused risible concern among people who attended that meeting, nearly all of whom were lawyers. On one hand, Mr Maginness said that the transfer was a vital issue, whereas, on the other hand, he asked what the problem was because the Minister will be merely a caretaker. Will the Member convey his party's position to the House? That has not happened

yet. The SDLP says that it is committed to the transfer of policing and justice powers. We are saying that it has done absolutely nothing to bring that about. In fact, the SDLP has contributed only negativity. How do the Member's comments at the debate with the Law Society square with his assertion that the SDLP is serious about the issue?

Mr A Maginness: That is an interesting point about the Law Society. When evaluating the justice Department and the justice Minister, it is fair to say — this is the point that I made to the Law Society — that the scope of the Minister's power will be limited by the fact that there are so many agencies and by the existence of the Policing Board, the independent judiciary and the independent judicial appointments commission. Therefore, the Minister's scope and powers are limited and primarily concentrate on two main issues: the Department's budget and criminal justice legislation. He or she will have an important supervisory role over the remaining issues. I never used the word "caretaker"; I would never use that word. The Member is wrong.

Mr A Maskey: You did.

Mr A Maginness: You can say what you want, but you are wrong. I said — I have said it publicly on other occasions — that people have an exaggerated fear of the justice Department and the justice Minister and an exaggerated sense of that Minister's power, which will be constrained by the factors that I outlined, not only to the Law Society but to other organisations. I do not retract one jot of my comments on that matter.

The deputy First Minister said that our proposals had been fast-track proposals. The Good Friday Agreement from 1998 contains a commitment to the transfer of policing and justice. There have been innumerable discussions at various conferences on policing and justice, not only at Leeds Castle. Since the restoration of the Assembly there have been innumerable discussions about the transfer of powers from Westminster, and so it continues.

8.45 pm

There comes a point when we can say that we have exhausted discussions and that we need to come to a decision on policing and justice. We are focusing on the real need to achieve an end result. I do not know how anyone in the House can disagree with that.

The deputy First Minister: The Member ignores the reality that the institutions that we are a part of are power-sharing institutions that work only in the context of people having the ability to rise above all the divisions of the past and recognise the importance of working together. It is legitimate to talk about the fact that the institutions have been restored for the past two years. We are now coming to make-your-mind-up time on the transfer of policing and justice powers. That is accepted by everyone, against the backdrop of a £1 billion

settlement that the First Minister and I recently negotiated with the British Prime Minister. It is incumbent on everyone to recognise that we are fast approaching the time when we must make up our minds.

The Member fails to understand the reality, which is that, if the SDLP's approach were to prevail — although it has no support, other than that from the Ulster Unionist Party — it would mean that the transfer of policing and justice powers would fail miserably, which would set back the effort to devolve policing and justice for quite a number of years.

Mr A Maginness: I listened carefully to the deputy First Minister. I am not sure whether he said that devolution would happen by Christmas of this year, but his party's spokespersons have certainly indicated that. That is what Sinn Féin was looking for. It is a bit rich of Sinn Féin to criticise the SDLP for trying to expedite the transfer of policing and justice. By the way, it is important that the Ulster Unionists are supporting at least some of our amendments.

Mr A Maskey: Only one bit.

Mr A Maginness: Well, only one bit —
[*Interruption.*]

Mr Deputy Speaker: Order. Members must make their remarks through the Chair. [*Interruption.*]

Mr Deputy Speaker: Order. Members must make their remarks through the Chair and from a standing position.

Mr A Maginness: It is important that my party acknowledges the support of the Ulster Unionists for some of our amendments. That is important because that party shares a common view that serious difficulties exist. It is not right for the House to ignore those difficulties. The deputy First Minister's remarks implicitly demeaned the fact that the Ulster Unionists were supporting the SDLP. That is not something to demean; it is something to be proud of. At least we have a common position. We do not, perhaps, have a common position on timing, but we have a common position on the problems that are extant in the Bill.

From time to time, when the First Minister takes the mood, he says that he extends a warm embrace to the SDLP and even to the Ulster Unionists and says that they should be involved in this process and that it is a collective enterprise. It is very hard to take that sort of nonsense.

Mr Elliott: For clarification, there are some embraces that the Ulster Unionist Party can do without.

Mr A Maginness: I accept that point. Nonetheless, it would be good if there were more embracing in the House. I think that the points that we have made in relation —

Mrs Long: Please, no.

Mr A Maginness: Naomi Long is rejecting my advances in that regard. During the Assembly roadshows, I was asked who my dancing partner would be, and I suggested Naomi Long. Obviously, she would reject me as a dancing partner.

I will return to my point: if the DUP and Sinn Féin seriously regard this as a collective exercise, they should make it so. They should not exclude the SDLP or the Ulster Unionists. We do not see that level of “embrace”, in inverted commas. We do not see that level of engagement by the DUP or Sinn Féin.

An internal problem that will arise from the Bill is the appointment of a Chairperson and Deputy Chairperson of a justice Committee; similar issues will arise in relation to that. I believe that this is pertinent and relevant to the problems that are being created. Once you start to chip away at or unwrap something, it will unravel more and more. That is the problem presented to the House today.

The Deputy Speaker: Before I put the Question on amendment No 1, I remind Members that amendment No 1 is a paving amendment for amendment Nos 2, 3 and 4.

Question put, That amendment No 1 be made.

The Assembly divided: Ayes 13; Noes 66.

AYES

*Mr Attwood, Mr D Bradley, Mrs M Bradley,
Mr P J Bradley, Mr Burns, Mr Durkan, Mr Gallagher,
Mrs Hanna, Mr A Maginness, Dr McDonnell,
Mr McGlone, Mr O’Loan, Mr P Ramsey.*

Tellers for the Ayes: Mr P J Bradley and Mr Burns.

NOES

*Mr Adams, Ms Anderson, Mr Armstrong, Mr Beggs,
Mr Boylan, Mr Brady, Mr Bresland, Mr Brolly,
Lord Browne, Mr Buchanan, Mr Butler, Mr T Clarke,
Mr W Clarke, Mr Cobain, Mr Craig, Mr Cree,
Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mrs Foster,
Mr Gardiner, Ms Gildernew, Mr Hamilton, Mr Hilditch,
Mr Irwin, Mr G Kelly, Mr Kennedy, Mr Kinahan,
Ms Lo, Mrs Long, Mr Lunn, Mr A Maskey,
Mr McCallister, Mr F McCann, Ms J McCann,
Mr McCartney, Mr McElduff, Mr McFarland,
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,
Mr Poots, Ms S Ramsey, Mr G Robinson,
Mr K Robinson, Mr P Robinson, Mr Ross, Ms Ruane,
Mr Savage, Mr Shannon, Mr Spratt, Mr Storey,
Mr Weir, Mr B Wilson.*

Tellers for the Noes: Ms S Ramsey and Mr Spratt.

Question accordingly negatived.

Question put, That clause 1 stand part of the Bill.

Mr Deputy Speaker: I think that we need to ask the Question again.

Question put, That clause 1 stand part of the Bill.

Mr Deputy Speaker: Order, please. If Members resume their seats, we will try to get some clarity. There may be some confusion. We have now moved to clause 1, and the vote at this stage will be on clause 1. If Members are clear, I will re-call the vote.

Question, That clause 1 stand part of the Bill, put and agreed to.

Clause 1 ordered to stand part of the Bill.

Clause 2 (Minister in charge of Department of Justice)

Mr Deputy Speaker: Clause 2 — *[Interruption.]*

Order. It is difficult enough to get clarity without Members talking as well.

No amendments have been tabled to clause 2, which has already been debated. A number of Members signalled their intention to oppose clause 2. If Members wish clause 2 to stand part of the Bill, they should vote Aye. If they wish to oppose clause 2, they should vote No. *[Interruption.]* Order. It is my Scotch accent. *[Laughter.]*

Question put, That the clause stand part of the Bill.

The Assembly divided: Ayes 54; Noes 25.

AYES

*Mr Adams, Ms Anderson, Mr Boylan, Mr P J Bradley,
Mr Brady, Mr Bresland, Mr Brolly, Lord Browne,
Mr Buchanan, Mr Burns, Mr Butler, Mr T Clarke,
Mr W Clarke, Mr Craig, Mr Easton, Dr Farry,
Mr Ford, Mrs Foster, Ms Gildernew, Mr Hamilton,
Mr Hilditch, Mr Irwin, Mr G Kelly, Ms Lo, Mrs Long,
Mr Lunn, Mr A Maskey, Mr F McCann, Ms J McCann,
Mr McCartney, 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, Mr Poots,
Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane,
Mr Shannon, Mr Storey, Mr Weir, Mr B Wilson.*

Tellers for the Ayes: Mr P J Bradley and Mr Burns.

NOES

*Mr Armstrong, Mr Attwood, Mr Beggs, Mr D Bradley,
Mrs M Bradley, Mr Cobain, Mr Cree, Mr Durkan,
Mr Elliott, Mr Gallagher, Mr Gardiner, Mrs Hanna,
Mr Kennedy, Mr Kinahan, Mr A Maginness,*

Mr McCallister, Dr McDonnell, Mr McFarland, Mr McGlone, Mr O'Loan, Mr P Ramsey, Ms S Ramsey, Mr K Robinson, Mr Savage, Mr Spratt.

Tellers for the Noes: Ms S Ramsey and Mr Spratt.

Question accordingly agreed to.

Clause 2 ordered to stand part of the Bill.

New Clause

Mr Deputy Speaker: Before I put the Question, I remind Members that —

Order, please. Let us have no more confusion.
[Laughter.]

Before I put the Question, I remind Members that amendment Nos 2, 3, 4, and 5 are interdependent. If amendment No 2 is not made, I will not call amendment Nos 3, 4 or 5.

Amendment No 2 proposed: New clause

After clause 2, insert the following new clause:

“Duty of First Minister and deputy First Minister to report on certain matters

2A. The First Minister and deputy First Minister acting jointly shall make a report orally and in writing to the Assembly within seven days of the commencement of this section—

(a) outlining the functions that the Department of Justice is to exercise;

(b) explaining the provisions of paragraph 8 of Schedule 1 to the 2009 Act and, in particular, in the event that the Department of Justice is dissolved on 1 May 2012, the consequences of such dissolution for the exercise of the functions that the Department of Justice is to exercise, including such functions as may be conferred on the Department of Justice relating to—

(i) the imprisonment of offenders;

(ii) the compensation of victims of crime;

(iii) the provision of services in relation to forensic science;

(iv) the provision of services in relation to youth justice.

(c) explaining that paragraph 8 of Schedule 1 to the 2009 Act does not apply if the ministerial office of the minister to be in charge of the Department of Justice is filled under section 18 of the 1998 Act;

(d) explaining that the ministerial office of the minister to be in charge of the Department of Justice will be filled under section 18 of the 1998 Act if the Assembly fails within seven days of the date of the making of the report to approve a resolution endorsing the arrangement under section 2 of this Act for the appointment of the minister to be in charge of the Department of Justice.” — [Mr Attwood.]

Question put, That amendment No 2 be made.

The Assembly divided: Ayes 23; Noes 54.

AYES

Mr Armstrong, Mr Attwood, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Burns, Mr Cobain, Mr Cree, Mr Durkan, Mr Elliott, Mr Gallagher, Mrs Hanna, Mr Kennedy, Mr Kinahan,

Mr A Maginness, Mr McCallister, Dr McDonnell, Mr McFarland, Mr McGlone, Mr O'Loan, Mr P Ramsey, Mr K Robinson, Mr Savage.

Tellers for the Ayes: Mr P J Bradley and Mr Burns.

NOES

Mr Adams, Ms Anderson, Mr Boylan, Mr Brady, Mr Bresland, Mr Brolly, Lord Browne, Mr Buchanan, Mr Butler, Mr T Clarke, Mr W Clarke, Mr Craig, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Ms Gildernew, Mr Hamilton, Mr Hilditch, Mr Irwin, Mr G Kelly, Ms Lo, Mrs Long, Mr Lunn, Mr A Maskey, Mr F McCann, Ms J McCann, Mr McCartney, 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, Mr Poots, Ms S Ramsey, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Shannon, Mr Spratt, Mr Storey, Mr Weir, Mr B Wilson.

Tellers for the Noes: Ms S Ramsey and Mr Spratt.

Question accordingly negatived.

Mr Deputy Speaker: Given that amendment No 2 was not made, I will not call amendment Nos 3, 4 or 5.

Clause 3 (Short title and commencement)

Mr Deputy Speaker: We now come to the second group of amendments for debate. Amendment No 6 deals with commencement. Amendment No 5, which related to the appointment of the Minister and to commencement, has fallen as a consequence of earlier votes.

Amendment No 6 would remove the current provisions whereby the Act is to come into operation by virtue of an Order made by the First Minister and deputy First Minister and bring the Act into force on 7 December 2009.

Mr A Maginness: I beg to move amendment No 6: In page 2, line 6, leave out from “such” to end and insert “7 December 2009.”

We have had a lot of debate and discussion today about the importance of the transfer of policing and justice powers. The aim of amendment No 6 is to advance the transfer of those powers in a timely fashion. We believe that certainty and timeliness should be brought into the process. There has been sufficient debate and discussion on the issue over many years, and we believe that now is the right time for such a transfer.

The date cited in amendment No 6 is 7 December 2009. The SDLP's proposals have been much discussed. Indeed, the deputy First Minister said that our proposals were an attempt to fast-track the transfer of policing

and justice powers. Given the context of this debate, not to mention the delays and the length of time for which the matter has been discussed, over and over again, a level of exhaustion has entered the debate. My party believes that now is the right time to transfer power. Other Members have said that the SDLP is delaying and preventing the transfer of justice and policing powers, but one cannot have it both ways. Either we are fast-tracking the process or we are delaying it and preventing it from happening.

(Mr Speaker in the Chair)

I believe that we are acting responsibly and in a fashion that concurs with current public opinion, which wants to see policing and justice powers devolved. The public encounter many policing and justice issues daily, and they want to see local remedies to local problems. There is no better way in which to do that than to transfer responsibility for justice and policing back to the Assembly. Therefore, the SDLP makes no apology for tabling amendment No 6. The transfer of policing and justice powers should have happened a long time ago. It was promised at St Andrews, but that promise did not materialise.

Dr Farry: Will the Member clarify what the amendment seeks to do? My understanding of the amendment is that it sets a designated day for setting up the Department. It does not set a designated day for the transfer of policing and justice powers, about which the Member is talking.

Mr A Maginness: The Member misunderstands. If the date were set by way of an amendment to the Bill, the process would roll forward.

Time is running out. Before Dr Farry's intervention, I was making the point that people out there want responsibility for policing and justice to be in local hands and they want that to happen now. It is important that we comply with public opinion, and I have no doubt that public opinion favours the devolution of policing and justice powers. Other Members may disagree, but it is important that we comply with public opinion. The need is there and the demand is there. The deputy First Minister said that there is no good reason why policing and justice powers could not be transferred by Christmas this year, and amendment No 6 offers an opportunity for that transfer to be expedited.

Moreover, if the amendment were made, the decision-making process — at least in its initial stages — would be taken out of the hands of the First Minister and the deputy First Minister, and the specified date, 7 December 2009, would start the process. That is a matter for consideration. It is important that we get the devolution of policing and justice powers right. The SDLP is trying to get it right, and people are demanding that we get it right. Our amendment is very responsible, and I urge all Members to support it.

Mr Hamilton: I will make the point, as I did during the previous debate, that the Democratic Unionist Party supports the devolution of policing and justice. However, we have always made it clear that it was not simply a matter of desire, but that there were issues that needed to be satisfactorily resolved in order for devolution to occur and to have any chance of it operating properly.

One of the conditions that we have spoken about, which was accepted in the process paper that was published by the First Minister and deputy First Minister around this time last year, and on which we have been consistent throughout, is that there must be community confidence. We see that as essential. That is not DUP confidence, or even unionist confidence; it is the confidence of the whole community. That needs to be in place if devolution of policing and justice is to occur.

Everyone knows that this is a sensitive issue. Whoever takes on the post will be dealing with some of the most sensitive issues of any state, such as policing policy, prisons policy and sentencing policy; all those are issues that pertain to policing and justice. One has only to listen to the news on the radio, watch the television or pick up a newspaper to see that those are issues at the forefront of people's minds. This is a matter of grave sensitivity, even in relation to the normal, run-of-the-mill law and order issues, never mind the raft of sensitive issues pertaining to the security situation in Northern Ireland.

Mr Moutray: Does my colleague agree with me that the decision taken last Friday to axe the police Reserve does anything but give community confidence?

Mr Hamilton: There is a series of elements that factors into achieving community confidence. It is important that, even now, before the devolution of policing and justice, people have confidence in the ability of the Police Service to do the job that we all want it to do: to fight crime and tackle terrorism. I agree with the Member that getting rid of some of the most experienced officers in the Police Service is not in any way helpful to building and maintaining confidence in the Police Service's ability to do its job, never mind the prospect of having policing powers devolved.

My party has been consistent on community confidence from day one. As I said, it was one of the stages outlined in the process paper that was published by the First Minister and the deputy First Minister. I know that there are differing views in the Assembly about whether the requisite community confidence exists. It is fair to say that nationalists and republicans believe that it exists, and that unionists believe that it does not exist, at this time. Although we believe that it is not there at this time, that does not mean that we do not believe that it could exist at some stage, or that we

do not want to see the policing and justice powers devolved to the Assembly.

There are historical reasons for that. Our unionist forefathers fought to have those powers rest in this Building at the formation of the state in the 1920s. Indeed, the Parliament collapsed because of the determination of the Westminster Government of the time to take policing powers away from the Stormont Parliament. There is clearly an ideal and a desire on the part of unionists to have policing powers rest in this Building. There is a historical precedent for unionists wanting that, and it has not changed today.

I listened to some of the points that were raised by others in the previous debate — I think that Ms Anderson was one of them — about having control over those important policy areas. I do not think that anybody is under the misapprehension that gaining control of policing and justice policy will somehow mean that we will have direct control over every single case in the criminal justice system. However, at a higher policy level, having control over sentencing policy, for example, is desirable, as is having the ability to influence policy in respect of policing and justice matters and the way in which they interface with the work of other Departments.

As the Chairperson of the Committee for Social Development, I see another housing Bill, which, among other issues, will deal with antisocial behaviour, looming on the horizon. I can see the desirability of having the capacity to interact better with the police and others in the criminal justice system by making that legislation as suitable as possible. We do not currently have that ability. We want to have it, but we do not consider that the requisite community confidence is in place.

9.45 pm

Many issues and factors are involved in building community confidence. There are institutional issues, which have been and will be assisted by the passing of the Bill, particularly clause 2, which deals with the method of appointment.

Financial concerns are a further factor, and, having sat on the Assembly and Executive Review Committee for the past year and a bit, my colleagues and I have seen clearly the great financial pressures that would be placed on the Executive and Ministers if the devolution of policing and justice powers were to occur without the proper financial package being in place. Thankfully, as a result of some strenuous negotiations, it appears that a good financial package is developing. I know that some issues have yet to be finalised, but a package of around £1 billion on top of the moneys that are already in the budget for policing and justice for Northern Ireland seems to represent a good deal. It is certainly much better than the smaller figures that

some would have settled for at various stages in the negotiations.

Continuing republican support for law and order has been an issue. Much positive progress has been made on that, not least due to the strident comments of Mr McGuinness at the time of the murders of the two soldiers at Massereene barracks and of Constable Carroll in Craigavon. That and many other pronouncements made by republican politicians, as well as the engagement of the republican community with the law-and-order system, have been positive. Much progress has been made, and we will look for further progress in the weeks, months and years ahead.

Other issues that have been mentioned must be dealt with satisfactorily to build community confidence; not least is the issue of parading. Some people would like to see that issue sitting separately from that of policing and justice. If the parading issue is not dealt with satisfactorily, it will have the potential to poison any fledgling Department of justice, given the great sensitivity that surrounds it. That and other matters need to be dealt with satisfactorily.

Mr O'Dowd: I have listened carefully to the Member's contribution, at the start of which he spoke about community confidence. He emphasised that it was not DUP or unionist confidence that was required but the confidence of the entire community. I welcome that comment. Does he agree that, in any negotiation, discussion or engagement at or outside the Executive, particularly on policing and justice and other sensitive matters, parties have to be conscious that, although placing demands is perfectly legitimate, their actions may undermine confidence in the entire process? All parties have a responsibility to ensure that they ask that their legitimate demands be dealt with in such a way that does not erode community confidence, the very issue that the Member is speaking about.

Mr Speaker: Before the Member resumes his speech, I recognise that he might feel that what he is saying is relevant to amendment No 6, but Members on all sides of the House can be innovative in how they link amendments to what they might say. The Member should find a way to link amendment No 6 to what he is trying to say.

Mr Hamilton: Funnily enough, Mr Speaker, that is the very point that I was about to make. As there is a well-recognised lack of innovation in the country, I shall take it as a compliment that you reckon that the spirit of innovation has been shown by Members in the debate. If we could bottle it and use it, we could help the economy.

I understand the Member's point; I will deal with it and move swiftly on. He and his party may be used to dealing with parties in negotiations that do not raise issues of grave importance to them in the way that,

perhaps, my party does. He will appreciate that issues such as parading, in particular, are not new: my party has been consistent in raising that issue and the need for it to be dealt with satisfactorily.

The issue is certainly not new to my party's manifestoes and policy positions. The Member will know that my party has consistently raised the issue in the Assembly and Executive Review Committee, of which he is a member and I am a former member. In fact, my party put the need for a satisfactory resolution of parading on that Committee's agenda because of the interface between policing and parading and the damaging effect that such difficult, sensitive issues could have on the fledgling Department and on what we are all, ultimately, trying to achieve: the devolution of policing and justice powers to the Assembly. The Member and his party should bear that in mind.

I will now move to amendment No 6 and the date of 7 December 2009. If the Assembly has learnt anything through the years, it should be that setting totally arbitrary dates is counterproductive. Simply plucking a date out of thin air for no good reason — in this instance, just before the Assembly takes its Christmas recess — in no way advances the cause that the SDLP Members who tabled the amendment seem to espouse.

It is fantasy and fiction. Ultimately, it will be fruitless to try to force any party into devolving policing and justice powers on a date plucked out of thin air. Even if all Members agreed tonight that they wanted the devolution of policing and justice immediately, the date of 7 December 2009 is not practical or achievable for a host of reasons.

I am not even sure that the passage of the Department of Justice Bill and its Royal Assent is achievable by 7 December 2009; never mind the establishment of a Department and the transfer of powers to it quickly thereafter. The Assembly must resolve a host of issues before that could happen, including finance, which I mentioned earlier. The Assembly would have to pass a Supply resolution and Budget Bill before devolution could happen. The First Minister and the deputy First Minister need to agree on a resolution to request that those powers be transferred, which would need to go through the Executive and then, ultimately, to be agreed by the Assembly. A raft of procedures and Orders would have to pass through Westminster.

All that would need to happen before we even dealt with issues such as the identification and appointment of a Minister, and practicalities, such as staffing, accommodation and Committees, which were mentioned earlier. A host of practical reasons makes an arbitrary date such as the 7 December absolutely unachievable. Not only is it unrealistic because of the confidence issues that I talked about earlier, which is why that

was relevant to the point that I am making now, it is unrealistic practically.

The Member and the SDLP should know by now that my party will not be bullied, harried, harangued, cajoled or forced into accepting arbitrary deadlines that are set by them or anyone else. The DUP is led by the need to ensure that the required conditions are correct and in place; we will not be led by calendar dates.

Therefore, I suggest to the SDLP that to set arbitrary deadlines in the Bill, or, indeed, anywhere else, does not advance the aim that it espouses, but only hinders it. I do not want to become involved in an intra-nationalist civil war: I am sure that there will be plenty of that later; and I will leave it to other parties.

SDLP Members say that they are in favour of the devolution of policing and justice. However, plucking an arbitrary date from the air and trying to force it down people's throats hinders what that party is attempting to achieve.

It will come as no surprise that I and my party will oppose the amendment for the reasons I have outlined. We are all travelling in the same direction, but we must all recognise that community confidence is essential. The community must have confidence not only in who holds the post but in this place's ability to exercise policing and justice powers. A plan of action is required to put in place the justice powers to which everyone can subscribe. Given the need to build the community confidence that is lacking, the arbitrary setting of deadlines for any reason is not helpful and serves only to hinder. The DUP will, therefore, oppose the amendment.

Ms Anderson: Go raibh maith agat, a Cheann Comhairle. I declare an interest as a member of the Policing Board. Suffice it to say that I concur with much of the previous contribution, particularly the Member's comments on the onus on everyone in the Chamber, regardless of their political party, to work, through demonstrating leadership in society, to create the necessary community confidence.

The same Member stressed the importance of not interfering in individual cases, but said that parties can shape and determine the policy. I suggest that he reflect on what he said about the full-time Reserve, because his comment could give the impression that he wants to interfere politically to shape policing. He should not do that, and for him to send out such messages, particularly now, is unhelpful.

Amendment No 6 would create a Department of justice almost immediately, by 7 December 2009, which is before the enactment of the Bill. The selection of that date is indicative of the confusion that the amendment and contributions from SDLP Members today causes me, members of my party and others. As pointed out by the previous Member to speak, the amendment

could create a Department without responsibilities or functions. That makes no sense, because the Bill does not transfer any responsibilities.

The final step towards the transfer of policing and justice will be taken when the First Minister and deputy First Minister bring a motion requesting it to the Assembly. That will trigger the necessary reciprocal steps at Westminster, from where responsibility will be transferred. The SDLP amendment shows no understanding of that process.

The amendment is even more confusing because the SDLP voted against the principles of the Bill at Second Stage and expressed concerns about the sunset clause. We heard much about that today and about how the Minister will be appointed. Yet the Department of justice that the SDLP wants to create will include all that. It is little wonder that the SDLP lacks credibility on the issue beyond these walls.

Sinn Féin will reject the amendment because it is entirely unrealistic, and it should be rejected by everyone in the Chamber. It is up to the SDLP to reflect on the import of the amendment because it is, frankly, a shoddy piece of work. Given its potential impact, the SDLP should not pursue amendment No 6 in the Chamber this evening.

10.00 pm

Mr Elliott: Much has been said today about community confidence and sensitivities, and that goes to the heart of not only the Bill but the date proposed in amendment No 6.

Mr Hamilton outlined a range of issues that bring about community confidence and that are part of the sensitivities not just of the unionist community but of the entire community. I am concerned that a fabricated process and timescale have been proposed today. Community sensitivities are a vital consideration.

Mr Speaker, I ask you to allow me some latitude to speak about the full-time Reserve and parades. I urge caution on the parades issue, because if we get that wrong, it will cause huge damage, and it will be even more difficult to resolve after the devolution of policing and justice, which will not be resolved by 7 December.

I am concerned that the proposals in the report on the strategic review of parading will be adopted, because those will cause even more political damage and difficulties throughout the process by giving some powers to local councils and, indeed, to the Office of the First Minister and deputy First Minister. If that happens, there could be huge conflict in the days ahead. That is why I am concerned that we will not be able to meet the 7 December deadline in any circumstances or to address some of those issues on a much longer-term scale.

I was delighted to hear the DUP comment that it will use the full-time Reserve as a deal-breaker. I believe that the full-time Reserve has given a huge amount to society and community, so to try to force its members out of their positions in a short timescale is unsatisfactory, particularly given our present level of policing resources and the experiences of the Police Service at this time. That is totally unfair, unreasonable and unhelpful to the policing situation in the Province.

I have not heard the SDLP give a good reason as to why it has proposed the date. It has talked about wanting to progress the issue of policing and justice by getting it devolved as soon as possible, but it has not backed up that argument with proper reasons. Therefore, I am happy to hear any such reasons when Mr Attwood makes his winding-up speech later. We want to be absolutely sure that the community has confidence, and that point has been highlighted time and again today. We are not going to have the issue settled this year or early next year, let alone on 7 December, as is proposed in amendment No 6.

Earlier, I asked a question about a comment that the Sinn Féin leader made about the DUP being in breach of the commitments that it entered into at St Andrews. I wonder whether that has anything to do with the timescale. I did not get an answer earlier, so I am willing to listen to any answer or explanation that the party can give about those commitments. I am sure that the House is also keen to hear and understand those, because if commitments were given to one particular party, it is only right that the rest of us hear about them, too.

I think it was Mr Hamilton who mentioned the IRA army council, and, at this stage, there is no clarity as to whether that is out of operation. I am concerned that the IRA army council is still intact and very much part of the entire republican process. That is why I do not believe that there is the community confidence to bring the Bill forward and enact it by 7 December, let alone deal with the practical outworkings that we have heard about and the difficulties arising from those.

It is imperative that both sides of the House build community confidence. It was said that this issue is not just about two parties; although, it is those two parties that have driven the issue forward and taken the lead. Whether the deadline is 7 December, early next year, or the middle of next year, I am concerned about how that process will develop, particularly in relation to the powers that the justice Department and Minister will have.

I do not believe that there is any logical purpose in even trying to think of moving towards enacting the Bill by 7 December. I would like some of my questions answered; in particular, whether any commitment was given at St Andrews about the timescale. We are aware that, following the St Andrews Agreement, legislation

went through Westminster that changed the designation of the First Minister, whereby that post is filled by the largest party and not the largest party from the largest designation as was originally legislated for. That is something that the Ulster Unionist Party finds absolutely disgraceful and which it did not, and does not, support.

The Ulster Unionist Party opposes amendment No 6.

Dr Farry: The Alliance Party opposes amendment No 6. Mr Elliott referred to a fabricated deadline, and we are happy to agree, at least on that point, with the Ulster Unionists. However, we reject the argument that it is a fabricated process. We will take the small crumbs of agreement where we can get them.

The first question that we have to ask is what is the point of amendment No 6? My conclusion is that, essentially, it is empty gesture politics. The amendment sets a commencement date for the legislation and sets up a Department of justice. However, that Department of justice will be a shell, as is clearly stated in the Bill's explanatory and financial memorandum.

Amendment No 6 does not establish a date for the transfer of policing and justice powers to the Assembly. We need to be clear about what we are voting on and that the misinformation that some Members may peddle after the debate, about the so-called missed opportunities for devolution, needs to be confronted.

The process for transferring the powers of policing and justice has already been set out clearly. For better or worse, whether one is for or against it, there is a quadruple lock on that process. The First Minister and deputy First Minister are required to table a motion, which has to be voted for by the Assembly on a cross-community basis, which requires certification from the Secretary of State, and which requires a vote in Westminster. That is the process by which devolution will occur. Whether we set a date for the establishment of a Department of justice tonight will have no impact on bringing forward the devolution of policing and justice. We are being asked to sign up to an empty gesture.

I wonder whether the target of 7 December can be met. It is my understanding that the earliest date at which the Assembly could finish the legislative stages of the Bill is 1 December, six days prior to the so-called commencement date.

I am not sure about Her Majesty's availability in the intervening period, but it is asking a lot to assume that Royal Assent will be granted by 7 December. However, that is of limited consequence, because I am not sure what setting up an empty-shell Department would achieve: that probably just shows a bit of confusion about the process.

My party is committed to the early devolution of policing and justice. Society is ready for devolution, and it is important for the credibility of these institutions

that we have the appropriate powers of a regional Government, including policing and justice. The devolution of policing and justice is an important aspect of our peace process and is perhaps the most important of the outstanding aspects. There are major opportunities for joined-up government to tackle the issues that Mr Hamilton mentioned, such as antisocial behaviour and levels of offending. Therefore, there is a prize for ensuring that the devolution of policing and justice is achieved as quickly as possible.

As much as I want those powers to be devolved, I appreciate that the date for that will only come through political agreement. Setting arbitrary deadlines may make us feel a lot better about ourselves, but it will not get us any closer to agreement. In some respects, it may even be counterproductive and further feed those inside and outside the Chamber who are intent on causing mischief on the issue and on blocking further progress in our society and the building of further peace and stability.

Members mentioned the importance of community confidence. I recognise that that is an issue. However, a large degree of confidence already exists. It is not our job as political representatives to merely respond to community confidence. Every party and every Member in the Chamber can influence community confidence. The DUP, in particular, can show leadership on the issue and further enhance community confidence. That is an opportunity and a challenge for the DUP.

It is legitimate to raise issues in advance of the devolution of policing and justice, including those relating to confidence, provided they relate directly to how policing and justice will be conducted once devolved. There are two aspects to that. First, it was right to pursue a financial package, and I am pleased that significant progress has been made in that regard. However, we should note with caution that the package only addresses legacy issues and provides a contingency for addressing them. There are, and there will be, ongoing financial and resourcing pressures in the criminal justice system. Those pressures exist and, no doubt, will be even more difficult in the future. Therefore, resourcing issues still exist in the system.

Secondly, it is right to ensure that the proper policies are in place to make devolution a success. I reiterate that confidence is not something that will happen before devolution; it is part of an ongoing process and will be enhanced by the successful operation of devolution by a Minister, the Executive and the Assembly. That means providing tangible results and change. I welcome the hunger for that to happen that has been expressed from different sides of the Chamber.

Mr Alban Maginness expressed concern about the security of tenure of a future justice Minister. Agreement on policy will go a long way towards addressing the

issues raised by my party and those raised by Alistair Carmichael in the House of Commons in March.

10.15 pm

I urge Members to be cautious about bringing other issues, such as alleged issues of confidence, to the process at this stage. That will cause confusion, create needless obstacles and will, frankly, provide an opportunity for people outside the House who are intent on making mischief and on spoiling the process to intervene, to cause division and to frustrate, or even to block, the devolution of policing and justice. Those who are highlighting other issues and trying to make linkages to devolution need to be cautious.

Mr Elliott: Will the Member provide a flavour of the Alliance Party's position on the future of the full-time Reserve?

Dr Farry: The Member will probably recall that the Alliance Party supported the resolution that his party brought to the Chamber that asked the Chief Constable to conduct a further review. However, that resolution was, quite rightly, framed in such a way as to respect the Chief Constable's right to make that decision. The Chief Constable has made his decision. Rightly or wrongly, he has the operational independence to make that call.

Controversial issues on policing and justice matters already exist in our community and will continue after devolution. The suggestion that we must address all those issues in advance of devolution misses the point and ignores the Assembly's opportunity, and that of its elected representatives, to find its own made-in-Northern-Ireland solutions to those problems. That is our purpose; it is what we have electoral mandates to do. We should move on and solve those problems ourselves rather than rely on the British Government to do so at third hand. We have that ability.

The issue of parades, about which I share some of Mr Elliott's concerns, should not be linked to the devolution of policing and justice. Nevertheless, it is an important issue for our community and one that has the potential, through Lord Ashdown's review, to perhaps move towards a rights-based approach and to consider fresh institutions. However, that is a separate debate.

In conclusion, I do not see the purpose of the amendment at this stage. It is simply an empty gesture that does not move the devolution of policing and justice further forward. If anything, it will create confusion and provide further ammunition for people inside and outside the Chamber who wish to frustrate the process. I am committed to the early devolution of policing and justice, but I am realistic enough to know that it can be achieved only through political agreement. I encourage those who have the ability to make that

agreement, to do so as quickly as possible, because people are becoming frustrated as the saga continues.

Mr McFarland: I will try to be brief because I am conscious that it is late in the evening. Amendment No 6 relates to timing and to a date for devolution. That gives rise to the question of how to measure community confidence. That will directly impinge on whether 7 December 2009 is a realistic date to strive for.

I will comment briefly on issues that affect confidence. First, we do not believe that the institutions are stable. As Members know, the issues in education, the fact that the Executive did not meet for 154 days and the treatment of the SDLP and the Ulster Unionist Party on the Executive provide clear evidence of that instability and lead to suggestions that the institutions are not yet stable enough to receive policing. In that case, how does one judge when community confidence exists?

In November 2008, the First Minister and the deputy First Minister produced their report on the devolution of policing and justice, in which they indicated that community confidence, in simple terms, would exist when Peter and Martin said so. We have evidence from Jeffrey Donaldson, who, as we speak, is probably locked up in DUP headquarters awaiting court martial for sabotage after his deal-breaker interview on 'The Stephen Nolan Show'. Jeffrey Donaldson recently said that DUP MLAs would be sent to their constituencies to report on whether confidence existed. Of course, those are the same MLAs whose signed resignation letters are stashed away in their leader's drawer, so no one should be too surprised when the reports come back positive.

There is little point —

Lord Morrow: The Member talks about community confidence and tries to outline how the DUP might conclude that such confidence exists. It would be useful if Mr McFarland shared with the House his definition of community confidence.

Mr McFarland: Community confidence will exist when the community believes that the Northern Ireland Assembly is stable and ready to deal with something as contentious as policing and justice powers. Parades and other issues will have to be dealt with when those powers are devolved, so the question is whether the Assembly is stable. One has only to look at the past year of total chaos at the top, at First Minister and deputy First Minister level, and the malfunctioning Executive. Any Member who thinks that the community believes that the Assembly is stable and, therefore, ready to accept policing and justice powers must re-examine the situation.

Mr Paisley Jnr: Will the Member give way?

Mr McFarland: Oh, all right. I was trying to be quick, Mr Speaker.

Mr Paisley Jnr: I appreciate that the Member is trying to make his point. Will he explain, in light of his comments, why his party was ready to devolve those powers in 2005?

Mr McFarland: My party was not ready to devolve those powers in 2005. The organisation of the process was heavily predicated on a list of things that, had they happened at the time, would have given the community enough confidence to consider the devolution of policing and justice powers.

I will move on. There is little point in setting a date in amendment No 6. Policing and justice powers will be devolved when the Sinn Féin/DUP politburo decides that they will. However, I ask my colleagues and the House to spare a thought for the internal turmoil that the DUP is going through. We think of Nigel Dodds's phrase "a political lifetime" and of Dr William McCrea, who said that the devolution of policing and justice was several light years away.

How does the DUP square that with the clear understanding that its leader has with Sinn Féin that led to the November 2008 letter? A clear understanding exists, and the deputy First Minister has been given assurances that this is a goer. We heard tonight that it might happen before Christmas. How exciting. It is my guess that the leader of the DUP has given assurances; I wonder whether the troops on the ground can square that away.

My party will oppose amendment No 6 and the changes to clause 3.

Mr Durkan: Amendment No 6 is straightforward. We were told earlier that the Bill would be a landmark on the way to the devolution of policing and justice powers. Amendment No 6 is an attempt to enhance that landmark. It is not a wrecking amendment, nor is it intended to damage the Bill; it is intended to enhance it and to give it meaning.

Notwithstanding our objections to clause 2 and the various attempts that we made to amend the Bill, we say: let nothing stand in the way of giving effect to the Bill. If that is how the devolution of policing and justice powers is to take place, let nothing stand in the way of it; let there be no new extraneous preconditions or linkages and difficulties created here or outside.

Clause 3(2) says:

"Sections 1 and 2 and the Schedule come into operation on such day or days as the First Minister and deputy First Minister ... may by order appoint."

Amendment No 6 provides a definite date, which would be the date given in clauses 1 and 2. It is a straightforward amendment.

If clauses 1 and 2 mean so much and are so important, what is wrong with providing more certainty as to when they will come into being? As other Members have said, our amendment would not make 7 December 2009 the target date for devolution. All sorts of other things have to happen. Other votes are needed in the House, and a vote must be made on a proposal from the First Minister and the deputy First Minister. A resolution will be needed from Westminster.

Mr Ford: I must confess that I am a little bit confused. The Member's party voted against the Second Stage of the Bill and produced various amendments that would heavily qualify the ability to move forward. It is now demanding a specific date of 7 December by which to move forward, yet says that that will change nothing. Will the Member confirm that he will vote for the Final Stage of the Bill, to make up the complete set of possible alternatives?

Mr Durkan: The honourable Member is deliberately feigning confusion. The confusion is not on the SDLP's position; the confusion has been on the Alliance Party's position throughout. Not so long ago, that party was saying that there was no urgency for the devolution of justice and policing; that no one was asking for or seeking it. We were saying that there was urgency around the devolution of those powers, and have done for a number of years. We have been very clear about that.

The Alliance Party says that we are trying to block the devolution of justice and policing and create difficulties. None of the amendments that we have proposed would create difficulties. Those amendments are to try to remove difficulties. We are not doing anything to prevent devolution happening now or soon; we are trying to prevent dissolution happening unnecessarily in May 2012, and to ensure that we have full insurance against that possibility.

The SDLP wants that insurance for whoever is Minister for justice; whether they are from the Alliance Party by virtue of cross-community vote, or whoever it is. When Alistair Carmichael protested in the House of Commons about how easily the Minister appointed by cross-community vote could be dismissed, we supported that. Even though Alistair Carmichael made it very clear that he was making that point on behalf of the Alliance Party, we absolutely supported it.

Mr Ford: He did not.

Mr Durkan: He did.

Mr Ford: He did not mention the Alliance Party.

Mr Durkan: It was very clear whom he was speaking for.

Mr Ford: He never mentioned the Alliance Party.

Mr Durkan: It was very clear whom he was speaking for, and other people made it clear whom he was speaking for, to which he nodded proudly.

Mr Speaker: Order. The Member has the Floor, but I remind him to be innovative in how he might link amendment No 6 to what he is saying.

Mr Durkan: I am partly replying to the earlier contribution from Dr Farry about the amendment. He touched on that point.

We are told that the Bill will be a landmark, yet we are also told that anything that would give a definite date for the introduction of clauses 1 and 2 would be an empty gesture. If a definite date for clauses 1 and 2 is an empty gesture, it does not say very much about the meaning of those clauses. The contradictions are on the part of those who are attacking the SDLP's proposed amendments; they are not within the SDLP's position or amendments.

If these clauses are so significant, let us make the most of that. We do not want a situation where people say that there are all sorts of preconditions about the due date for clause 1, and there would be a whole new set of preconditions, issues and tensions in and around the due date for the commencement of clause 2. There would then be all sorts of issues, preconditions, contentions and jockeying around the other events that have to be dealt with, including votes in the House. That is why we are trying to remove a lot of the clutter and the temptation to grandstand and to bundle or barter various issues in ways that create difficulties, not just within this process, but possibly within the wider community.

It is good hygiene and good management for us to outline the ways in which we will move forward. If sections 1 and 2 will determine how the deal is done, let us set a definite date.

10.30 pm

Mr O'Dowd: Is it not the case that the SDLP has brought forward this amendment because of the negative public reaction to its voting against the transfer of policing and justice? Some SDLP Members did that at Westminster; others had left early. However, all the SDLP Members voted against the transfer of policing and justice in the Assembly debate on 22 September 2009. The negative public reaction to that has led the SDLP to bring forward an amendment that it knows is impractical and unworkable but that will allow it to say that it proposed a date for devolution that everyone else voted against.

Mr Durkan: The Member said that the amendment is unworkable. If that is the case, there was nothing sensible, feasible or honest in Gerry Adams's statements about the need for agreement before Christmas. The deputy First Minister also made it clear that it could all

happen before Christmas. The two sections will not in themselves deliver devolution, but a suggested date, which is before our Christmas recess, is apparently not feasible or realistic. That begs the following question: where does the importance of having agreement by Christmas lie?

We are trying to give some certainty by Christmas as a way of building confidence. We heard throughout the debate about the importance of building confidence. What is wrong with giving a definite date for the commencement of sections 1 and 2? That would help to build confidence. I understand, from the conversations that parties are having with the First Minister and deputy First Minister, that the First Minister and deputy First Minister regard the identification of a Minister of justice as a key factor in building confidence.

We are being told that the identification of the Minister of justice may not necessarily be the same as the election of the Minister of justice. However, I think that making those the same thing would be better and more straightforward. It would make people less confused and a little more confident. If a Minister has been identified and can be seen to be working on the relevant issues, people will have a feel for things and trust will be built. If a Minister of justice is identified but given no status or accompanying furniture and equipment, it may be harder for that person to have the effect of building confidence.

Members say that going ahead with section 1 would create a shell of a Department, but that is what section 1 does, so they are slagging a section that they supported. Similarly, by decrying section 2 as creating a shell of a Department, those people are decrying a clause that they fully supported. What would be wrong with identifying a Minister and creating a Department while we wait for the transfer to take place?

Mrs Long: The Member is saying that by not agreeing to the insertion of a date into the Bill, one is saying that sections 1 and 2 will create an empty shell. That is clearly not the case, because OFMDFM's agreement to deliver on sections 1 and 2 of the Bill as it stands comes with an agreement to put a motion to the House that will trigger devolution. It is very clear that that would not create an empty shell, but a Department that was created ahead of those parties agreeing to bring a motion to the House would be an empty shell. An empty shell of a Department would be created by accelerating that part of the process.

Mr Durkan: I correct Mrs Long in that we did not introduce the term "empty shell". Members making the case against our amendment said that inserting these dates would create an empty shell. Last year, the First Minister and deputy First Minister produced a list of issues that would have to be addressed. That list was not sequential, but it included the identification of a

Minister of justice. In conversations with us this week, the First Minister and deputy First Minister placed much importance and value on the Minister being identified ahead of devolution because that would help to build confidence. If it is so significant, let us give it more meaning.

Dr Farry: I am grateful to the Member for giving way. We heard a lot earlier about the need for certainty and the potential catastrophe that will ensue if we do not have it. As we stand today, there is no certainty about when we will have agreement among the parties in this Chamber about when the devolution of policing and justice powers could occur. If we go ahead with the amendment that the Member has suggested and set up a Department and put in place a Minister, that will occur without any certainty about when the devolution of those powers will follow. Potentially, in the worst-case scenario, which his party has been very good at talking about today, we could have a situation in which a Department and a Minister sit almost indefinitely waiting for devolution to occur. In whose interest would that be?

Mr Durkan: I refer the Member to what was said about the importance of identifying the Minister. We are told about the importance of this legislation and that it is a landmark Bill on which there should be such reliance. We are trying to say that if the Bill is so important, it is a step forward. It is not the precise step that we want to take, but it is the way that things must go if we are to move the situation forward. By trying to include that date, we are trying to encourage Members to get a bit more definition and purpose regarding the matter.

The Member also suggested that there are all sorts of difficulties and uncertainties ahead. The contradictions are not in our position; rather, they are in the position of those who argue against us. People told us that the situation was grand, and the Member, in his contribution, talked about agreement and those who were capable of delivering it, and gave all sorts of praise and high expectation. At the same time, however, he said that things are so uncertain that we cannot even afford to talk about dates.

Some other Members who argue against us said that it is important that the process is completed before Christmas. We are trying to take the modest step of having the two key sections in this Bill at least given effect and commencement before Christmas recess. What is wrong with that?

It is a bit dishonest of Members to attack us for putting in dates. Some of them would be the very first to attack us for having no dates or timetable, and having a completely indefinite and non-urgent position. There has been a continual misrepresentation, in today's debate and previously, from Sinn Féin about the SDLP

and the question of the timing of and commitment to the devolution of justice and policing.

We wanted to negotiate the whole issue of justice and policing as part of the Good Friday Agreement. Unfortunately, we could not get any other party to agree to negotiate at that time, which is why we had to rely on the device of an international commission. When the Patten report was implemented in 2001, we pursued the devolution of justice and policing at that stage. In various talks subsequently, including at Weston Park, Hillsborough and Leeds Castle, we always mapped out how the issue of a timetable for the devolution of justice and policing needed to be part of the implementation timetable for any agreement. Therefore, I reject fully the allegations that we have only lately developed some urgency and concentration around delivering the devolution of justice and policing.

This amendment is not the first time that we have proposed having a designated Department in place and a Minister who is ready to receive devolved powers. During meetings of the Preparation for Government Committee in 2006 and early 2007, we proposed that there should have been a Department, which could have been referred to as a proto-Department, that could have had some devolved functions and waited for the other functions to be devolved. Of course, any Minister and Committee could have worked on a lot of the issues that needed to be dealt with in the run up to the devolution of justice and policing. Some of those issues are being addressed, one way or another, by the Assembly and Executive Review Committee.

Let nobody deny that we made those proposals. Once more, we could not get any takers for them. It is not our fault that others were not prioritising the devolution of justice and policing, or that others believed that they had a better way of making it happen quicker.

Of course, those who are saying that we do not need this timetable are the same people who told us that they already had a timetable for the complete devolution of justice and policing. They were the people who went out and misled the public that the St Andrews Agreement gave a definite date, an absolute guarantee that justice and policing would be devolved by May 2008. We pointed out that that was not so, because it was quite clear that the DUP had not agreed that and was still sitting on its triple lock, which it then inflated to a quadruple lock. It is now clear who told the truth about that. Sinn Féin issued denials and lied to the public that there was a definite and absolute date and that it was a given.

Mr T Clarke: Will the Member give way?

Mr Durkan: Clearly, it was not, because May 2008 came and what the SDLP said proved correct. I would have much preferred that we had had devolution; if not in May 2008, then later in that year.

Mr T Clarke: Will the Member give way?

Mr Durkan: I will give way for the very obvious point that the Member is going to make. The Member wants to gloat.

Mr T Clarke: I thank the Member for giving way. He may want to take a breath and fill his lungs, so that we can endure a wee bit more of his speech. Perhaps he might tell us who actually got the quadruple lock? Sorry, I missed that point; perhaps it was when the Member was becoming exasperated.

Mr Durkan: Who got the quadruple lock hardly needs repeating, and I do not think that a triple or a quadruple reference to who got or allowed the quadruple lock is necessary. The issue here is the importance of deadlines and target dates. Other people took a target date that was expressed by the Governments and pretended to the public that it was a deadline. It is clear that we were telling the truth and Sinn Féin was not. We do not mislead the public on such issues.

Where we spot dangers, where we spot vetoes that will be used, manipulated and abused, and where we spot potential difficulties, we try to minimise them and point them out so that people are not shocked and surprised when they happen. That is what we have tried to do today, with our amendments. The amendments were tabled as an opportunity for Members of all parties to show a bit more commitment and purpose around delivering on policing and justice.

The amendments are also an opportunity for the SDLP to show that notwithstanding the serious misgivings that we have about how Sinn Féin and the DUP have engineered and gone about dealing with the situation, we want nothing to stand in the way of the devolution of justice and policing. We are making and have consistently made that clear. We have a fundamental issue of principle about the departure from d'Hondt, but we will not let that get in the way of the devolution of justice and policing. That is clearly shown by amendment No 6.

We are not pretending that the amendment is, of itself, a date for devolution or anything else. We are not mis-selling the amendment either inside or outside the House. Unlike other parties, we do not present dates to mislead, distract, needle or provoke people. The date in the amendment is a genuine effort to test the commitment of other parties.

I go back again to the First Minister and the deputy First Minister saying that identification of a justice Minister is key to building confidence. I believe that dealing with some of the issues around the new Department would help to build confidence. Amendment No 2 would have ensured a report from the First Minister and the deputy First Minister within the next couple of weeks. Amendment No 6 would provide a commencement date. I believe that all that would have

contributed a great deal of confidence, and would have allowed us all to move on.

Mr Speaker: Order. I again remind the Member that we have already dealt with some of the amendments that he is talking about. I know that it is late in the evening, but it is important that we focus on amendment No 6.

Mr Durkan: Thank you, Mr Speaker. I was just about to give way to another Member.

Mr Poots: I thank the Member for giving way. I remind him that 7 December is approaching fast and the timetable may be missed unless he winds up his comments reasonably soon. *[Laughter.]*

The Member has talked about the hygiene of the empty shell, the furniture and the equipment, but I do not know about the detail. However, do I detect from the Member that he is now happy enough to accept that we are ready to remove the “ugly scaffolding” of the Belfast Agreement, and to move away from d'Hondt? I detected that he is now happy to move away from d'Hondt.

10.45 pm

Mr Speaker: Order. Once again, I remind Members that it is very important that their comments refer to amendment No 6, even during interventions.

Mr Durkan: I have not said anything to indicate that we are happy to move away from d'Hondt and inclusion. We are making it clear that, notwithstanding our serious concerns and reservations, which we expressed today and previously, we see the imperative of moving on. Members are talking about building confidence, and we want to make that confidence real. We do not want the notion of confidence building to be a ruse for Members to set out partisan stalls or be a device to enable them to report back from their constituencies about this or that confidence issue in order to add to all the difficulties.

At this stage, having listened to what many parties have said about extraneous confidence issues, and in order to move the issue on, we think that we should provide Members with a bit of collective discipline and focus, and that is why we proposed a commencement date. It is an offer and an invitation to parties. It is not a trick or a trap; it is to assure Members about our good efforts and intent. *[Interruption.]*

Mr Speaker: Order.

Mr Durkan: What is wrong with trying to give a bit more shape to clauses 1 and 2? Given how far we have to go, we are better to take those steps sooner rather than later. We do not want to borrow any more difficulties or allow people to confect new issues and conflate old ones, which is what our amendments are trying to prevent.

Some Members may be hugely confident that, in the absence of the proposed commencement date, everything is going to happen quickly. I wish that I could derive some confidence from them, because they are saying that the reason for not doing so is because all sorts of other difficulties exist. Yet, at the same time, they are saying that there is great confidence, agreement is just around the corner, and they do not want to shatter it with a deadline or a date. The confusion is not as a result of us proposing a suite of amendments. It comes from those who have contradicted themselves in the various arguments that they used against the amendments, including amendment No 6.

The deputy First Minister: I oppose amendment No 6, which would mean the Department of justice being established almost instantly; indeed, arguably before the Bill is likely to be enacted. That would create an interesting legal conundrum. It would be a Department without responsibilities and functions, because the passage of the Bill does not, in itself, transfer any responsibilities.

As Martina Anderson said, the final steps towards the devolution of policing and justice will be taken when the First Minister and I bring a motion to the House to request that. That will trigger the laying at Westminster by the Secretary of State of an Order in Council under section 4 of the Northern Ireland Act 1998.

The commencement provision in clause 3 is to enable the First Minister and me, acting jointly, to activate the Department of justice shortly before devolution day, which will be fixed legally by the Order in Council. The Bill's commencement provisions will afford us flexibility for which we might be grateful in the latter stages of the process. Similar provisions are found in many pieces of primary legislation, and they will help to ensure a smooth transition at the point of devolution and in line with future decisions of the House.

The SDLP is continuing to put up a stout defence of its amendments, which, if passed by the Assembly, would prevent the transfer of policing and justice powers. Conveniently, and in a very silly way, the SDLP is ignoring the politics with which we are dealing. The fact is that there must be agreement between the First Minister and me vis-à-vis how we take the process forward.

Mark Durkan and I were part of an Administration from December 1999 right through to October 2002, at a time when the SDLP and the Ulster Unionists were in the lead. It is quite legitimate to ask why the transfer of policing and justice powers did not happen then. Why was no effort made by either the Ulster Unionist Party or the SDLP to make that happen?

Mr McFarland: The Minister is only too well aware that we spent four years trying to persuade organisations close to him to give up their weapons and allow a normal,

peaceful, society to exist. The answer to his question about why those powers were not transferred is this: the Provisional IRA would not hand in their weapons. *[Interruption.]*

Mr Speaker: Order.

The deputy First Minister: I really do not understand that contribution. The fact is that we were part of a power-sharing Administration. I was the Minister of Education, and Bairbre de Brún was Minister of Health, Social Services and Public Safety. Between the two of us, we had more than half the block grant to dispense in the interests of health and education. So, the Ulster Unionist Party and SDLP were in government with Sinn Féin at that time. I do not understand the argument that it could not have happened because there were armed groups on the outside. I was playing my part in a genuine way alongside Bairbre de Brún and all the other Ministers in that Executive in trying to make the power-sharing institutions work.

This evening, we have heard the leader of the SDLP fantasising about the role that the SDLP has played in relation to the transfer of policing and justice powers. That is a matter for the SDLP: it is late in the evening. However, no real effort was made at any stage of the process to bring about the transfer of policing and justice powers. No real effort was made by the SDLP until such time as Sinn Féin effectively put it on the SDLP's agenda.

We are at a critical juncture of the process. A major negotiation has taken place with the British Government in regard to funding. Listening to some of the contributions, particularly those of the SDLP Members, one would almost think that we are involved in a charade, that this is all for the optics and that we are not serious about making this happen unless we go down the route laid down by the SDLP. Nothing could be further from the truth. We have negotiated a very substantial financial settlement.

As late as last Saturday, the British Prime Minister made it absolutely clear to the First Minister and me that we will not get one penny of his offer of around £1 billion if we do not conclude the deal on this issue. As time goes on and the public sees that this very substantial offer is available, if there is a delay in moving forward with this, people will legitimately ask why that money is being withheld from the PSNI and the Court Service. There is an imperative on us to make progress and to ensure that we are in a position to give as much support as we possibly can to important institutions working on behalf of the people in the North.

Mr Kennedy: I thank the deputy First Minister for giving way. Is he prepared to share with us whether the Prime Minister has indicated a deadline by which time that deal should be accepted? The Prime Minister

himself has a limited shelf life, which might last only until May or June next year.

The deputy First Minister: The Member uses the word “deadline”. Responsibility for agreeing the date by which power is transferred rests with the First Minister and me. We are presently engaged in important work to make that happen. The First Minister and I would appreciate more support from the SDLP and the Ulster Unionist Party.

I know that the Ulster Unionist Party has its own agenda. I have watched very carefully how that party has behaved since the European elections, and I have said on several occasions to key negotiators in our team that the UUP is cosying up to Jim Allister and the TUV. Despite Jim Allister’s constant attacks on these institutions and the numerous claims that he has made about his desire to dismantle them and bring them down, I have yet to hear a senior member of the Ulster Unionist Party criticise him and the TUV. Therein lies the reason for the Ulster Unionist Party’s lack of support on this critical issue.

I am not going to go on all night. I know that it is very late in the evening, and I have said all that needs to be said. The important point is that we are dealing with the final amendment. I ask the House to oppose that amendment.

Mr Speaker: I call Mr Alex Attwood to make his winding-up speech. *[Interruption.]* Order.

Mr Attwood: I am deeply disappointed that no one in the Chamber has offered me any incentive to shorten my speech. That means that everyone in the Chamber will have to suffer. *[Laughter.]*

Mr A Maskey: My colleague the deputy First Minister described many of Mark Durkan’s earlier comments as “fantasy.” Given the time of the evening, I suggest that the Member keep his bedtime stories for his own house.

Mr Attwood: During the debate on the final amendment, several issues stuck out like a sore thumb. For example, why is Sinn Féin so unsettled, anxious and disturbed by the fact that the SDLP proposed an amendment to set a date for the creation of the Department of justice? What is it about 7 December 2009 that has so unsettled Sinn Féin Members tonight? The reason for that is very simple. It is because there is “no reason whatsoever” why the devolution of policing and justice powers should not happen before Christmas. However, those were not my words, or the words of any other party; they are Sinn Féin’s words. That said, when the SDLP tried to put some shape on that concept by proposing 7 December 2009 as the date for the creation of the Department of justice, Martina Anderson replied that that would be “entirely unrealistic”. The Hansard report of the debate will confirm that for Ms Anderson.

How can a Sinn Féin Member — I think that it was Alex Maskey — berate the SDLP for having no credibility outside the Chamber? How can Sinn Féin reconcile the fact that it has sent the message tonight not only to the DUP, but to the nationalist community and its own supporters that it is “entirely unrealistic” to set a date for the formation of the Department of justice? How can that party send that message to the nationalist community when, several months ago, Martin McGuinness said that there was “no reason whatsoever” that the devolution of policing and justice could not be completed by Christmas? Those contradictions and inconsistencies stick out because — *[Interruption.]*

Mr Speaker: Order. Let the Member speak.

Mr Attwood: The people who will get the greatest comfort tonight from what Sinn Féin said about timing are those elements in the DUP and outside the Chamber who are resisting the devolution of policing and justice powers and any suggested time frame in which that might happen.

11.00 pm

Mr O’Dowd: Will the Member give way?

Mr Attwood: I will give way to Mr O’Dowd in a minute. Those are the people who will be most reassured. I say that because this is not the first time, even in recent history, never mind in past history, that Sinn Féin have said to people in Northern Ireland that the time frame must be tied down, certainty created and that there should be no doubt whatever about the devolution of these powers.

Let me remind the First Minister of what he said —

Mr Molloy: Not quite yet.

Mr Attwood: I am sorry, the deputy First Minister; I stand corrected. Some people still travel in hope. This is what the deputy First Minister said in a letter dated 13 October 2008, which is nearly 400 days ago, to the Assembly and Executive Review Committee:

“I believe that as a matter of urgency the Committee should address the issue of timeframe for the transfer of policing and justice.”

That was his opening line in the letter. Before the deputy First Minister talked about anything else, such as a cross-community vote for this, that or the other, about what the powers in question might be, or whether the justice Minister would have full Executive status, the first thing that he wanted the Assembly and Executive Review Committee —

The deputy First Minister: Will the Member give way?

Mr Attwood: I will give way in a minute. What was the first thing he wanted to discuss? He wanted to talk about the:

“timeframe for the transfer of policing and justice.”

His colleague the Sinn Féin president went further. In the same month, he sent a letter to the Assembly and Executive Review Committee saying that the time frame issue should be resolved within two weeks. Now we know why Sinn Féin is going on tonight about the time frame for the creation of a Department of justice. The reason is that it has been found out time and time again —

The deputy First Minister: Will the Member give way?

Mr Attwood: Once I have finished this point, I will —

The deputy First Minister: The Member is starting to repeat himself.

Mr Speaker: Order. I ask Mr Attwood to continue.

Mr Attwood: I might be repeating myself, but at least I do not repeat the same old mistakes that Sinn Féin makes in negotiations with the DUP.

Time and time —

The deputy First Minister: Will the Member give way?

Mr Attwood: I will give way, but —

The deputy First Minister: Does the Member have the time to give way?

Mr Attwood: That is the least of my worries. I will give way when I decide to.

Mr Speaker: Order. Allow the Member to continue. *[Interruption.]* Order. The Member is winding. *[Laughter.]*

Mr Attwood: Is it not curious that all of a sudden the deputy First Minister has found his voice and his feet and is jumping up and down in an effort to rebut the evidence, not a political aspiration or a judgement, about what Sinn Féin has failed to do over the past 18 months about the time frame in which policing and justice powers might be devolved? I will give him his opportunity to intervene.

The deputy First Minister: The Member has missed the point completely. During any negotiation, it is legitimate to outline what you are aiming for. However, what is missing completely from the SDLP's analysis is the fact that Sinn Féin and the DUP went into government together only just over two years ago. The SDLP never achieved that. Those parties going into government together came about as a result of political circumstances and the negotiations in which the DUP and Sinn Féin were involved in the days leading up to the agreement that brought about the institutions.

The SDLP's analysis conveniently ignores the reality that it has not been easy for Sinn Féin, and it has probably not been easy for the DUP either, to come to this new situation. When the SDLP contributors,

particularly Mr Attwood, talk about these matters, we hear an analysis that all of this should have been plain sailing; they suggest that we should have gone into a room, sat down for an hour, worked out an agreement and come out and announced it. Unfortunately, life is not like that. We are dealing with a particular set of circumstances and a sensitive negotiation. We are also dealing with two political parties, namely the SDLP and the Ulster Unionist Party, who, when they came into the institutions, were in denial because they were not in the lead, and they decided that they were going to oppose everything that we did. They did not intend to give us credit for anything. However, I understand that people will try to take political advantage.

It is fortunate for Sinn Féin that the SDLP has put its case to the nationalist and republican people of the North, and those people have spoken loudly and clearly in election after election after election, and they will speak again in the coming period.

Earlier, I made it clear that the time frame for moving forward on the transfer of policing and justice powers would be decided by the First Minister and me acting together. My time frame will not be decided by Alex Attwood or Mark Durkan or by the SDLP plucking the date of 7 December out of the air. My job, as deputy First Minister, is to get the work done successfully. I am 100% certain that the SDLP approach would put off the transfer of policing and justice powers for a very long time.

This is the last point that I want to make in the debate. I do not want to misrepresent the situation, but I was interested to hear from one SDLP MLA that he does not agree with the SDLP position; he told me that in the past two weeks. He does not agree with the SDLP making life hard for Sinn Féin on this issue. I told him not to worry about it, because Sinn Féin was not exercised about the SDLP making life hard. We are big boys; we can fight our own corners. As election results after election results show, we come through in the end.

Mr Attwood: Where should one start with a statement that is so riddled in inconsistency? There is one fundamental place to start: "election after election after election" is a great phrase, and there was election after election after election on this island for 40 years, particularly in the years up until the IRA ceasefire of 1994 and other ceasefires. There was election after election after election after election, and the people, including the nationally-minded people of this island, spoke unambiguously, without any doubt and with absolute clarity, about how they wished political affairs to be conducted on the island. However, in election after election after election, a very small group of people chose to disregard the democratic wishes of the people of Ireland.

The deputy First Minister: What has that got to do with this debate on policing and justice? This is the argument that the SDLP —

Mr Speaker: Order.

The deputy First Minister: Will the Member give way?

Mr Attwood: I will not give way.

Mr Speaker: Order. Every Member who wanted to speak in the debate has had an opportunity to do so. No time limit is applied to debates on the various stages of Bills, so every Member who wanted to speak has been allowed to do so. Please allow the Member to continue.

Mr Attwood: The essential point — if the deputy First Minister is finding it difficult to get his head round it — is that the SDLP accepts the democratic will of the Irish people today, as it has accepted it every day for the past 40 years. Whatever the vagaries may be for any political party, the SDLP does not try to usurp that will. If somebody wants to rely on electoral mandates, which I welcome, they have to live with the consequences of rejecting the electoral mandates of the people of Ireland over so many years. Do not try to avoid it; be a bit more cautious the next time that you rely on that argument.

I, along with many Members, remember senior officials in the NIO who, without competition, will become senior officials in a devolved Department of justice. Simon Hamilton raised a curious issue cryptically this evening — or perhaps not so cryptically — that I will come back to later. The NIO officials said that the British Government could devolve justice powers by May 2008, and Members will remember the British Government saying that they could devolve powers by 2008. It is in the Hansard report. They said it because of the understanding in the St Andrews Agreement that that would happen. That was the first time frame to be introduced, and the British Government said that they would deliver on that time frame. However, that time frame was not honoured, and so the pattern began for dates to be announced, declared and publicised, only to go out in a puff of smoke.

The SDLP's amendment tries to tell the Assembly and the communities in the North to cut through the fog and create certainty instead of creating more doubt about time frames, and the evidence demonstrates that Sinn Féin wanted such time frames in writing. Whatever you do, do not send a message to the TUV and elements of the DUP that the date for the devolution of justice and policing is another movable feast. Entirely unrealistic dates are a comfort to the people in those ranks.

Mr Poots: Will the Member give way?

Mr Attwood: I will give way shortly.

I want to move on to a further point that the deputy First Minister relied on in his reply to the amendment and which he echoed much more maturely during his intervention. He said that the SDLP is playing catch-up on the devolution of justice and on Sinn Féin's leadership. I have two major points to make about that, one of which I made before, although perhaps the deputy First Minister has not read the Hansard report or perhaps he was not listening attentively in the Chamber.

There was a parameter in which the devolution of policing and justice had to be discussed, and it was not a parameter set by the SDLP or by any First Minister or deputy First Minister, whoever they might have been in the previous mandate. It was set by the democratic will of the people of Ireland in the Good Friday Agreement, which stated:

"The participants also note that the British Government remains ready in principle ... 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."

To berate what Mark Durkan, Séamus Mallon and David Trimble did or did not do on that issue — despite the efforts of Mark Durkan and Séamus Mallon — in the context of what the people of Ireland said —

The deputy First Minister: What did they do?

Mr Attwood: I will come to that. I will answer that question, thank you very much.

Mr Speaker: Order.

Ms Ní Chuilín: Nothing.

Mr Attwood: "Nothing". Let us get that on the record. The Sinn Féin Member for North Belfast said that the SDLP did nothing — I will come to that in a second.

The first fundamental point is that there was a democratic requirement laid down by the people of Ireland in the Good Friday Agreement for the context of the devolution of justice. Everybody, including Sinn Féin and the other parties, has to be judged in that context.

11.15 pm

There was negotiation after suspension, not in 2008 or 2009, but at Hillsborough in February and March of 2003. We were mindful of what the people of Ireland said the SDLP should do — that justice could be devolved if there were policing and criminal justice changes. Remember, Sinn Féin and the SDLP were on the same page when it came to criminal justice changes; we both rejected what the British Government proposed in their first criminal justice Bill. That was the context. Mark Durkan was deputy First Minister in the months leading up to suspension in 2002. Sinn Féin and the SDLP told the

Irish Government that the British Government's first criminal justice Bill was not good enough.

Mr Speaker: Order. Once again, I remind the Member, as I have reminded other Members, that, as far as possible, he must try to link his comments to amendment No 6. I know that some Members may find that difficult, but it is important that they do so. It is also important that Members' interventions should, as far as possible, relate to amendment No 6.

Mr Attwood: I will adhere to that ruling, Mr Speaker, although I may struggle to do so.

I will conclude my point. It is self-evident that when Mark Durkan was deputy First Minister the context that the Irish people required for the devolution of justice did not exist. What did the SDLP do? Contrary to doing nothing, as the Member for North Belfast said, we went about creating that context. At Hillsborough we negotiated with others, and we got changes over the line, for example, in criminal justice, and that led to the second criminal justice Bill. What did we do as a consequence of that? That is why Sinn Féin's position is just a sham and nothing more. As soon as the negotiations were over, the SDLP published documents, one of which I will read from very briefly.

The document was issued shortly after the negotiations, and the points made in it were confirmed in document after document in the public domain. It said that:

"The full implementation of these commitments secured at Hillsborough should help to pave the way for the devolution of justice and policing powers, which the SDLP is eager to see."

It then outlines all the reasons for that. Case proven. We honoured the mandate of the people of Ireland; we joined the Policing Board and the district policing partnerships, despite Sinn Féin, and others, demonising our people for implementing the Patten reforms, and we did the same in respect of criminal justice. Do not ever pretend that we did nothing.

Mr Speaker: Order. I have already warned the Member to be innovative in linking his comments to amendment No 6. I must now insist that the Member address amendment No 6 — in some form.

Mr Attwood: I will come to amendment No 6. I want to move on to the DUP's comments.

Mr Poots: Will the Member give way?

Mr Attwood: I will if you give me five minutes. *[Laughter.]* I will probably give you plenty of opportunity to come back at me. This amendment and the previous amendment — *[Interruption.]*

Mr Speaker: Order, order.

Mr Attwood: I know that Mr Maskey is getting agitated; he always does when he is losing the argument.

Mr A Maskey: — unparliamentary language.

Mr Attwood: I was not using unparliamentary language; it was you who used the word "lies" earlier to Mr Durkan.

Mr A Maskey: *[Interruption.]*

Mr Attwood: Mr Speaker, I hope that you heard what Mr Maskey just said.

The amendments, contrary to the rather shallow approach of the deputy First Minister, do not put anything back for years.

Mr Durkan: They are aimed at fast-tracking the process.

Mr Attwood: As Mark Durkan has just prompted me to say, they fast-track the devolution of justice. Now the deputy First Minister tells us that we are putting devolution back for years. How his claim can be reconciled with the proposed date for the creation of the Department on 7 December bemuses me and will bemuse others.

This amendment cuts through the fog. People spent far too long getting themselves in the right shape to do policing, and, when the time came, the opportunity and the momentum began to evaporate. The same could happen with the devolution of justice if we do not cut through the fog and bring the issue to a conclusion. I agree with the Alliance Party; unless some shape is put on what a devolved Ministry would look like, what it would do and what its programme of work might be, the opportunities might evaporate.

I shall turn to the comments that Mr Hamilton made on behalf of the DUP, and I am sure that the Member for Lagan Valley Mr Poots will have something to say shortly. It is fair to have the opportunity to reply to the issues of the full-time Reserve, the Parades Commission and of confidence, which Mr Hamilton raised. Members have said that the SDLP are being negative and are damaging community confidence, but we deliberately stayed out of some of the debates that took place in the past couple of weeks. *[Interruption.]*

Alex Maskey says that we have nothing to say and that we do not influence people. It is a strange irony, therefore, that, in the Good Friday Agreement, his party signed up to the core analysis that John Hume outlined in a 1979 document for 'Foreign Affairs', an American magazine. His analysis was of three sets of relationships and the nature of conflict in Ireland. If the SDLP was not any good at persuading people, how did we persuade American Governments, European Governments, the British Government and the Irish Government to come on to our page and our analysis? I say to Mr Maskey: case proven.

I shall return to Simon Hamilton's comments. We deliberately stayed out of the public debate. We participated in it previously and we participated in it privately in many different ways, but we did not get

involved in rubbishing the payment of a gratuity to the part-time Reserve, and, in the past number of days, we did not get involved in the full-time Reserve issue. That was not an easy decision. *[Interruption.]*

Mr Speaker: Order. Members must not speak from a seated position.

Mr Attwood: Perhaps Members from my party, even those seated behind me, might have been critical of that decision. The deputy First Minister suggested that if one member of the SDLP speaks against the party's view it represents the SDLP not knowing what it is doing. That might be the culture of other parties, but I welcome dissent in our party, in other parties and in every institution. There is much to dissent from. Dissent is different from democracy not prevailing in the SDLP on these issues.

We stayed out of the debates, although I and some of my colleagues were tempted not to do so. We stayed out of the debates because the Chief Constable makes operational decisions. The previous Chief Constable made decisions that I did not like, and I indicated that to him. Nonetheless, we will not encroach upon those operational decisions.

I understand why the issue of the part-time Reserve and the full-time Reserve is so charged; I have said a number of times in the Chamber and in other places that the part-time Reserve was deliberately targeted because its members live in vulnerable locations and that it suffered horribly and disproportionately compared with any other sector of the RUC. Over 100 of its members were killed of the total of 300 RUC members who were killed.

We do not diminish that, and members of the Policing Board will remember that we made a decision a long time ago to back the gratuity payment to members of the part-time Reserve, because we recognised that that sector of society, with many other sectors, suffered beyond conception and in ways that were particularly brutal and cowardly, given that those people were killed at their homes, in places of work and down laneways.

Similarly, in the debate on the full-time Reserve, my party decided not to try, in any way, to provoke or irritate the unionist community and parties, or to be seen to do so. That showed responsible leadership. It said to people that there are times and places when you should say little or nothing, because to do otherwise would compound problems. That was a positive effort to build community confidence.

During the past number of days, we have seen one sure and certain way to damage community confidence, which is when one side waves a flag in the other side's faces. For my party to be lectured about our amendments, including amendment No 6, given the way that people have behaved and waved flags about this issue and that during the past number of days, seemingly believing

that they have no responsibility for damaging community confidence, defies belief. That is thoughtless, utterly folly. The SDLP stayed out of those debates.

As regards community confidence and the time frame that my party has suggested, the SDLP understands that the emotionality about the full-time and part-time Reserve, and the emotionality for sections of the marching Orders about the Parades Commission, carries weight. However, we ask whether it is of sufficient weight to put in any doubt, or to delay for a day longer, the enormous opportunities that could arise from devolution of justice and policing. My party believes that it is not. We do not say that those are false issues; although, for some people in the DUP and elsewhere, they are false tests. My party says that recognition of people's needs on those issues should not confuse and frustrate the opportunities that are offered by devolution of justice.

I agree with the Alliance Party: the SDLP tabled a paper at the Assembly and Executive Review Committee on the reform of the Public Prosecution Service (PPS). Unfortunately, unionist parties said that they did not want to discuss that until after devolution, and Sinn Féin said that it did not want to discuss it until some time in the future. There is no bigger issue. For the Assembly and its parties to work on the PPS would impact enormously on the quality of people's lives and the level of community confidence in the nature of devolution of justice.

I would be on the same page as the DUP and any other party if we got down to work now to deal with such issues, so that if devolution were to happen on 7 January 2010, 7 December 2009, or whenever it might be, we would have a running start.

Mr Poots: I thank the Member for giving way. That is probably the longest five minutes that I have ever endured.

At the point at which I wished the Member to give way, he was talking about people who usurped the process during the 1970s and 1980s. Now, those people are actually in the Chamber. Currently, certain people outside are usurping the process. They will do so on the parades issue and by using violence. To get rid of 400 officers at this time, as has been suggested, would diminish the community's confidence about parades and about having the appropriate personnel to deal with such issues, and, therefore, makes 7 December 2009, to which the Member has referred, an impossible deadline, even for those on the unionist side who are most pragmatic about delivering the devolution of justice.

Mr Attwood: I accept Mr Poots's point that those issues, if they are taken in isolation, may impact negatively on some unionists' feelings about devolution of policing and justice. However, that is against many other standards. Devolution has been substantially on

DUP terms. Devolution of justice will almost exclusively be on DUP terms.

Sinn Féin has read the nationalist community badly, because there is a churn going on that may take some time to mature. If DUP could not win the argument with the unionist community about devolution of justice, despite its having the whip hand and in which it has, clearly, been the party with greatest authority, compared with its colleagues in the Office of the First Minister and deputy First Minister, I do not believe that it could win the argument with the TUV. It will not turn on those issues.

11.30 pm

I accept that I now stretch myself in speaking way beyond my competence. However, the TUV and the people whom it represents are a community that made a choice from which it will not turn back. The unionist community said that it would no longer be subject to the taboo of a nationalist topping the poll. That profound statement cannot be turned round by working through policing and justice issues. That community has reached a turning point, and the DUP should, therefore, be selling other issues to it. I do not agree with the DUP about community confidence.

I want to put down a marker about a comment that affects the timing of devolution. It was made by Simon Hamilton, who has a strong position in the DUP and often makes substantial material contributions to debates in Committee and in the Chamber. Simon Hamilton flagged up that a Budget Bill will be required even after all the other issues have been resolved. If that Bill were not to receive accelerated passage, the process could take eight weeks.

Tonight, we heard Sinn Féin tell the DUP that it would be unrealistic to devolve justice before Christmas. The process will, therefore, extend into next year, and 2010 will be subject to all the vagaries that surround an election campaign. We also heard about the many staffing and accommodation issues. I got cold comfort from the First Minister when I raised the staffing issue with him and asked whether there would be, as should be the case, an open competition for the positions of permanent secretary and senior directors.

As far back as May 2008, the British Government said that they were in a position to devolve and that all the issues on their side had been addressed. Now, as we near December 2009, we discover that certain issues, such as the Budget Bill, staffing and accommodation, remain. I wonder where all that is going. I wonder whether Sinn Féin's real concern is the number of outstanding issues and whether that explains the escalation of its approach to the DUP in the past days. It is, I admit, a confused escalation, because Sinn Féin's precondition that the Parades Commission must not be dissolved before devolution has changed to one

that it must remain in place thereafter. Sinn Féin must explain that, because it makes no sense to the nationalist and republican community.

I want to conclude, because no one has come to me —

Mr Boylan: Famous last words.

Mr Attwood: The Member may regret saying that. No one suggested that I shut up, but I will do so shortly. Before I do, I simply want to say that the most positive step that we can take is to cut through the fog and cut through any discussion on preconditions. Yes, we fall out over many substantial matters, but the one thing that unites the parties in the Chamber is the commitment to partnership and power sharing. That is true of virtually every Member of every party, although some in one or two parties may have doubts. Some like to regard power sharing as voluntary and some as mandatory. Others, including the SDLP, are precious about the Good Friday Agreement because, over the past number of years, that agreement, the Patten report and the Parades Commission have been the most powerful factors in the stabilisation of politics in this part of Ireland. No one should begin to unpick that stability; anyone who tries does so at their peril.

The parties are united in having made choices. As uncomfortable, difficult and uncertain as they are, we live with those choices, which is in contrast to the TUV. I agree with the deputy First Minister in that respect. Can anyone imagine how difficult it was for Mark Durkan to negotiate with David Trimble — not only because he was David Trimble? At that time, they had to contend with the direct action against drugs, robberies, intelligence gathering, files being stolen and various loyalist activities. Loyalist activity continues in some places today. Sinn Féin may find the current negotiations difficult, but can it imagine the adverse conditions that existed then? Not everyone was signed up to policing, and the changes in the criminal justice review were not being implemented during the negotiations between Mark Durkan and David Trimble. Mark is prompting me to mention Holy Cross Primary School, and the list goes on and on.

I have sympathy with the condition that the deputy First Minister faces; however, I ask that he does not diminish the condition that people including those in his party and in other parties and organisations have faced or deny how difficult and hard it was for them.

Let us cut through the fog: if Members do not support the amendment, they will be sending out a message to the people of Northern Ireland that they not are prepared to create a justice Department on 7 December or to do anything more in respect of setting a date before Christmas, and the authority of the Assembly, which is not what it should be for reasons that are sometimes beyond our control, will be noticeably diminished. When authority is noticeably diminished, a more unstable

situation is created. That is why including a date in the Bill is important and why amendment No 6 should be endorsed.

Amendment No 6 negatived.

Clause 3 ordered to stand part of the Bill.

Schedule agreed to.

Long title agreed to.

Mr Speaker: That concludes the Consideration Stage of the Department of Justice Bill. The Bill stands referred to the Speaker.

Adjourned at 11.37 pm.

NORTHERN IRELAND ASSEMBLY

Monday 16 November 2009

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

Members observed two minutes' silence.

EXECUTIVE COMMITTEE BUSINESS

Rates (Amendment) Bill

Royal Assent

Mr Speaker: The Rates (Amendment) Bill has received Royal Assent. The Rates (Amendment) Act (Northern Ireland) 2009 became law on 3 November 2009.

ASSEMBLY BUSINESS

Suspension of Standing Orders

Lord Morrow: I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 16 November 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 16 November 2009.

Mr Speaker: The motion has been agreed, so today's sitting may go beyond 7.00 pm, if required.

MINISTERIAL STATEMENT

Together Towards Entitlement

Mr Speaker: I have received notice from the Minister of Education that she wishes to make a statement on the report 'Together Towards Entitlement'.

Mr B McCrea: On a point of order, Mr Speaker. As I understand it, under Standing Orders, copies of a ministerial statement should be made available 30 minutes before the sitting commences. However, I had difficulty getting hold of the Minister's statement. I checked with the Business Office and in my pigeonhole, but the statement was not available beforehand. It is therefore difficult for Members to scrutinise properly the statement.

Mr Speaker: My understanding is that the statement was available half an hour before today's sitting.

Such matters are solely and absolutely the responsibility of Ministers, but, if the Minister wants to address the issue, she may have an answer.

The Minister of Education (Ms Ruane): Go raibh maith agat, a Cheann Comhairle. Cuirim fáilte roimh an deis an ráiteas seo a thabhairt do mo chomhghleacaithe Tionóil inniu le cur in iúl dóibh gur foilsíodh an tuarascáil 'Le Chéile i dTreó na Teidlíochta'. Is éard atá sa tuarascáil ná an cinneadh agus na moltaí ón chleachtas iarbhunscoile pleanála ceantarbhunaithe a choimisiúnaigh mé anuraidh le coincheap na pleanála ceantarbhunaithe a thástail san earnáil iarbhunscoile bunaithe ar sholáthar éifeachtúil éifeachtach an chreata teidlíochta faoi 2013.

I welcome the opportunity to make a statement to my Assembly colleagues informing them of the publication of the 'Together Towards Entitlement' report, which contains the findings and recommendations from the post-primary area-based planning exercise that I commissioned last year to test the concept of area-based planning in the post-primary sector centred around the efficient and effective delivery of the entitlement framework by 2013.

It is vital that we plan strategically, on an area basis, for the effective delivery of a high-quality and sustainable curricular offering to ensure that we meet the needs and aspirations of young people by maximising the impact of resources that are available to us. If we are serious about raising standards in our education system, all pupils must be able to access courses that genuinely interest them and are of value to them as they prepare for adult life.

The entitlement framework will guarantee greater choice and flexibility for all young people aged 14 and above by providing them with access to a wide range of learning opportunities that are suited to their needs,

aptitudes and interests, irrespective of where they live or the school that they attend. Currently, that is not the case for far too many of our young people. It is not fair or equitable that a number of our young people have access to a very limited range of courses at Key Stage 4 and post-16. In addition, there is an overemphasis on general academic-type courses and a shortage of applied vocational-type courses.

In March last year, I established a central group, with an independent chairperson and vice-chairperson and five independently chaired area groups. I thank Adeline Dinsmore and Joe Martin, the chairperson and vice-chairperson of the central group. I also thank the chairpersons of the five area groups — Tom Shaw, John Young, Maighréad Uí Mháirtín, Pat McAleavey and Rev Robert Herron — for the strong leadership and direction that they provided throughout this new and challenging exercise. I thank all the members of the area groups. They have completed a complex piece of work with skill and care, ensuring at all times a clear and unequivocal focus on the needs and aspirations of young people.

Bhí na hearnálacha ar fad bainteach leis na grúpaí seo: na cúig bhord oideachais agus leabharlainne, CCMS, NICIE, Comhairle na Gaelscolaíochta, Comhlachas na bhForas Rialaithe, Comhlachas na gColáistí, na coláistí breisoideachais, foireann feidhmithe an ESA, an Roinn Fostaíochta agus Foghlama, Iontaobhaithe na Scoileanna Caitliceacha, Comhairle na nIonadaithe Aistreora, Comhdháil na gCeardchumann, agus an Fóram Idirchreidimh. Ba mhian liom buíochas a ghabháil leis na hionadaithe ón Roinn Oideachais agus Eolaíochta sa Deisceart. Tá sé tábhachtach go roinnimid saineolas agus go mbíonn comhoibriú ar siúl eadrainn. .

All sectors were included in the groups: the five education and library boards, the Council for Catholic Maintained Schools (CCMS), NICIE, Comhairle na Gaelscolaíochta (CnaG), the Governing Bodies Association, the Association of Northern Ireland Colleges (ANIC), the further education colleges, the education and skills authority implementation team (ESAIT), the Department for Employment and Learning, the trustees of Catholic schools, the Transferor Representatives' Council, the Irish Congress of Trade Unions and the Inter-Faith Forum. I also thank the representatives from the Department of Education and Science in the South; it is important that we share expertise and work together.

Since receiving the 'Together Towards Entitlement' report in July, I have been carefully considering its findings and recommendations. I have concluded that the recommendations are robust and provide a pragmatic approach to the delivery of the entitlement framework. The rigorous testing of an area-based approach to planning will provide valuable insights and lessons that the education and skills authority (ESA) will be

able to draw on when developing the statutory area-based planning process.

The exercise was open and transparent and, as a result, secured a very high level of engagement not just within and between the groups but from schools, further education colleges, area-learning communities, community groups and other educational organisations that made submissions.

The recommendations cover two areas: the entitlement framework and an area-based approach to planning. Taken together, those recommendations provide a road map to deliver a better, equality-based post-primary education system that serves the needs of all our young people, including those who choose to learn through the medium of Irish.

The report states that we must clearly define the policy context and ensure that the linkages between the component parts are widely understood. I agree with that and have sought to ensure that the reforms represent a suite of policies that are supportive of one another and are designed to enable us to deliver our vision. More work needs to be done, particularly on the 14-19 strategy, and I will work closely with the Department for Employment and Learning to introduce that strategy.

I have already said that I intend to make the full entitlement framework a statutory requirement from 2013. Therefore, all our young people must have access to courses that interest them; that they consider relevant; and that will lead to fulfilling careers. As Members read the report, they will realise, as I did, that it makes clear that the pace of change needs to be quickened. We need to step up a gear if we are to achieve our vision that all young people should have access to high-quality education provision that meets their needs and allows them to reach their full potential.

Mar gheall air sin, scríobh mé chuig gach iarbhunscóil le cur in iúl go gcaithfear iarracht níos fearr a dhéanamh leis an athrú a chur i bhfeidhm níos gaiste. Tá mé ag dúil leis go léireoidh scoileanna an dóigh a soláthróidh siad an creat teidlíochta go héifeachtach agus an dóigh a n-uasmhéadóidh siad an rogha a bheas ann do pháistí san am atá romhainn. Ba mhaith liom a bpleananna a fheiceáil, agus ba mhaith liom a bheith cinnte de go bhfuil siad láidir insoláthartha.

I have written to all post-primary schools indicating that I want to see a change in pace and a stepping-up of efforts. I will expect schools to demonstrate how they will deliver the entitlement framework effectively and maximise choice for children in the future. I want to see their plans to ensure that they are robust and deliverable. Some schools have focused mainly on reaching the numbers 24 and 27, about which there has been much debate. It is not simply about adding more courses; schools need to revisit their curricular offer to

determine whether it is fit for purpose and prepares young people for life and work in the twenty-first century.

The concept of area learning communities has been widely embraced in all areas, and schools are already working together. The report suggests that the Department of Education and the ESA should further encourage the development of a shared responsibility through that approach. I concur with that view and want to see the development of highly effective collaborative arrangements. I want schools to be seen as gateways to quality and choice, not destinations where choice is poor and restricted. An area-based planning approach was a real challenge for the groups, mainly because it had never been done before. As the ESA develops area-based planning, it will be able to draw on the lessons that have been learned from this exercise.

Tá athchóiriú forásach radacach de dhíth go géar ar an chóras oideachais. Tá gach polasaí ceangailte le chéile mar chuid den bheart athchóirithe céanna — Gach Scoil ina Scoil Mhaith, an curaclam athbhreithnithe, an creat teidlíochta, aistriú 2010, an t-athbhreithniú ar an Ghaelscolaíocht, an t-athbhreithniú ar riachtanais speisialta oideachais agus ar chuimsiú, an t-athbhreithniú ar riarachán poiblí, straitéis na luathbhlianta — agus tá siad go léir a bhforbairt chun comhionannas a chur chun cinn sa chóras.

A progressive and radical reform of the education system is badly needed and long overdue. All policies are interconnected and form part of the same jigsaw of reform. Policies such as ‘Every School a Good School’, the revised curriculum, the entitlement framework, Transfer 2010, the review of the Irish medium, the special educational needs and inclusion review, the review of public administration and the early years strategy are all being introduced to promote equality in the system.

It is evident that we cannot continue to plan on an unco-ordinated, bottom-up basis through which individual institutions essentially compete with one another. We need to put in place a pattern of provision that delivers quality learning, guarantees wider and more coherent curriculum choice and delivers equality.

12.15 pm

It is essential that the enormous investment in the educational estate is consistent with and supportive of the policy framework that I am putting in place. We need to optimise provision for all and not settle for second best. The ‘Together Towards Entitlement’ report suggests that we accelerate the implementation of the sustainable schools policy. In response, I commissioned a review of all current capital projects to validate their consistency with the Department of Education’s policy framework.

I have also asked the Education and Training Inspectorate to ensure that, from now on, all inspections

in post-primary schools focus on what is available to pupils at 14 and as they prepare to enter sixth form, with a particular focus on the coherence of what is available, including the careers education and guidance that help pupils to make meaningful choices.

Beidh tacaíocht de dhíth ar scoileanna chun an t-athrú seo a chur i bhfeidhm. Is léir ón tuarascáil gur fearr an tacaíocht atá ar fáil i roinnt réimsí ná i réimsí eile. Níl sé sin inghlactha. Agus sin an fáth a bhfuil mé ag iarraidh ar an ESA measúnú láithreach a dhéanamh ar an tacaíocht atá ar fáil do scoileanna agus dá bpobail foghlama ceantair lena chinntiú go bhfuil an tacaíocht freagrúil, de chaighdeán ard agus go bhfuil sí dírithe ar chuidiú a thabhairt dóibh an creat teidlíochta a sheachadadh dá ndaltaí.

Schools will need support to deliver that change. Today’s report makes clear that that support is better in some areas than in others. That is not acceptable, and that is why I am also asking ESA to conduct an immediate assessment of the support available to schools and their area-based learning communities to ensure that it is responsive, high-quality and focused on helping them to deliver the entitlement framework to their pupils.

The ‘Together Towards Entitlement’ report is aptly named, and it highlights the fact that there are many different stakeholders. The report identifies priorities for action for each partner taking this forward together. It is not enough for some partners to move forward; successful implementation requires each stakeholder to take responsibility for their role and act now.

I want to see an educational landscape that is characterised by a range of school options and in which diversity and choice are the norm. Schools are the key to delivering high-quality education and choice. Many of the priorities for action fall to the schools, and I want to ensure that they are supported in carrying out those tasks. They need a responsive and targeted support service.

The establishment of ESA is crucial to the raising of standards, increasing choice and building equality. I have made clear to the cathaoirleach/chairperson-designate, Sean Hogan, and to the príomhfheidhmeannach/chief executive designate, Gavin Boyd, that I expect them to set the pace in working with schools to ensure a sustained focus on improving outcomes for every child.

The report not only highlights actions that need to be progressed; importantly, it also offers a clear set of principles to create the right climate and context for planning sustainable curricular provision and the supporting infrastructure to deliver it. If we progress that work in the spirit of those principles, we can achieve a great deal and benefit many young people.

I have asked Adeline and her colleagues to conduct a series of seminars to disseminate the findings of the report across the North. Those will begin on Wednesday

18 November 2009 and will continue until the end of the month. Everyone has a part to play, and I hope that the messages are well received and, more importantly, acted on.

The need to effectively plan for the delivery of high-quality, sustainable curricular provision cannot be overemphasised; it is vital. We need to implement not only the changes highlighted in the report but all those in my package of reforms. If we are to provide our young people with the education they so richly deserve, we must implement them now.

Ní féidir áibhéil a dhéanamh ar an riachtanas le soláthar curaclaim inbhuanaithe de chaighdeán ard a phleanáil go héifeachtach. Tá sé ríthábhachtach. Ní amháin go gcaithfidimid na hathruithe atá luaite sa tuarascáil a fheidhmiú, caithfidimid gach athrú eile atá luaite i mo phacáiste athchóirithe a fheidhmiú. Ach caithfidimid iad a fheidhmiú anois chun an caighdeán oideachais atá tuillte ag daoine óga a sholáthar dóibh.

Mr Speaker: Order. Before I call the Chairperson of the Committee for Education, let me make it absolutely clear that, as is the convention with ministerial statements, the Chairperson has some latitude in getting to his question. However, thereafter, I do not want to hear long introductions to a question or Members making further statements. Questions on ministerial statements are about holding the Minister and the Executive to account, so Members must ask one question only. If Members insist on giving long introductions or making statements, I will ask that Member to take his or her seat and move on to the Member who is next on the list to ask a question.

The Chairperson of the Committee for Education (Mr Storey): I respond to the Minister's statement with a degree of concern. I will speak first as the Chairperson of the Committee for Education.

I remind the Minister that there was much debate about the number of subjects to be offered under the entitlement framework, namely 24 for pupils older than 14 and 27 for pupils older than 16. In May 2008, officials from the Minister's Department gave the Committee for Education an assurance that directions for the entitlement framework would be forwarded to the Committee in sufficient time to allow for detailed scrutiny prior to the relevant commencement Orders being made. Will the Minister confirm the assurances that the Committee will be given sufficient time to carry out that detailed scrutiny? I ask that question in light of the regrettable delay in the Education (No. 2) Bill being provided to the Committee by the Minister and the Department. Despite repeated assurances from the Minister and her officials, it was only on the final day of the Committee's scrutiny of the Education Bill that we saw the second Bill. That is absolutely unacceptable and will not be tolerated.

There is a clear contradiction between open enrolment and area-based planning. A departmental official described it as a "tension", but will the Minister explain how she intends to reconcile that blatant contradiction between open enrolment and the entitlement framework?

I will now speak as a private Member. Do the Minister's comments about maximising choice not condemn her as one of the most blatant hypocrites in the House? She would remove from parents and pupils the very choice that they exercised legally at the weekend by engaging in independent tests. Those tests are permissible under the law, but that choice would be removed if the Minister got her way. As Saturday proved, the Minister is not getting her way.

The Minister of Education: Ar dtús, oibrím leis an Choiste. I always work with the Committee for Education, and my Department will continue to do that. As for the question about area-based planning and open enrolment, all sectors are working together for the first time. We will work to ensure that we have an adequate plan to deal with the number of young people transferring from primary school to post-primary school. I will not deal with the Member's third question, which was abusive. People resort to personal abuse when they have lost the argument; that speaks for itself.

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her statement. In line with your direction, Mr Speaker, I will come straight to the point. Much is made of the North's education system, and some people claim that it is world-class. Will the Minister explain how that "world-class" system compares with education systems in the rest of the world?

The Minister of Education: Go raibh maith agat as an cheist sin. The programme for international student assessment (PISA) examines the reading, mathematical and scientific skills of 15-year-olds from countries of the Organization for Economic Co-operation and Development (OECD) and elsewhere. The examination takes place every three years and is designed to measure students' ability to apply knowledge and their readiness for the scientific, reading and mathematical demands of their future education and adult life.

The mean scores of students in the North dropped over the last three PISA cycles in 2000, 2003 and 2006. In the North, the gap in PISA scores on mathematics and reading is larger than the average of OECD countries. It is larger than the gap in England, Scotland or Wales and considerably larger than the gap in the South. Relative to the situation internationally, weak students fall further behind strong students here.

In the North of Ireland, 21% of students — 30% of males — failed to show baseline reading proficiency in the 2006 PISA cycle. Although that is close to the OECD average of 20% and the figure in England,

which is 19%, it is considerably worse than countries such as the South of Ireland, where only 12% of students do not reach the baseline. The figure for South Korea and Finland is 5%. For mathematics, 23% of students in the North did not demonstrate baseline proficiency; the OECD average is 21%. The equivalent figures for England and the South are 20% and 16%.

The data from PISA and GCSEs clearly shows that the North of Ireland demonstrates a long body of underachievement. Although many students perform at a very high level, which is to be welcomed, far too many fail to show what is considered to be basic literacy and numeracy. That is likely to lead to poorer employment opportunities, higher rates of unemployment, lower earning potential and an increased likelihood of living in poverty. I have quoted many statistics in this House in the past, but I remind Members that, two years ago, 12,000 people left our schools without a GCSE in English or maths. That is a very high number; it represented 47% of school leavers. We need to take a good, hard look at the policies that the Department brings forward because they are already making a difference and will continue to do so. Focusing on underachievement will bring about changes in our system and will create equality and academic excellence for all.

Mr B McCrea: Before I begin, Mr Speaker, is it in order to raise a point of order during a statement?

Mr Speaker: It is not in order.

Mr B McCrea: I give notice to speak to you about the matter afterwards.

Will the Minister say when she changed her mind? She stated that she wishes to see an educational landscape characterised by a range of school options, where diversity and choice are the norm. That seems to be in contradiction to her statement that children should go to their closest school.

Mr Speaker: The Member should come to his question.

Mr B McCrea: Will the Minister tell us how she can reconcile the apparent inconsistency between that statement and her statement about open enrolment?

The Minister of Education: There is no inconsistency. I have always said that it is not about having a one-size-fits-all approach. What happens in Newry will be very different from what happens in Derry, Coleraine or Ballymena. That is the whole point of area-based planning. We need to bring together all the stakeholders, which is what we have done. We need to ensure that all young people have access to a wide curricular choice, which is what we are doing. There is no inconsistency at all.

The Member will also be aware that we have six categories of suitable school. I respectfully suggest

that the Member goes back and reads the statements that I have consistently made.

Mr D Bradley: Go raibh míle maith agat, a Cheann Comhairle. Má fheictear don Aire go bhfuil gá le scoileanna áirithe an deis a thapú, an ionann sin is a rá go bhfuil siad ag tarraingt na gcos ina ndiaidh? An féidir leis an Aire an drogall sin a mhíniú? An féidir léi a rá cad iad na háiseanna breise a bheas ar fáil do scoileanna leis an obair seo a chur i gcrích?

If the Minister sees the need for a change in pace and a stepping-up of efforts, that seems to indicate that not all schools have bought into the entitlement framework. Will the Minister explain why that is so? Will she reveal what extra resources will be available to schools to provide the additional courses that are needed?

The Minister of Education: Some schools have not bought into the entitlement framework in the way in which they should have. That is one of the reasons why I wrote to all of the schools to explain that we need to step up a gear and move towards working with our area-learning communities to make sure that the entitlement framework is available to all young people. That is what we are doing.

12.30 pm

We are putting a huge focus on the entitlement framework. We are going to local communities, where people will hear directly from those involved in the area-based planning working groups, including the chairperson, Adeline Dinsmore, who did a very good job and who, as a principal, was a leader in her field.

Schools already receive considerable resources to implement area-based planning. We have entitlement framework officers in all board areas, which will continue under ESA. We have also put aside resources to administer area-based planning and the entitlement framework.

Collaboration between schools so that they work together is a major part of area-based planning. We have to move away from having three or four schools in one town offering the same course, with very few post-16 students on each course. That is simply not a good use of public money. We must intensify collaboration between schools.

Mr McCarthy: The Minister said that she received the paperwork back in July and that she has written to all post-primary schools. Have all those schools replied? Were all those replies positive? If they were not, what action will the Minister take to bring schools into line on the 'Together Towards Entitlement' report?

The Minister of Education: We are receiving replies from schools, and I will certainly share those replies with the Member at the appropriate time. All post-primary schools have a statutory duty to provide a wide range of choice and to collaborate by 2013, and

my Department will make sure that schools fulfil their duties. As I said, we have also reviewed all capital build projects to ensure that they are in line with departmental policy, because there is a jigsaw of reforms and all the policies are interconnected.

Miss McIlveen: Will the Minister assure the House that the emphasis on maximising pupil choice at age 14 does not pre-empt the Assembly's view of transfer from primary to post-primary schools, and that local areas will be able to choose their school structure? What we have heard today could be regarded by many as another diktat from the Minister. What happens to schools that fail to meet the Minister's expectations?

The Minister of Education: We are actively engaging with local areas, and they will have a say. We are using public money. We have to ensure that we do something about the alarming figures that I read out in answer to Michelle O'Neill's question, rather than be fixated by some parties' claims to have saved academic selection. We need to move away from that; that is the last century's debate. *[Interruption.]*

Mr Speaker: Order.

The Minister of Education: The rest of the world has moved on, and we are moving on. Transfer 2010 is the official policy of the Department of Education.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. Cuirim fáilte roimh ráiteas an Aire. I welcome the Minister's statement. What steps has she taken to ensure that the entitlement framework becomes a reality for all pupils by 2013? Go raibh maith agat.

The Minister of Education: Go raibh maith agat, a Chathail. First, I have met representatives of all post-primary schools in the North of Ireland. I recently had a series of accountability review meetings with the boards, CCMS, grammar schools in each board area and the integrated sector. The entitlement framework and area-based planning were a major part of those discussions, as was working with the area learning community.

All schools are clear about their statutory duties and that it is essential for schools to work with the Department to meet their statutory duties in relation to the curriculum. Many of those schools are embracing wholeheartedly the entitlement framework and area-based planning, and I welcome that. For the schools that are not embracing it, the Department will engage and have robust discussions with them about their statutory duties.

Mr Ross: I want to return to something that Mr McCrea raised earlier. The Minister said that she wishes:

“to see an educational landscape that is characterised by a range of school options, where diversity and choice are the norm.”

From which areas of education does she not want to see local preferred options emerging?

The Minister of Education: I do not want to see local preferred options that discriminate against children.

Mr K Robinson: The Minister referred several times to ESA's role: she wants an immediate assessment from it; she said that it is crucial to raising standards; and she wants it to set the pace. ESA is a shadowy body, which does not exist, so on what basis does the Minister presume that the House — if the Education Bill ever comes before it — will accept ESA and set it in motion?

The Minister of Education: The Education Bill will have its Consideration Stage when the Executive agree to schedule it. I remain focused on the January 2010 implementation date. Therefore, as we move into 2010, it is very important that we work with the chairperson, the chief executive designate and the existing staff of ESA, because the transfer from the boards, CCMS, Comhairle na Gaelscolaíochta and the various organisations to the education and skills authority must be seamless. I look forward to working with the Member's party to bring ESA forward, and I am working with his colleague the Minister for Employment and Learning, who has asked me to make some amendments.

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

Mrs M Bradley: Will the Minister confirm the level of communication that there has been between the learning communities and the central group to ensure that they are working in tandem?

The Minister of Education: Go raibh maith agat as an cheist sin. As I said, the chairperson and area group members will attend a series of seminars throughout the North of Ireland, at which they will discuss the report and engage with local people and stakeholders. I look forward to those discussions, which will be very important.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. Does the Minister agree that the questions from the opposite Benches clearly show that, despite those Members' claims that they recognise that both the maintained and controlled post-primary sectors offer, and can offer, an enhanced role in our education system, they have concentrated once again on academic selection? If academic selection is removed from —

Mr Deputy Speaker: Does the Member have a question for the Minister?

Mr O'Dowd: The question is coming. Does the Minister agree that if academic selection were removed from the education vocabulary of the Ulster Unionist Party and the DUP, they would have no education policy?

The Minister of Education: The Member has answered his own question, but I agree that we should focus on the jigsaw of progressive radical reforms that

we are bringing forward, which put the child, rather than perceived institutional need, at the centre.

Mr Craig: The Minister said:

“The concept of area learning communities has been widely embraced”.

Does the Minister not also recognise that there is an overprovision of sixth-form education in some areas and that the area learning community concept will not deal with that core issue? Has the Minister looked at area learning plan concepts that have taken place in England? Unfortunately, most of those have ended up in the courts.

The Minister of Education: I agree with the Member about the overprovision of sixth forms, which is one reason why the area learning communities must work together to deliver the entitlement framework. Unless schools work together, it will be very difficult for them. Area learning communities are very active in each of their areas, and all stakeholders are involved in the area learning communities, so it is really important that they continue to work together.

As I said earlier, there is no point in having, in a single town, four or five classes in which one particular subject is taught, with four or five young people in each class, while preschool and primary-school education do not get the money that they deserve. An enormous disparity still exists between funding for primary and post-primary education, and that must change.

Mr P Maskey: Go raibh maith agat, a LeasCheann Comhairle. Can the Minister tell us how she intends to meet the challenges of demographic decline? Moreover, how does she intend to close the wide gap in achievement that allows 3,500 young people to leave the system every year without basic literacy and numeracy skills?

The Minister of Education: That is a most timely question.

I will give one example. To date, Fermanagh is the area that has suffered the highest rates of demographic decline. There are 14 post-primary schools in Fermanagh: four grammar schools and 10 secondary schools. Forty-eight per cent of the children who attend the 14 schools are educated at the four grammar schools, while 52% are educated at the 10 secondary schools.

There are 940 empty desks in the 10 secondary schools: an average of 94 empty desks per school. In the 10 secondary schools, 19% of children, almost one in five, are entitled to free school meals. Some 127 children are SEN-statemented, which is an average of 13 SEN-statemented children per school. In the four grammar schools, 6%, or one in 17 children, are entitled to free school meals. Nine children are SEN-statemented, which is an average of two SEN-statemented children per school.

In Fermanagh, the different post-primary sectors must get together to plan provision, whatever that provision may be, be it to do with curriculum, capital build or the school improvement policy ‘Every School a Good School’. All must be planned on an area basis.

We cannot do what was done in the past, which was to build schools in different areas willy-nilly without recourse to proper planning and then, a couple of years later, have the boards brought in front of the planning appeals committee or the Public Accounts Committee because the schools are empty. I am not prepared to do that on my watch. We have a certain amount of public money and we must make the best use of it. The money has to be used with the child at the centre of our concerns.

Mr Spratt: A number of times this morning, the Minister referred to consultation with the education and library boards. Other Members and I have concerns that the South Eastern Education and Library Board is unrepresentative of the community or of independent members of the community. It is still run by stooges — four commissioners of the Department.

Mr Deputy Speaker: Do you have a question?

Mr Spratt: Will the Minister confirm that she is satisfied that, when she consults with the board, she is getting the full feelings of the South Eastern Board area, which is a very big school area? Has she any concerns about that?

The Minister of Education: As the Member knows, ESA will be set up on 1 January 2010. From that time, we will have more consistent provision right across the North of Ireland. I look forward to ESA’s taking up its role on equality and standards on behalf of all children, including those in the South Eastern Education and Library Board area.

Mr Cree: It is clear to most of us that grave reservations surround the special educational needs and inclusion review, transfer 2010, the RPA and ESA. Will the Minister assure the House that the outcome of the jigsaw of reform, to which she refers, will not be ongoing chaos in our education system?

The Minister of Education: A range of policies has been introduced that, for the first time ever, makes the education system much fairer. I have outlined the many, many difficulties in the system. Many of our children are failed by the current system, and that is simply not acceptable. I cannot allow a system that fails 12,000 young people every year to continue. That is simply unacceptable.

Thankfully, the focus now is on maintaining excellence right across the system and on ensuring that that excellence is available for all, rather than for a small minority.

Mr Kinahan: Thank you very much, Mr Deputy Speaker. *[Interruption.]*

Mr Deputy Speaker: I am sorry, Mr Kinahan. Please resume your seat.

There are no special dispensations permitting anyone to shout across the Chamber. All remarks must be made through me. Carry on, Mr Kinahan.

12.45 pm

Mr Kinahan: I thank the Minister for her report 'Together Towards Entitlement', of which recommendations EF4, EF5, EF6, EF7 and others involve the ESA. The Minister did not make clear either what legislation she will bring before the House to set up the ESA so that she can implement the report's recommendations or when she will do that. I presume that that will be discussed when the Consideration Stage of the Bill in question is reached.

The Minister of Education: As the Member will know, the Chamber is the place for discussing legislation. I will bring the Education Bill to Consideration Stage, and we can have a good debate and discussion on it then.

Mr Savage: The Minister spoke about the need for reforms. Does she accept that the current disarray, which has been brought about by the removal of the 11-plus, has failed each child across Northern Ireland? How soon can that situation be rectified?

The Minister of Education: The debate today is about area-based planning. I note that the Member focused on one aspect of the reforms. I would prefer it if we took a broader view and focused on all the reforms that the education system is going through.

That said, never let it be said that I have not answered the Member's question. It is good to see that we now have transfer 2010, which is the Department of Education's official policy. Transfer 2010 means that, for the first time, a group of children will not have to sit state-sponsored tests at the tender age of 10 or 11.

Unfortunately, a small minority of schools have chosen to break away on the issues of tests. It is very disappointing to see that some children had to do a test because some schools put up barriers. We are continuing with our reform of the system. I welcome the fact that fewer children are doing tests this year than in any other year. No child should be sitting, or have to sit, a test to get an education to which they are entitled. Grammar schools should not be putting children through the trauma of having to sit tests to get an education to which they are entitled.

Mr Beggs: In answer to earlier questions, the Minister highlighted the unacceptable number of children in secondary schools who are not meeting baseline levels of education. Does the Minister not accept that the critical stage for children is when they are between the

ages of 0 and 6 and that those are their formative years? Why has she not acknowledged that in anything that she has said about what is being done to improve levels of attainment?

We have learned about post-primary area-based planning. When will amalgamations such as that which will create the new Islandmagee primary school learn whether they can proceed? For many years, schools in that situation have been left in limbo, sites have been purchased and no development has been allowed.

The Minister of Education: I agree absolutely about the importance of the 0 to 6 years, and we are bringing forward an early-years strategy. We have also brought in the revised curriculum, which, thankfully, young people are learning in a stimulating and innovative way. The Member will know from talking to primary school principals that the vast majority of schools find the revised curriculum very good at the primary stage. The primary curriculum was distorted, but that is no longer the case, and I welcome that. Given that the curriculum is no longer distorted, I believe that we will see significant improvements.

With regard to primary school area-based planning, I welcome the fact that the North Eastern Education and Library Board has brought forward the amalgamation of the Islandmagee schools. I know that the Member's father is chairperson of that board. We now need to look at all the capital builds in our programme and make sure that we move as quickly as possible once they adhere to all our policies and the range of policies that is in the system.

Mr Deputy Speaker: That concludes questions to the Minister of Education.

Order. The next item of business is the Further Consideration Stage of the Financial Provisions Bill.

Mr B McCrea: On a point of order, Mr Deputy Speaker. I will speak to the Speaker, but I want this point on the record. It is extremely difficult to cross-examine the Minister of Education on what has been said, given that she talks at considerable length, but not on the question that she was asked. Members have to ask short questions, but the Minister has considerable latitude, and that seems to be unfair.

Mr Deputy Speaker: The Member has said that he will speak to the Speaker, therefore the matter rests there.

Mr O'Dowd: Further to that point of order, will you rule as to whether it was a point of order according to the Speaker's previous rulings? Clearly, that point of order does not fall into that category. Was it a point of order? Is there some guidance for Members?

Mr Deputy Speaker: That is precisely why I said that the matter rests with the discussion that will take place with the Speaker. I will not adjudicate on that matter.

EXECUTIVE COMMITTEE BUSINESS

Financial Provisions Bill

Further Consideration Stage

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

Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 2009

The Minister for Social Development (Ms Ritchie):
I beg to move

That the Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 2009 be approved.

I am seeking the Assembly's approval of a set of regulations relating to child support, which was laid before the Assembly on 29 July 2009. The making of child support regulation packages is a fairly regular process, the purpose of which is to ensure that the child maintenance system operates as well as possible and that legislation is transparent and kept up to date.

The Child Maintenance Act (Northern Ireland) 2008 gives my Department powers to introduce tougher collection and enforcement measures that can be used alongside existing methods of collection and enforcement. This set of regulations flows from the powers conferred by the 2008 Act. Regulation 2 will insert into the collection and enforcement regulations four new parts, which will make provision for two administrative tools, regular and lump-sum deduction orders. Those orders will enable my Department to collect child maintenance from an account held by a deposit taker — normally a bank or building society — that contains money belonging to a non-resident parent who has arrears of child maintenance.

Currently, deduction from earnings orders can be issued administratively to deduct child maintenance directly from a non-resident parent's earnings where he or she has failed to meet financial commitments to his or her children. Although that has proven to be a successful method of collection, it is not always effective, for example, where the non-resident parent changes jobs frequently or is self employed. These new regular and lump-sum deduction orders will be an additional enforcement measure to help to improve the flow of money to children.

Non-resident parents who have arrears will have every opportunity to make arrangements to pay the arrears before the deduction order is made. If they fail to do so, my Department will liaise with the deposit takers, using information it has already, to identify a suitable account on which to make an order. It will then decide which deduction order is likely to be most effective in a particular case. If it is decided to make to a regular deduction order, the Department for Social Development (DSD) will issue an order to a deposit taker that will instruct it to deduct regular amounts for ongoing child maintenance and/or arrears from a specified account, detailing the dates when the deductions should be made and from when the order will take effect. A copy of the order will be sent to the non-resident parent.

The deposit taker will have a legal duty to make deductions from the account specified in the order and to send them to my Department. The deposit taker will be able to deduct an amount up to £10 towards its administrative costs before making each deduction. That takes account of the fact that the deduction orders will have to be processed manually because they operate differently from direct debits and standing orders and cannot be automated.

Safeguards will be in place to protect both the non-resident parent and the deposit taker. Each deduction must not exceed 40% of the non-resident parent's net weekly income, and the deposit taker must not deduct an amount that would result in the account being overdrawn. The deposit taker can make deductions from an account that is used wholly or in part for business purposes, but only where that account is used by the non-resident parent as a sole trader.

The regulations set out clearly the circumstances in which either the non-resident parent or the deposit taker can apply for a review of a regular deduction order. Those include, for example, instances when there has been a change in the amount of the maintenance calculation in question or when the non-resident parent has no beneficial interest in some or all of the amounts standing to the credit of the account specified. Both the non-resident parent and the deposit taker will have a right of appeal to a court of summary jurisdiction against the making of the order and against a decision following an application to review the order.

A lump-sum deduction order differs from a regular deduction order. The lump-sum order can only be made by my Department to deduct a lump sum from the non-resident parent's account in respect of the specified amount of arrears of child maintenance. If it is decided that a lump-sum deduction is the best way of recovering unpaid child maintenance, an interim order will be issued to the deposit taker detailing the amount to be deducted. The interim order will also act as an instruction to freeze funds up to the amount specified in the order. A copy of the order will be sent to the non-resident parent.

As with regular deduction orders, safeguards are in place. The non-resident parent and the deposit taker will have 14 days following the issue of the interim order to make representations to DSD against proposals in it. Following the period allowed for representations, a final order will be issued to the deposit taker instructing it to deduct the funds from the account.

At any point during the process until funds are paid, both the non-resident parent and the deposit taker will be able to apply to DSD for some, or all, of the specified amounts to be released from the account. The non-resident parent might do that where, for example, the funds are needed to prevent hardship. The deposit

taker might do it if it already has a written agreement with the account holder that a specific amount in the account is held as security against a loan.

Again, a robust appeal process will be in place, with both the non-resident parent and the deposit taker having the right of appeal to a court of summary jurisdiction against the making of the final order and any decision following an application for consent to release funds. Although the deposit taker is instructed in the final order to deduct funds, they will not be asked to send the money to my Department until the time limit for appeals — 21 days — has expired or the outcome of any appeal is known.

The deposit taker will have a legal duty to comply with the requirements, and may take a maximum of £55 towards its administrative costs before sending the money to my Department. That amount is consistent with the amount that a deposit taker charges for processing other debt orders made by a court using a similar procedure.

The provisions in the regulations for regular and lump-sum deduction orders will enable my Department to continue to ensure that more money flows to more children and that parents take financial responsibility for their children.

Regulation 3 of the package is essentially a tidying-up exercise. The amendment will ensure that councillor's expenses are not counted as income for child maintenance calculation purposes for cases effective from 3 March 2003. That will bring Northern Ireland legislation into line with that of Britain.

1.00 pm

The Chairperson of the Committee for Social Development (Mr Hamilton): I thank the Minister for her run-through of the effect of the legislation. After such a simple and straightforward explanation, surely no one can be heard saying that that the world of child maintenance is a difficult and not easily understood subject.

The Committee for Social Development considered the Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 2009 at its meetings of 25 June and 10 September. As the House is aware, the statutory rule will add to the Department's existing administrative tools, which allow it to deduct child maintenance from a liable person. The Committee welcomes the new rule as a means of ensuring that absent parents live up to their responsibilities and provide for their children. That is something that we all want. Therefore, the Committee recommends that the Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 2009 be confirmed by the Assembly.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her statement on

the regulations. Since its inception in 1992, the Child Support Agency has proved to be somewhat disastrous in holding non-resident parents accountable for the amount that they owe and for taking responsibility. The legislation is a tidying-up exercise that will make it easier for the Department to get money from non-resident parents. Therefore, the parent who has care of the child will benefit.

Mr K Robinson: I support the legislation. Will the Member agree that, in the past, the agency has made many miscalculations and that many non-resident parents have been driven to distress when faced with having to pay an amount of money? It is concerning, particularly in the case of younger men, that that might be the final straw that tips the balance and causes them to think about the future of their lives. By the time such inaccuracies are rectified, the non-resident parent can be in extreme physical, emotional and financial difficulty.

The reliance on a summary court of justice here provides just that: summary justice. The full facts are sometimes not brought before the court, and it is not fully explained why someone is in such a distressed situation.

Mr Brady: As someone who worked in the advice sector for a long time, I agree that there are two aspects to child support. I have spoken to both non-resident parents and parents with care, and both have strong views. In the North alone, around £61 million — a huge amount of money — is outstanding. That shows that the legislation to date has been ineffective.

As I said, this legislation is a tidying-up exercise that will give the Department more power to deduct money from bank and building society accounts. The Department must be careful to show sympathy to both resident and non-resident parents, and its calculations must be correct. The disaster that child support has been is shown by the fact that, in the past 14 years, the agency has had 12 different heads, all of whom disappeared after a relatively short time with good handouts that were more than they deserved in the circumstances. If they had been doing their jobs properly, they would not have had to leave.

Child support is a contentious issue for both sides, and it must be dealt with sensitively. If the legislation is handled properly, it can be beneficial for both sides.

Mr Armstrong: I thank Minister Ritchie for bringing forward the regulations for approval.

Child maintenance is regular and reliable financial support to help towards paying children's everyday living costs. It is a moral and legal obligation on non-resident parents to support their children. I welcome the regulations because they seek to make it easier to ensure that non-resident parents who fall behind on payments, or who refuse to pay, are forced to do so, by

taking ongoing deductions or a lump-sum deduction from their bank accounts or relevant funds.

Deduction rates are such that the maximum deduction will leave non-residents parents with 60% of their income, which ensures that they still have enough to live on while they support their children.

I seek further clarity from the Minister on two areas. First, will she inform the House of the level of administration costs for the process outlined in the regulations and how much money from maintenance deductions will go towards that cost? Secondly, in the current economic crisis, as parents lose their jobs or have their working hours severely reduced, what steps of mitigation or negotiation can be taken before any deduction order is implemented?

Supporting children and providing them with necessities is a moral obligation on every parent. I welcome the fact that the regulations will make it much harder for certain parents to shirk their obligations. I support the motion.

Mrs M Bradley: I thank my colleague, the Minister for Social Development, for bringing to the House for its approval improved regulations to deal with child support. During the year that preceded September 2009, more than 16,000 children benefited from the payment of child maintenance who would normally not have done so. That is to be welcomed.

It is important that the Assembly looks after resident parents and protects non-resident parents who co-operate with the child maintenance and enforcement division.

I particularly welcome the fact that banks, buildings societies and the like cannot deduct an amount that will result in an overdrawn balance. The regulations are intended to be to children's financial benefit, not that of financial establishments that already do well from account charges that they impose.

The Minister has, again, shown her concern for improving people's lives. If those amendments are to make children's lives better and more secure, I hope that the House will support them fully.

Ms Lo: I certainly welcome the regulations. It is poignant that they should come before the House during the week in which the twentieth anniversary of the UN Convention on the Rights of the Child is celebrated. All children deserve, and have the right to receive, proper child maintenance; particularly in Northern Ireland, which has the highest level of child poverty in the UK. Twenty nine per cent of children are categorised as suffering poverty.

For too long, the Child Support Agency was criticised for not having enough teeth to force non-resident parents to pay maintenance for their children. Parents have a responsibility to their children, whether they

live with them or not, to ensure that they are properly fed and clothed, and that they have enough money to live on. I strongly welcome the extra power for the Department to take steps to ensure that children get the money that is rightfully theirs.

I also welcome the hefty bank fees that would make non-resident parents think twice about owing money in arrears to their children. That will deter them from not paying up properly and at the right time.

Mr Burns: I speak as a member of the Committee for Social Development, which considered the new proposals in June 2009. I urge the Assembly to adopt the Committee's recommendations and to approve the new Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 2009.

I will not dwell too much on the specifics of the legislation, because the Minister has spoken about them in great detail. I support the introduction of firmer collection and enforcement measures. The child maintenance and enforcement division should use such measures robustly along with its current powers.

Those regular and lump-sum deduction orders will allow the child maintenance and enforcement division to take money from the bank accounts of non-resident parents if they are in arrears. It can sometimes be difficult for the authorities to deduct regular payments from people's wages, especially when a non-resident parent is self-employed or regularly changes jobs. The new powers make it easier for resident parents to get the child support payments and the arrears that they are owed.

The legislation is not about raiding people's bank accounts and taking money that they do not have. Safeguards will be in place to ensure that the system is fair. Parents will be given every opportunity to get their payment issues resolved before the measures are taken, which will be as a last resort. Furthermore, a right of appeal will, of course, exist. Even in the event of an order being made, there will be reasonable limits on what deductions can be made. We certainly do not want to drive non-resident parents into hardship. However, at the same time, they must meet their responsibility to their children. Therefore, I welcome the new regulations.

The Minister for Social Development: I thank the Chairman of the Committee for Social Development and the various Members for their contributions to the discussion about the regulations. A number of points were raised during the debate, which I will try to address. Mr Brady rightly highlighted the sensitive nature of child support and child support regulations and the fact that two people, as well as the children, are involved in each case. We have to be sensitive about those matters.

Mr Brady also raised the issue of accuracy, as did Mr Ken Robinson. In September 2008, the accuracy figure in the child maintenance and enforcement division

was 95%. The most recent quarterly report showed that, in September 2009, the accuracy figure was 97%.

A full appeals process is in place, so there are many opportunities for people to make queries before a case gets to the point of certain difficulties. If Mr Ken Robinson has particular issues of a general policy nature or specifically to do with constituents, he can contact me, and I will be more than happy to have such issues investigated with a view to resolution.

The regulations do not restrict the grounds for an appeal. An appeal may be made when it appears, for example, that the amount on the deduction order is wrong, or when the non-resident parent considers that a reasonable arrangement for the arrears has been made. An appeal can also be made following a refusal to give consent to release some or all the frozen funds in an account. The circumstances for giving consent are set out in the regulations. Therefore, it is implicit that a court would consider an appeal against the refusal to release funds only if it related to any of those circumstances.

Mr Armstrong raised the issue of costs. It costs £10 for a regular deduction and £15 for a lump-sum deduction.

The Child Support (Miscellaneous Amendments) Regulations 2009 makes important changes to the child support scheme. Those regulations now give my Department much-needed powers to go after parents who refuse to face up to their responsibilities to their children. I should say, though, that in addition to enhanced enforcement, a major objective in all the work that we do is to change attitudes. We must make it socially unacceptable for parents to avoid or deny their financial responsibility to their own children and to effectively keep money that belongs to their children. That is really what we are talking about.

1.15 pm

Finally, I pay tribute to the staff of the child maintenance enforcement division who have worked hard to improve every aspect of their performance over the past couple of years. In a recession, the public sector, and the Civil Service in particular, come in for critical scrutiny. I put on record my respect for the hundreds of junior civil servants in the child maintenance enforcement division who do the most difficult and stressful work for modest salaries. Without their commitment, there would not have been an increase in the number of children who were helped and in the amount of money that was collected on their behalf.

Question put and agreed to.

Resolved:

That the Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 2009 be approved.

UK Child Poverty Bill

Legislative Consent Motion

The junior Minister (Office of the First Minister and deputy First Minister) (Mr G Kelly): I beg to move

That this Assembly endorses the principle of the extension to Northern Ireland of the Child Poverty Bill introduced in the House of Commons on 11 June 2009.

Go raibh maith agat, a LeasCheann Comhairle. We are here today to consider a significant piece of legislation that enshrines in law the duty to eradicate child poverty by 2020 and to debate the principle that the Child Poverty Bill that was introduced at Westminster in June 2009 should extend to this jurisdiction.

The purpose of the Bill is to ensure that eradicating child poverty is a high priority for the Government and that it receives the necessary focus to achieve the four targets set out in the Bill. Those targets cover absolute poverty, relative low-income poverty, relative low income and material deprivation, and persistent poverty. Although the Secretary of State will be responsible in law for ensuring that those are met, the duty on the Executive and Departments will be to demonstrate what actions they are taking to meet the targets and to eradicate child poverty by 2020. The placing of those targets in legislation will ensure that success can be defined and measured, and, although they are challenging, everyone should aim to achieve them.

The Bill also supports a co-ordinated approach to tackling poverty across all the Administrations, and it aims to build consensus and momentum on tackling child poverty. To help with co-ordination, the Bill proposes a new child poverty commission that will give advice to the Office of the First Minister and deputy First Minister (OFMDFM) as it prepares the Executive's child poverty strategy. It also provides for OFMDFM to appoint a commissioner to that new body.

It is a radical step to introduce legislation with targets that will present huge challenges throughout government. There will be a duty on all Departments to contribute to a three-year strategy that will be laid before the Assembly and will set out how they will contribute to the targets. There will also be a duty on Departments to report annually on those targets through the Assembly.

The Executive have already confirmed their agreement to the extension of the Bill, and there are several reasons for that. Programme for Government targets on child poverty are already in place, and the legislation can serve to bring only clarity. It will focus efforts on the important area of child poverty, and, by placing more specific duties on all Departments, it will underpin the

Executive's commitment to achieving the targets set out in the Programme for Government.

Actions that relate to reserved and devolved matters are required to tackle poverty, and the Bill recognises the importance of the devolved Administrations' contribution to achieving the targets based on the four themes. The Bill will also provide for the greater accountability, transparency and involvement of the Assembly.

In bringing the matter forward, we have been grateful for the views of the OFMDFM Committee. We are conscious of the knowledge that the Committee from its inquiry into child poverty. Indeed, Members will have received the Committee for the Office of the First Minister and deputy First Minister's detailed information brief, for which we are grateful. One of the main concerns that the Committee raised was how local authorities will contribute in future. That matter remains to be explored, as will happen in due course after the review of public administration (RPA).

I want to emphasise the two main amendments to the Bill. The first places explicit requirements on all Departments to contribute to the development of a strategy and to meeting the targets. The second places a duty on the First Minister and deputy First Minister to report annually to the Assembly. Those amendments show how serious the Executive are about the challenges ahead and that we are prepared to be accountable for our actions in the area.

It will be a challenge and difficult decisions will need to be taken about how we allocate resources and work together. However, we must remember that at the heart of the Bill is a vision of equality for all our children. Poverty narrows the choices available to our young people. The lasting detrimental legacy of poverty is poorer health, education and quality-of-life outcomes. We must do everything that we can to build a fairer society in which every child, from an early age, has the opportunity to thrive and make the most of their potential. We know that a poor start in life all too often means that a child will be disadvantaged later in life.

The Bill will provide a framework in which we can work together across all of government to co-operate and agree the measures that we must put in place to lift around 80,000 children out of poverty by 2020. Obviously, we will have to work even harder in the current economic climate in which public finances are likely to be constrained. The Child Poverty Bill is about fairness and equality and also about a strong economy. Releasing the potential of all those who would otherwise be held back by poverty will mean that all of us will be better off.

Child poverty is largely dictated by the income of the parents. Therefore, it is not always possible to isolate child poverty from wider poverty. However, we are able to measure the number of children who are

living in households that are suffering from income poverty. We recognise that progress has been made: absolute poverty has halved since 1998. However, the relative income measure demonstrates that the gap between the poorest and richest is still significant, with only a small decrease since 1998 when the baseline was set.

We believe that the legislation will contribute in a positive and tangible way to achieving a reduction in child poverty. Should the Assembly give its consent to the motion, it will endorse the continued extension of the Child Poverty Bill, which was introduced in the House of Commons on 11 June 2009, to here. It would, thus, create a common legislative framework within which we and other jurisdictions will work. That will enable us to draw on a pool of expertise from within the proposed commission and require us to report regularly to our respective Assemblies on progress made. This is progressive legislation in which we should be included.

Mr Elliott: Unfortunately, the Chairperson and the Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister are unavailable today. I apologise on their behalf. I will speak for the Committee on the motion. I thank the junior Minister for his explanation of the legislative consent motion and the background to the Bill.

During completion of the Committee's extensive child poverty inquiry, it became apparent that no single policy or programme will eliminate child poverty. Eliminating child poverty will require action by all Departments and government agencies and by local partners in the public, private, voluntary and community sectors. In reality, it also depends significantly on the actions of the UK Government on taxation and benefits policy. The Committee welcomes the UK Child Poverty Bill as a basis for government to build on.

The Bill will provide a statutory basis to the commitment made by the Government in 1999 to eradicate child poverty by 2020. Its stated purpose is to give new impetus to the Government's commitment and to drive action across Departments. It also aims to define success in eradicating child poverty and to create a framework to monitor progress at a national and a local level.

I commend the junior Minister on the willingness of his officials to come before the Committee to brief members on the workings of the Bill. On 18 February 2009, officials attended to consult the Committee on the UK Government's consultation document on legislative proposals for the introduction of a child poverty Bill, which was published on 28 January 2009. The Committee welcomed any measure that raises the profile of child poverty, focuses minds on the demanding

Government targets in that area and maintains momentum on tackling the issues that cause child poverty.

The Committee also welcomed the pre-legislative consultation and the laudable effort to address child poverty in the long term through legislative action.

During the consultation period, the Committee raised a number of concerns for the Department to take forward. Following consultation with the OFMDFM Committee, and with the Executive's agreement, the First Minister and deputy First Minister wrote to the UK Government requesting that amendments be made to the Child Poverty Bill. First, they requested an amendment that would recognise explicitly the role and responsibility that all Northern Ireland Departments will have in relation to the Northern Ireland child poverty strategy and reports. For example, all Departments will have to set out the measures that they are taking to contribute to the meeting of the targets set out in clauses 2 to 5 and describe the effect of those measures.

Secondly, they requested an amendment to impose a duty on the Office of the First Minister and deputy First Minister to report annually to the Northern Ireland Assembly on the measures taken by the Northern Ireland Departments, in accordance with the Northern Ireland strategy, and on the effect of those measures in contributing to the meeting of the targets set out in clauses 2 to 5 of the Child Poverty Bill.

On 1 July 2009, 16 September 2009, 30 September 2009 and 4 November 2009, the Committee received further briefings from officials on the Bill, the legislative consent motion and the amendments to the Bill.

At the Committee meeting on 4 November, officials explained that, on 9 October, the First Minister and the deputy First Minister had written to the lead Minister for the Bill, Stephen Timms, requesting that amendments be made. Those amendments would, first, place a duty on OFMDFM to report annually to the Assembly and, secondly, extend the scope of the Bill to all Northern Ireland Departments. The officials explained that Minister Timms had agreed that the amendments be included in the Government amendments going forward to the Westminster Committee for its consideration of the Bill.

The Committee Stage is complete, and the Committee at Westminster has accepted the amendments, which are now part of the Bill. It is expected that the Report Stage at Westminster will take place in early December and, hopefully, the Bill will attain Royal Assent in early January 2010.

At its meeting on 11 November 2009, the OFMDFM Committee agreed to issue a Committee information brief to all Members and party support staff detailing the issues that gave rise to this legislative consent motion. It was intended that that would aid Members in contributing to today's debate. I am pleased to say

that the Committee for OFMDFM supports the legislative consent motion.

Mr Deputy Speaker, if you will allow me, I will now put forward the Ulster Unionist Party's perspective on the motion.

The legislative consent motion continues the well-established principle of parity between Northern Ireland and the rest of the United Kingdom with regard to welfare matters. As such, it is important that the legislative consent motion receives the support of the House. Equally important, however, is the fact that it addresses the moral, social and economic scandal of child poverty within not only the Province, but the UK.

That said, there are important questions to ask about the Child Poverty Bill. One wonders whether it was a concern about child poverty that motivated the UK Government to introduce the Bill. Labour has been in power since 1997, but there is a reasonable expectation among political commentators of all shades that it will lose the general election next year. Why, therefore, has Labour waited until the very end of its term in Government to introduce such an important Bill?

There are questions around the current UK Government's record on child poverty. Despite their welcome pledge to reduce child poverty by 50% by 2010 and to eradicate it by 2020, the number of children living in child poverty has increased under the Labour Government. Therefore, are the Labour Government best placed to introduce legislation on a matter on which they have so obviously failed?

The Labour Government have had a near total reliance on welfare measures to address child poverty. That one-dimensional approach to child poverty — salvation by economics alone — has, as I have said, failed. It has failed because child poverty is not a matter of simple economics. Raising income levels alone does not address social exclusion. The poverty of aspiration, educational opportunity, family support and community support, has all been left untouched due to Labour's focus on income levels.

The Labour Party has ignored the root cause of child poverty. It has ignored the importance of the child's family, the role played by economic inactivity and trans-generational unemployment and the poverty of educational aspirations and opportunities. How can the House be sure that the Child Poverty Bill does not seek to enshrine in legislation an already failed approach to child poverty? I look forward to a much more positive and proactive response to those matters, both in the Child Poverty Bill and in child poverty issues throughout government

1.30 pm

Mr Shannon: I support the legislative consent motion. I pay tribute to everyone in the Committee for the

Office of the First Minister and deputy First Minister. Committee members have worked together on the issue, there has been consensus, and all parties are united in their desire to eliminate child poverty.

I have spoken about child poverty in the Chamber on many occasions, as a member of the Committee and as a public representative. In many cases, what one sees as a public representative can be used in Committee meetings. A public representative sees the incidence of child poverty in his or her own area and understands how to tackle the root of the problem.

I wholeheartedly support the theory behind the motion. We need a co-ordinated effort to put child poverty in its place — the past. In 2007, I was provided with shocking figures, which showed that more than 10,000 children in Northern Ireland were living in poverty. That figure covered only those who were living in poverty; there are many others on the edge of it. The detail of those figures goes to the core of our society and shows that the underbelly of society in Northern Ireland is under pressure. Early indications show that the child poverty figure rose again in 2007. The economic crisis has resulted in more child poverty. The figures make me feel sick, because, despite being far from an underprivileged society, we have so many children living below the poverty threshold.

Children are at a higher risk of living in poverty if they are in a family in which there are no working adults; there is only one resident parent; there are four or more children; or a child is disabled. All the statistics show that child poverty is higher in Northern Ireland than anywhere else in the UK or Europe. A survey by Save the Children found that very poor children are badly affected. In many cases, there are social consequences: the children in question lack friends, lack hobbies, never go on family trips and have severe financial pressures.

The Northern Ireland Housing Executive has found that 6,805 families with dependent children are homeless, which is a 50% increase over 10 years. In play and social development, poor children lose out on basic social activities due to low household incomes, and their health is affected from birth. I represent Strangford. It is an area that some would perceive as affluent, but the child poverty figures are scary, and that worries me. I am still surprised that there are children who go to bed hungry and cannot enjoy activities that a lot of other children take for granted, such as swimming.

I have been told by many people who work with children daily that there are signs of deprivation in most youth groups. When one youth club in Newtownards ceased its 50p dues policy and made entry to the club free, more children from the estates attended. However, when there are outings and the kids must pay towards

the bus, many cannot attend. If the provision is free, children in poverty can attend, but even a nominal cost means that they are unable to participate.

I have a heart for the issue as Newtownards is one of the top spots for child deprivation in the Province. I have seen that at first hand via my constituency office. It concerns me to think of the worries that some of our children take on their small shoulders, which are not designed for burdens such as paying bills. Some of them carry a heavy burden from an early age. The Assembly has recognised that children have a right to a carefree existence, and there is an overall aim to eradicate child poverty by 2020. Although that is ambitious, it is achievable if all Departments work together to flag up the signs of poverty and issue the aid that is needed. I am sure that, during his response to the debate, the junior Minister will speak about how Departments will address the issue collectively and responsibly.

The passing of the Bill will give focus to the implementation of our child poverty policy and will be a guide to help us to find a solution. It is not all about problems; it is about solutions and how we address issues, and today's legislative consent motion offers the Assembly an opportunity to do just that. We have the capacity to make a difference and, as I said earlier, there is a will to do so in the Committee. The Bill should be the start of real change for children in the Province, who can and should have a bright future regardless of their background. The facts are clear, as is the pressure on elected representatives to make it happen.

We must combat the statistics, which can only have worsened since the survey because of the economic climate and the credit crunch. In the Chamber, Members have already made a commitment to eradicate child poverty. The issue has been discussed and agreed by all parties here. The Bill that we are discussing today is the next step towards achieving our goal. However, we cannot do so alone; it must be a UK-wide battle. The help that the Bill provides, through the child poverty commission and the pressure on the Secretary of State, can only be a good thing.

Child poverty must be tackled at its root; that is, through the provision of jobs for parents and their ability to work in those jobs with adequate childcare arrangements in place. That is a core issue in addressing child poverty and is an intricate part of the issue. However, that is a debate for next week: I understand that the House will debate childcare next Tuesday, and we will have an opportunity to discuss that issue then.

There cannot be anyone in the Chamber who does not recognise the importance of driving a strategy for child poverty, not simply to meet the target of eradication by 2020 but to make a difference to the lives of children

throughout the Province who are growing up in homes in which there is only one meal a day. The rumbling of their stomachs is no laughing matter. For some, that is a daily occurrence. Some children do not have the food that we have in our homes: sometimes we have too much. That cannot be allowed to continue in the Province. It is vital that Members nail their colours to the mast today and take a step forward by supporting the legislative consent motion. I support the motion and ask other Members to do likewise. I am convinced that they will. Let us make child poverty a thing of the past and do better for our children.

Ms Anderson: Go raibh maith agat. I support the legislative consent motion. When the Committee for the Office of the First Minister and deputy First Minister's child poverty inquiry looked into the issues, it laid bare the scandalous extent of child poverty here. Moreover, it demonstrated the need for a proactive and cross-cutting measure to combat it.

The first thing I did as a newly elected MLA and new member of the Committee was lobby for the inquiry. I did not do so alone: Jim Shannon, in particular, was eager to have the inquiry. Jim and I lobbied for the inquiry because like many other people, not only Committee members but MLAs, I was appalled at the level of child poverty. My constituency of Foyle has a child poverty rate of 34%. That means that more than one in three children in the city of Derry live in poverty. That is an absolute scandal, and the Committee found similar scandalous evidence across the North. The Committee was appalled to discover evidence that 135,000 children live in poverty across the North.

However, this new dispensation has the opportunity and the responsibility to begin to address that legacy. To begin with, the commitments in the Programme for Government, particularly the target of eliminating child poverty by 2020, must become a reality. To do that, Departments must target proposals within their remits that demonstrate that they will alleviate child poverty. We must see evidence that their programmes and projects will have an effect on alleviating child poverty.

The Assembly has already signed up to that 2020 target, which is laudable, but this legislative action is already long overdue if we are to achieve that target. The overarching aim of the Child Poverty Bill is to increase those efforts. It seeks to define and set targets in legislation to eradicate child poverty and to promote measures to meet those targets. That takes into account some of the concerns raised by the Committee. It also seeks to hold the Government to account for their progress against those targets, and that is to be welcomed. There is great potential within the Bill.

Comments have been made about the motion coming before the Chamber at this moment in time. The Committee for the Office of the First Minister and deputy First Minister did not wait until the end of its tenure before it focused on or addressed child poverty. The first thing that the Committee did was to instigate an inquiry into child poverty, for which there was cross-party and cross-community support. Whatever happened elsewhere has not been replicated in this Chamber.

However, gaps in the legislation were identified by members of the Committee when we discussed the Bill. We carried out a consultation with key stakeholders, including Save the Children, the NSPCC, Barnardo's, CiNI and the Commissioner for Children and Young People. Although there was a broad welcome for the aims and intent of the Bill, there was a feeling among the Committee members and the stakeholders that additional measures were needed to reflect our particular circumstances. A number of amendments were subsequently requested, and it is those that now require the legislative consent.

The Committee was pleased to see that its concerns were not just taken into account but were followed up, and amendments have been made to the legislation that make it more robust than before. The amendments place a duty not just on OFMDFM but on the Executive as a whole to prepare our own child poverty strategy setting out how the North will contribute to child poverty targets and what actions our Departments must take on the issue.

Departments need to demonstrate, as has been repeatedly discussed in the Committee, how programmes, projects or proposals coming through will impact. They need to be evidence-based so that we can track the changes that take place. The amendments also impose a requirement for the North's strategy to be revised every three years. To that end, we should be able to measure where we are, where we have got to and how we got there, as well as knowing what else we need to do.

There will be a requirement for OFMDFM to request the advice of the new child poverty commission in preparing the Executive's child poverty strategy and to have regard to that advice. The Bill will include a right for OFMDFM to appoint a commissioner to the new child poverty commission and a clause that will allow OFMDFM to be consulted by the British Secretary of State on the overall membership of that commission. That is an input that we recommended for the implementation of this Bill and what needs to be done with the strategy.

The amendments and new mechanisms will assist in the monitoring and implementation of the kind of cross-cutting measures that will help to eradicate the scourge of child poverty. The proposals coming from

Departments must be targeted. They must be measurable, and we must be able to see how they will make an impact on child poverty. On that basis, I commend the legislative consent motion to the House.

Mrs M Bradley: I hope that by now, no Members of the House will argue against the motion. I fully support the ethos of the motion and the UK Child Poverty Bill and its contents. Although there are many intricacies, which my colleague and party leader spoke about during the Bill's progress at Westminster, it is generally to be welcomed. I am hopeful, given the directives and requirements that the Bill will issue, that the Office of the First Minister and deputy First Minister will offer full and explicit co-operation and a renewed vigour to reach the goals that the Executive set after restoration.

Devolved institutions and Departments will have no place to hide once legislative consent has been attained. They will not be able to renege on the principles, aims and objectives that form part, or all, of the long-awaited and elusive anti-poverty strategy, which will be catapulted into the mainframe of the UK Government and the devolved institutions.

1.45 pm

Northern Ireland has a history of poverty. We are by far the poorest of any region in the EU, with more than one third of children living in poverty. The population of Northern Ireland is also the youngest of any UK region, with 27% of its population aged under 18. The report 'Childhood in Transition', which was commissioned by Save the Children, the Prince's Trust and Queen's University, was transparent in its assessment that poverty, and more specifically persistent poverty, was one of the main contributors to the future prospects and life experience of children in Northern Ireland. Unfortunately, our troubled past and divided society make our job more difficult. Northern Ireland's children have more challenges to face and overcome than those in other regions.

For example, education should be a pathway out of poverty, but we face many in-house issues on that very subject. The 'Every School a Good School' ethos is centred on area-based planning and will not help in the challenge to eradicate poverty. Many cross-departmental issues will need to be reviewed, tweaked and even, I am sorry to say, shelved if we are to achieve our goal in 2020. I have been critical of OFMDFM, particularly regarding its approach to older people, another vulnerable group, and their need for a commissioner with real teeth. I will continue to be vigilant of OFMDFM's actions following the consultation period and the publication of the outcome and summaries.

However, I have hopes that the legislative pressure that the UK Child Poverty Bill will place on devolved Governments will mean that OFMDFM finally has to

act, rather than pontificate, on child poverty in Northern Ireland. OFMDFM will no longer be able to merely say the right things to catch headlines and throw the public off the scent. Actions speak louder than words. I urge all Members and Ministers to take account of even the smallest perspective on any child-centred issue and to reaffirm their commitment to children and the eradication of child poverty by accepting the motion. I expect that all Departments will be given an opportunity to contribute to the child poverty strategy and that the current economic conditions will not be used as a get-out clause to excuse a lack of the positive activity and dedication to the legislative commitment that the motion requires.

In Northern Ireland, 96,000 children exist in a state of poverty on a daily basis, and some 45,000 of those children live in severe poverty. Our receipt of out-of-work benefit is 19%, which is 6% above the UK average. Those figures are totally unacceptable, but we are at the threshold of a real and positive opportunity to change them. We must give full and honest support to the motion. Given the economic situation, we should be under no illusion that it will be a hard task. However, with commitment, we can make it happen. I support the motion.

Mr McCarthy: Go raibh maith agat, a LeasCheann Comhairle. I will speak in support of the legislative consent motion on behalf of the Alliance Party. Child poverty is a scourge on our society that should be eradicated at the earliest possible moment. I pay tribute to the many individuals and voluntary groups throughout Northern Ireland who work continuously to overcome this very serious issue. The Alliance Party welcomes the UK Child Poverty Bill and will work with everyone concerned to make child poverty a thing of the past. It is our wish that all our children enjoy a good, sound, playful and healthy childhood. Surely that is the least that Members should work for in whatever way we can.

The Bill makes provision for the appointment of a child poverty commissioner to advise on strategic and technical matters. The Bill will place a duty on the Secretary of State to produce an initial UK strategy to eradicate child poverty, as well as to devise a revised strategy every three years. Furthermore, the Bill will recognise explicitly the role and responsibility that all Northern Ireland Departments will have for producing a Northern Ireland strategy and any reports. Indeed, Minister Kelly acknowledged that earlier.

In the Programme for Government, the Northern Ireland Executive set out 2012 as the interim target by which child poverty should be eradicated. However, the Child Poverty Bill sets 2020 as the target, which is rather disappointing. I hope that the Northern Ireland Executive will do everything possible to retain the 2012 target or propose one that is as close as possible to that date.

The Bill will ensure that effective mechanisms are in place to ensure that the performance of public bodies is accountable against targets that have been set. Those mechanisms include the establishment of a commission that is independent and possesses real powers, such as authorising research and calling for evidence. The Bill states that the Government must have regard to the commission's advice; however, it should also state explicitly that the Government must explain to Parliament why they reject any of the commission's recommendations.

Save the Children believes that the relative low income level should be set at a precise numerical target of 5% or below, rather than 10%, which is what the Bill states. Save the Children also believes that the target for persistent poverty should be set to approach zero. In Northern Ireland, persistent poverty is 21%, which is more than double the GB level. Surely that is a shocking statistic. Indeed, we are told that some 44,000 children live in such poverty. However, if I heard the Minister correctly, he said that 80,000 children in Northern Ireland live in severe poverty. That shows that current policy interventions are not reaching the children that they should. We must not permit the situation that creates those figures to continue. It is a shameful situation, particularly as the UK is regarded as one of the most prosperous countries in the world.

Earlier in the Chamber, we all supported Minister Ritchie's efforts to direct finance to child poverty so that people can feed and clothe their children. Although the Alliance Party welcomes the Bill, we would like to see its contents finalised and implemented well before 2020.

Mr Spratt: I apologise to the Minister for not being in the Chamber at the start of the debate. I am pleased to support the motion and speak in the debate.

As Members are aware, the Child Poverty Bill was introduced in the House of Commons on 11 June 2009. It is right and proper that the Bill be extended to this Assembly. Its objectives and goals will have an impact on many families here in Northern Ireland. As other Members said earlier, it was heart-rending to hear some of the evidence in the Committee from the various organisations that deal with the many families that are caught in the terrible trap of child poverty. Our hearts went out to those folks on many occasions.

There is a clear onus on the UK Government to commit to eradicating child poverty by 2020. As has been said, we all hoped that child poverty could have been eradicated before that date. Even eradicating child poverty by 2020 is now a major task that the Government have set themselves. Although the Westminster Government ultimately hold the levers of power on this matter, it is important that all the devolved Assemblies throughout the rest of the United Kingdom work towards

that goal and that we do everything within our powers to eradicate some of the problems earlier than 2020.

It is important to point out that child poverty has decreased since 1998, but the level remains very high, and knowledge of that decrease makes no difference to families who are caught in the poverty trap. A lot of progress has been made and life has improved for many people, but for people caught in that trap life has not improved, and it must.

To keep the eradication of child poverty at the top of the agenda, it is essential that we set targets based on the child poverty measures that are detailed in the Bill, for example:

“relative low income...combined low income and material deprivation...absolute low income”

and “persistent poverty”. We must also monitor progress, and there are ways in which to do that. The Committee suggested that the First Minister and deputy First Minister provide regular progress reports to the Assembly. In addition, the UK Government have a duty to report annually and to establish a child poverty commission. It is important for Northern Ireland to have a representative on that commission. Of course, the same applies to the United Kingdom’s other devolved institutions. There is a clear obligation to produce a strategy to tackle child poverty; however, that will require all Departments and public bodies to play their part.

From an economic perspective, one of the best ways to tackle poverty is to create employment opportunities, although the present economic climate that is being endured by us all makes achieving that difficult. Other methods to tackle child poverty include supporting working parents, particularly lone parents. Childcare vouchers are important for parents who work, and I sincerely hope that the Prime Minister and the Government will take that into account, given the debate about the childcare voucher system in recent days and weeks.

There is much work to be done on child poverty. We on this side of the House fully support the motion. The Assembly must tackle the issue as a matter of urgency and deal with it in whatever way it can. I hope that OFMDFM takes all of my points on board.

Mrs McGill: Go raibh maith agat, a LeasCheann Comhairle. I support the motion on behalf of Sinn Féin and I thank junior Minister Gerry Kelly for his explanation of how the legislative consent motion is connected to the Child Poverty Bill.

The Bill’s stated intent is to:

“Set targets relating to the eradication of child poverty, and to make other provision about child poverty.”

That might seem simple to do; the language is simple and the intention is laudable. However, Mr Shannon,

Martina Anderson and others gave examples of their views of what it is to be poor, and we must take on board that “poverty” and “being poor” might well mean different things to different people. We all have our own images, some of them traditional, of what those terms mean. The Child Poverty Bill is a commendable attempt to lay down in statute identifiable targets and measures to deal with child poverty.

2.00 pm

Reference was made to what British Governments have or have not done thus far and to why they might be bringing a Bill forward at this stage. As Mr Elliott said, it goes back to a pledge that the British Government made in 1999 to put into statute provisions to deal with poverty. I listened to Mary Bradley, and I was glad that she supported that view, because, although not everything will be managed in the way in which we might want, it is important that we manage what we can and that legislation exists to allow us to do so.

Some of the groups that responded to the consultation pointed out that the Lifetime Opportunities strategy does not include a legal obligation to protect children in poverty, and I interpreted Children in Northern Ireland’s comments to mean that it would be good to have such an obligation in statute. A number of other groups referred to the Lifetime Opportunities strategy, and the Law Centre pointed out that now is not the time, and perhaps it is not even appropriate, to have another strategy. It suggested, indeed, that we should refer to the strategy that we have — the Lifetime Opportunities strategy — whether or not it has worked thus far. The Child Poverty Bill is an attempt to make things better from here on in, and my party supports that position, as I do as an individual.

In April this year, when Departments here were asked to respond to the consultation document, ‘Ending Child Poverty: Making it Happen’, interestingly, some of them made no comment and some responded at length. In fact, DSD said that although it is good to have an aspiration to eradicate child poverty, it may be difficult to enshrine it in legislation, because conditions change, and so on.

Of all the Departments that responded, only two — the Department of Agriculture and Rural Development (DARD) and the Department of Finance and Personnel (DFP) — referred to the Lifetime Opportunities strategy. DARD is working hard to alleviate poverty in rural areas, and I welcome that. We should consider the Lifetime Opportunities strategy. The Child Poverty Bill calls for more focus on child poverty, and that is commendable. DARD’s rural White Paper and its other plans to sort out poverty in rural areas feed into that goal, as that Department said in its response to the consultation. I repeat that other Departments did not refer to the Lifetime Opportunities strategy, and that is

something that OFMDFM needs to consider. Members of the OFMDFM Committee have already given a commitment to look into that.

The amendments to the Bill that specify the involvement of all Departments in enacting its provisions are very valuable. The responses to the consultation thus far indicate that there is a gap in involvement, for which we must all take some of the blame. Departments must contribute to the process, because the momentum that the Bill should give to dealing with child poverty will be extremely welcome. In spite of what Mr Elliott said, I understand that that is the Westminster Parliament's intention, and we support that intention.

As my colleague Mickey Brady has just pointed out to me, we associate fuel poverty with elderly people, yet as many as one in three children living in fuel poverty may develop respiratory conditions and other problems.

If we are to tackle child poverty, there must be joined-up working and co-ordination between Departments, and the Bill provides for that. I fully support the motion and the Bill. My party accepts that there is work to be done, as Martina Anderson outlined in her contribution. We all have work to do, and it is a matter of making progress and addressing the problem. I take Mary Bradley's point about what Departments and Ministers did in the past, and I repeat that Sinn Féin wants to contribute to the process of reducing child poverty. We fully support the motion. Go raibh maith agat, a LeasCheann Comhairle.

Mrs Hanna: I welcome the opportunity to speak on the critical issue of child poverty. I also welcome the work of the Labour Government. During their years in power, they have shown a commitment to tackling child poverty.

However, in Northern Ireland, we need to take more control of the issue. We have particular needs and difficulties, and we have set our own ambitious targets. Devolution is all about the local picture. We know the local area and where the pockets of deprivation lie. The problem, however, extends far beyond those pockets of deprivation. It is particularly relevant, in view of the economic downturn, to those living just above the benefits threshold. They are called the "new poor", but they are not so newly poor. I support the Labour Government's commitment to eradicating child poverty by 2020. However, the SDLP believes that the Assembly should use its devolved power to do its utmost to achieve that before 2020 and closer to the date that we set.

Part 2 of the Bill places a duty on each local authority to undertake a child poverty assessment in its area. That applies only to local authorities in England, and, therefore, no such duty is placed on local councils

in Northern Ireland. We must examine how we manage that duty in the North and, as we are in the middle of the review of public administration, we should do so now. It is important, and it would show devolution at work.

More importantly, that duty must also be acted upon by every Department, and I welcome the Bill's amendment of the law to that effect. The Department of Health, Social Services and Public Safety, the Department of Education, the Department for Social Development, the Department for Employment and Learning and the Department of the Environment are all highly involved, and it is important that they are all part of the process.

Northern Ireland legislation would allow us to set our own targets. Kieran McCarthy pointed out that the target for relative low income is set at 10%, but many organisations in the children's sector believe that it should be set at 5%. In addition, the Bill does not contain a target for children living in severe poverty, but such a target is contained in our Programme for Government. That is the most difficult group to lift out of poverty, and, therefore, we must focus on and prioritise those children.

The deprivation gap in health is widening, and we must focus more on prevention, early intervention, good parenting programmes, initiatives in schools and good preschool programmes such as Sure Start. We are well aware of fuel poverty, and the need for childcare vouchers was also mentioned.

Legislation alone will not end child poverty, and I am keen to hear from OFMDFM what additional resources will accompany the Bill, particularly for areas in which that Department is not under a duty to act. I have in mind such initiatives as the promotion and facilitation of the employment of parents, the development of skills, the provision of financial support for children and parents and the promotion of social inclusion.

We can see the gap that exists in health provision and the division in education that the 11-plus created. Although the 11-plus was brought in for a good reason, it has brought about a two-tier system. We need to have really good primary-school education. That is essential to ensuring that, regardless of age, children who transfer have the three Rs — reading, writing and arithmetic. It is imperative that they start off on a level playing field. In the long term, it is worrying and sad that many children will be socially excluded and unable to achieve their potential.

I would like to receive an update on what measures OFMDFM has undertaken to ensure that child poverty is being tackled by coherent cross-departmental action, because never before in any issue has such joined-up action been required.

Mr Attwood: I welcome the debate, and I am glad that there will be a legislative context in which we can take forward these matters. However, I am mindful of the fact that constraints arise from the legislation that need to be rectified at the earliest possible opportunity. My comments are meant as constructive encouragement, and I hope that the deputy First Minister will accept them in that spirit.

My colleague Mrs Hanna referred to the duty on local authorities to undertake a child poverty assessment in their areas, and, in his opening remarks, the deputy First Minister said that that:

“remains a matter to be explored”.

That matter was touched on and somewhat explored by the Committee, but it has still not been resolved. The SDLP believes that it would have been better to seek from the British Government an amendment to the Bill in which councils in the North, whatever their future designation, would have an obligation to eradicate child poverty, because it is normally best practice to create certainty earlier, rather than to allow doubt to linger longer. That argument has been confirmed by the fact that, in recent days, the Minister of the Environment has indicated that there may be some issues around the review of public administration legislation. In view of that new context, it may be that ultimately, unless the issues are corrected, we will regret at leisure our failure to seek in the primary Westminster legislation a provision that local councils have an obligation to eradicate child poverty.

It would, however, be helpful if the deputy Minister were in a position to confirm whether it is the intention of the First Minister and the deputy First Minister to encourage the Assembly to put in the review of public administration legislation, if and when it comes to the House, an obligation in law that is at least equivalent to that which will apply to councils in England and Wales under the Westminster legislation. If the junior Minister were in a position to confirm that today, it would create some degree of certainty. If he were to do so, at least that matter would be tied down.

I welcome the Children's Rights Alliance's argument that the Government should have a duty to report annually, that OFMDFM supported that call and that it is now included in the legislation. All of that is good, but, without anticipating a future debate in the House on European matters, evidence has been given to the Committee for the Office of the First Minister and deputy First Minister on what reporting means for each Department when it comes to its obligations on implementing EU policy in Northern Ireland. Colleagues on the Committee will confirm that the evidence that OFMDFM officials have given to the Committee on the subject is very much a mixed bag.

2.15 pm

For example, we are told that some Departments' obligations on mainstreaming EU policy appear to be very much about the ticking of boxes. There is evidence that one Department has a different way of operating from others when it comes to EU matters. There is also evidence that there is no change in how Departments here respond to a change of priorities in the EU when the EU presidency changes every six months.

Such evidence to the Committee suggests that the reporting function and accountability for what Departments do about EU matters may not be a healthy precedent for how the Government may report on how Departments perform on child poverty each year. Mrs McGill touched upon that matter when she confirmed that, in respect of a proposal for Departments to have an obligation regarding child poverty, some of them made no comment whatsoever about their responsibilities.

Although annual reporting is important, it needs to be much more than some of the reporting that goes on in a parallel area, such as EU strategy, when it is working through Departments in the North. The annual report should be about hard targets, real strategies, common standards between Departments, and they should be measured in an evidence-based and rigorous way.

The junior Minister rightly acknowledged that what some view as radical targets in eradicating child poverty inevitably become more challenging in an economic downturn. The consequence is that the Assembly and the Government must be frank with themselves in that context: the targets for 2020 will require more strategies and investment. If we are going to get close to meeting some of the measurable targets — and not all of them can be measured — we must recognise that the Assembly will have to make decisions about strategy and resources to address those matters.

That is complicated and compounded by the fact that child poverty will be most intense in those families, of which there are significant numbers in the Catholic and Protestant communities, in which no member of a household — grandparent, parent or child — is in work. When it comes to equality, in general, and child poverty, in particular, that sector of society requires a dedicated approach. A Committee on the Administration of Justice report that was referred to in this House two or three years ago said that the number of workless families in the Catholic community remained constant, and there was growing evidence of workless families in the Protestant community. Not a child, parent or grandparent in those households was in work. That wider issue has to be dealt with, and, in doing so, we will deal with some of the most acute child poverty figures in the North.

One amendment that the Children's Rights Alliance suggested that the Assembly and Executive endorse in the primary legislation in West referred to the employment of parents, including quality, affordable childcare, and developing parental skills.

In that context, and given that the matter has been highlighted by the Children's Rights Alliance, where do we sit in respect of the roll-out of the childcare strategy? The Minister has reported to the House that the subgroup is working on that matter, and that various attempts have been made to take forward the childcare strategy. It would be helpful if the Minister were in a position to indicate where things stand, because the aim is to help families and children in poverty.

I conclude by recalling what Jim Shannon and Mary Bradley said, which was touched on by other Members: 96,000 children are in poverty, and 45,000 children are in severe poverty. Given what I said earlier about the economic situation and considering that, at times, our Government do not work in a joined-up way, and given what Mrs McGill said about some Departments not even responding to the consultation, those figures should be a wake-up call for all Members in the Chamber, and many in government.

Mr Deputy Speaker: I call junior Minister Kelly to wind up the debate, and I give him the challenge of finishing before 2.30 pm, when Question Time begins.

The junior Minister (Mr G Kelly): I start by thanking Alex Attwood for both promoting and demoting me during his fairly long speech. My speech will be fairly short because all Members supported the motion, and I thank them for that. I thank Tom Elliott, in particular, for representing the Committee for the Office of the First Minister and deputy First Minister. I appreciate the positive manner in which the Committee dealt with the proposals for the legislative consent motion, as did everyone else.

I will pick up on one or two issues and totally ignore the question of the Labour Party's reasons for introducing the Bill, which is a welcome piece of legislation. Jim Shannon articulated on behalf of many Members the on-the-ground experience in our constituencies, and referred to the necessity for the motion. He also made the helpful comment that the 2020 target is achievable, and, as Alex Attwood just said, it is a wake-up call.

Martina Anderson used Derry as another example. She said that the consultation with the stakeholders was very important, and mentioned that the strategy would be revised every three years. Mary Bradley spent most of her time talking about accountability and transparency, which is crucial, because the statistics for child poverty here are the worst in Europe. I thank Members for not getting too party political during the

debate; Mary Bradley almost went there, but resisted. She said that OFMDFM was pontificating, but she also said that all Departments needed to play their part, and I thank her for that.

Kieran McCarthy also supported the motion. However, it is important to make the point that he was talking about dealing with severe child poverty by 2012. As Carmel Hanna pointed out, that target is additional to the Bill; we have addressed that in our Programme for Government, and it remains something that we will try to do. The Bill seeks to eradicate child poverty by 2020, and there was some confusion around the two targets. Jimmy Spratt was very supportive, and said that a lot of work had to be done. He referred to childcare vouchers, the commission and the commissioner. The commission and the commissioner will be very helpful.

Claire McGill mentioned Lifetime Opportunities, which the legislation can encompass. She also referred to rural areas. The Minister of Agriculture and Rural Development, inside and outside Executive meetings, always refers to rural proofing all measures, and that is important. Carmel Hanna said that it was the local picture that counted, and that is true. She also said that, although the levers of power in respect of the legislation are at Westminster, we have our part to play and we can have an effect. I think that we will have an effect, and that effort must be cross-departmental.

She also mentioned a series of ideas, which we can come back to; I will not go through them now. I agree entirely that legislation is not enough and that there is a need for joined-up action.

Alex Attwood said a lot, but I will only deal with a few of the points that he raised. He mentioned the RPA legislation. I do not think that we could have placed that duty on the RPA, because the legislation for that was going through at the time. He also mentioned a lot of examples from Europe and the lack of joined-up government, specifically in relation to reporting. All that I can say on that matter is that reporting is very important and must not be a box-ticking exercise; we will do all that we can to avoid that.

In conclusion, I reiterate the Executive's belief that the Bill will bring greater clarity to our child poverty targets, greater transparency as we strive to meet those targets and greater accountability to the Assembly. Ultimately, the Bill is intended to help us to build a better future for all our children and, for that reason, I commend the motion to the Assembly and thank Members for their support.

Mr Deputy Speaker: I thank the Minister for his brevity.

Question put and agreed to.

Resolved:

That this Assembly endorses the principle of the extension to Northern Ireland of the Child Poverty Bill introduced in the House of Commons on 11 June 2009.

Mr Deputy Speaker: As Question Time begins at 2.30 pm, I suggest that the House takes its ease until that time.

2.30 pm

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

Oral Answers to Questions

HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

Disability Strategy

1. **Mr McKay** asked the Minister of Health, Social Services and Public Safety to outline his Department's disability strategy. (AQO 362/10)

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): On 2 March, I set out to the House my intention to develop a new disability strategy during 2009-2010. Development work is under way, and I plan to publish a draft strategy for full public consultation by the end of March 2010. The strategy will promote a person-centred approach to treatment, care and support and will cover all age groups. It will not focus on individual disabilities; rather, it will provide a framework for the development of services to assist all people with a physical and/or sensory disability to lead a full and independent life.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. It is unfortunate that the strategy has again been put back. Will the Minister detail the efforts that his Department has made to ensure that it consults effectively with the disability sector, particularly the service users, as it develops the strategy?

The Minister of Health, Social Services and Public Safety: I am not clear about the aside about the strategy being put back; it certainly has not been. As the Member will be aware, there are a number of disability and neurology strategies, including on the issues of acquired brain injury, sensory impairment, a neurology review, respite, allied health and wheelchairs. This review brings all those issues together. Users and their carers play a key role in all of that, so their input is vital. The consultation will pay due regard to those opinions, as it will pay due regard to the opinions that come forward from all sources.

Mr P Ramsey: What protocols are in place for written communications for people with visual impairment disabilities? I have had a number of representations from people with visual impairments

who have received letters in small print and on coloured paper and cannot understand them.

The Minister of Health, Social Services and Public Safety: Trusts are engaged in ongoing work on the patient administration system to provide information in a form and manner that the patient can readily access. If the GP of a person who is partially sighted informs the trust of that through the patient administration system, the trust can take steps to ensure that contact is made, usually through direct telephone contact and also through the provision of appointment cards in Braille or large print and the transcription of appointments and letters onto an audio CD or cassette. It is vital that, if a patient is having an appointment, for example, they understand the information so that they can be at the appropriate place at the appropriate time.

Mr McCarthy: The Minister will be aware of the Mencap campaign, Changing Places. Will the Minister guarantee the Assembly that he will consider including that in the strategy? Will he ensure that Changing Places will be facilitated in the health estates?

The Minister of Health, Social Services and Public Safety: Mencap will have access to the consultation process, as will all other organisations, groups and users. Its views will be taken into consideration, as will the views of all other parties that are interested and want to come forward with their input. It would be premature if I were to give guarantees on what the outcome of the strategy will be, but it has some importance in the Department.

Mr Shannon: I thank the Minister for his answer in relation to the RNIB and people who are blind. Is it his policy to contact surgeries and clinics to make GPs aware that the facilities that the Minister outlined are available for people who are visually impaired or who have visual problems?

The reason that I bring the matter to the Minister's attention is because a number of people with visual impairment have contacted me to say that when they have been called to clinics, they have not been made aware — nor, seemingly, are their GPs aware — that those facilities could be delivered to them.

The Minister of Health, Social Services and Public Safety: In fact, the onus is on GPs: they have patient lists and, therefore, know which of their patients are partially sighted and require that type of support.

I will speak to the Chief Medical Officer. We will try to ensure that all GPs are informed through the proper channels that they are able to take that step and that, in fact, trusts can be informed.

Altnagelvin Hospital: Radiotherapy

2. **Mrs McGill** asked the Minister of Health, Social Services and Public Safety what is the current status of the business case commissioned by his Department into the provision of a satellite radiotherapy centre at Altnagelvin Hospital. (AQO 363/10)

The Minister of Health, Social Services and Public Safety: The business case for that project was submitted to my Department last month and is being considered by my officials. It should be noted that although pressure on the Department's capital budget cannot be ignored, the development has high priority. It is necessary to ensure that sufficient radiotherapy capacity exists to continue to treat cancer patients safely and effectively.

Mrs McGill: Go raibh maith agat. I thank the Minister for his response. Has he had any recent discussions on the matter with the Minister for Health and Children in the South, Mary Harney? Due to Altnagelvin Hospital's proximity to Donegal, the provision of a satellite radiotherapy centre there would be helpful to patients. I welcome that. Go raibh maith agat, a LeasCheann Comhairle.

The Minister of Health, Social Services and Public Safety: I have nothing to report on that front, further to what I have reported to the House during recent Question Times. In the past, I have had discussions with Mary Harney. She is supportive in principle.

The business case must be considered, which is what the Department is currently doing. I must work my way through it before I can determine whether I have the resources to take the matter forward. It must be remembered that the project requires investment of £65 million, which, given the climate in which my Department currently operates, is substantial. We need to look at the way forward.

As Members are aware, there are several cancer units in Northern Ireland. The proposal is that the Department supplements the cancer centre at the Belfast City Hospital with a sub-centre for radiotherapy at Altnagelvin Hospital. There is concern that capacity will be reached by 2015. Supplementing that capacity will involve the provision of four linear accelerators. Therefore, I will look at the business case. When I have done so, I may have something of substance to bring to Mary Harney.

Mrs M Bradley: I acknowledge the work that the Minister has done for the unit at Altnagelvin Hospital. I strongly welcome that and thank him for it.

Provided that there are no further threats to plans to build the unit at Altnagelvin Hospital, will the Minister confirm that it will operate as a cross-border unit?

There are many concerns about that. I ask the Minister to clear that up if he can.

The Minister of Health, Social Services and Public Safety: As I said, the capacity that is proposed to be built into the unit at Altnagelvin Hospital is for four linear accelerators and 36 in-patient beds. That is the basis of the business case, the focus of which is to address demand in Northern Ireland.

There is also a capacity issue across the border in Donegal. The Irish Government have indicated to me, in principle, that they are prepared to support capital investment and their share of revenue consequences in return for allowing their patients to access the cancer centre. If they are prepared to pay, then this is an example of cross-border co-operation that is positive for patients in Northern Ireland and the Irish Republic.

The step at which we are working at present is the business case, which has been submitted to the Department and is being considered by my officials. When consideration is complete, I will be in a position to take the next step.

Tyrone County Hospital: Maternity Services

3. **Mr Bresland** asked the Minister of Health, Social Services and Public Safety to explain the ongoing delay in bringing forward proposals for stand-alone midwife-led maternity services in the Tyrone County Hospital. (AQO 364/10)

The Minister of Health, Social Services and Public Safety: The study that was carried out by the former Western Board regarding the potential for a community midwifery unit in Omagh indicated that such a facility would be feasible. However, a number of issues need careful consideration before I can commit to the development of such a new service; for example, patient safety, the needs of local women, the availability of appropriately skilled staff and the sustainability of the service in the future. Resourcing the development of such a new service and the value for money that it would deliver are key issues that require detailed consideration in view of the many competing priorities that are faced by my Department and the inadequacy of the available resources to health and social care in Northern Ireland.

Mr Bresland: I thank the Minister for his answer. There are no maternity facilities in County Tyrone. Does the Minister accept that that is unacceptable? Furthermore, does he agree that the continual delay for which he is responsible has put the lives of women in danger?

The Minister of Health, Social Services and Public Safety: I caught the last part of Mr Bresland's

comments about the lives of women being in danger, and I do not accept that that is the situation. The people of Omagh are well served by up-to-date, modern facilities in Altnagelvin Area Hospital, Craigavon Area Hospital and the Erne Hospital in Enniskillen. The Member will be aware that we are constructing a new acute hospital in Enniskillen that will have a full range of obstetric-led maternity facilities. Therefore, that area is well served.

That said, I am considering Omagh, as well as other areas, for a stand-alone community midwife-led unit. Such units are in operation in other parts of the UK. In fact, I believe that this is the only part of the UK that does not have a stand-alone unit. One is being developed in the new hospital in Downpatrick and I am looking at advancing such a facility in Lagan Valley Hospital, all of which will help to advise us as to the future for Omagh.

The Omagh midwifery unit will require a newbuild, and it will accommodate between 100 and 150 deliveries per annum. That is the proposition that we are considering. As I said, a number of other issues in and around Omagh must be considered.

Dr Deeny: Before I ask my question, I want to put it on record that I disagree with the Minister: our patients are not being well provided for through maternity services.

Does the Minister accept that there are people west of Omagh, including my own patients? Does he also accept that there is a need for a midwifery-led unit in Tyrone to serve the people of Tyrone? If he does, why did he approve and readily commit to such services in the east of the Province but does not do so for the mothers in County Tyrone who are further away from a consultant-led obstetric unit than are the people of east Down?

The Minister of Health, Social Services and Public Safety: I listened to Dr Deeny's comments, and I do not agree that mothers west of the Bann are not being well provided for. A consideration of Altnagelvin Hospital, for example, and the Erne Hospital in Enniskillen, would show that we are providing sufficient capacity to address that need.

I am, however, considering the possibility of a community midwife-led unit in Omagh. We have a proposal and have carried out a study, but a number of issues need careful consideration before I commit to the development of that new service. As I said in my answer to the substantive question, issues such as patient safety, the needs of local women and the availability of appropriately skilled staff must be considered.

As far as provision in Lisburn, for example, is concerned, there is a ready-made unit there, and there is a ready-made midwifery workforce that is willing to

go forward on a midwife-led stand-alone unit. That makes the business case for that much easier.

As I said, and as Dr Deeny will be aware, everything is constrained by the revenue and capital resource limits that the Department is now facing.

Mr Gardiner: Will the Minister join me in my expression of gratitude to the midwife-led unit at Craigavon Area Hospital for its dedication and hard work and the excellent service that it provides in that area?

The Minister of Health, Social Services and Public Safety: I agree with the Member readily, bearing in mind that there has been an increase in the number of deliveries that the Craigavon maternity unit accommodates. Since I came into office, I have announced two separate investments in Craigavon Area Hospital's maternity unit. The birth rate in Northern Ireland is rising substantially, increasing by approximately 10% over the past three years and by around 20% over the past eight years. Given that substantial and sustained increase, the work that midwives in Craigavon Area Hospital and elsewhere do is highly commendable.

2.45 pm

Mr Doherty: Go raibh maith agat, a LeasCheann Comhairle. I note the Minister's response with some interest. Will he assure the House that the safety of mothers and babies will not be endangered because of the ongoing delay in the development of maternity services?

The Minister of Health, Social Services and Public Safety: There is no delay in the ongoing development of maternity services. The Member will be aware of a major investment in maternity services at Altnagelvin Area Hospital, where a new and very successful unit was opened recently. He will also be aware of a substantial investment in Enniskillen in the form of a new acute hospital that includes an obstetrician-led maternity unit and of the investment in the Craigavon maternity unit, which I just mentioned. Investments are also being made in other maternity units.

When the Member considers the increase in the birth rate and in the number of deliveries, he will realise where capacity issues exist. There are no capacity issues at either Altnagelvin Area Hospital or Erne Hospital. Capacity issues exist elsewhere, and given my capital budget and the resources that are available to me, I have to address those by priority.

Swine Flu: Vaccination

4. **Mr F McCann** asked the Minister of Health, Social Services and Public Safety whether all children identified as having underlying health conditions have received the swine flu vaccination. (AQO 365/10)

The Minister of Health, Social Services and Public Safety: The process for indentifying and offering the vaccine to all children who have underlying health conditions and who, therefore, fall within the priority group for vaccination is being undertaken by GPs and is ongoing.

An estimated 490,000 vaccines will be available for all the initial priority groups, and it is expected that that process will be completed by mid-December. On 22 and 23 October, approximately 2,500 children who attend special schools for severe learning disability were offered the vaccine. In addition, other children with special needs and underlying physical health conditions who are not in similar special schools have been identified, and their details have been passed to their GPs so that they can be offered the vaccine.

Mr F McCann: I thank the Minister for his answer. Has he been informed of a rumour that is doing the rounds that the vaccination has had an adverse impact on those who have received it? Will he explain what action the Department is taking to deal with that rumour?

The Minister of Health, Social Services and Public Safety: The Member referred to the adverse impact of rumours doing the rounds. At times, it is difficult to counter rumours, particularly when it is not clear about their source.

The vaccine has been tested by the European Medicines Agency. The Scientific Advisory Group for Emergencies provided the four Health Departments in the home countries with advice on the vaccination, and the Joint Committee on Vaccination and Immunisation gave advice about the priority groups. I am not aware of any adverse impact that the vaccination has had, except for the fact that the injection may leave a person's arm red and sore for a couple of days. That is the only adverse reaction that I am aware of.

I am aware of that type of rumour. We take steps to get across the message that although swine flu is a mild illness for most people, for a small minority it is much more severe and for a tiny minority it is absolutely catastrophic. We do not know who will find swine flu catastrophic and who will find it mild. The best defence is a vaccination programme, which is what we are doing, and we have started with priority groups.

Mrs I Robinson: Will the Minister indicate whether he has any figures or feedback on the take-up of the vaccine from schools for children with special needs?

The Minister of Health, Social Services and Public Safety: The take-up was high. I cannot give a precise figure, but I am happy to write to the Member with the information. I know that the take-up from pregnant women has also been high. I will be in a position to report the figures to the House in due course. Indeed, I intend to make a statement on swine flu to the House next week in which I will look to

provide some of that information. However, I will try to provide the Member with the information that she requires.

Mr P J Bradley: Will the Minister give the Assembly an update on the uptake of the vaccine by the designated groups?

The Minister of Health, Social Services and Public Safety: The feedback that I have received is that uptake is high. As Members are aware, the priority groups were those aged between six months and 65 years in the current seasonal flu vaccine clinical at risk groups, all pregnant women, household contacts of immunocompromised individuals, and people aged 65 and over in the current seasonal flu vaccine clinical at risk groups. We added children with special needs to those priority groups, and we continue to widen it as we go.

We anticipate that all those in the at-risk groups will have been offered the vaccine by the middle of December 2009, including front line health and social care workers. My understanding is that the uptake is high, and that is encouraging. As I said, I will look to provide some of this information to the House in a statement next week. I will also write to the Member when the information becomes available to me. However, uptake among pregnant women has been high.

South-West Acute Hospital

5. **Mr Elliott** asked the Minister of Health, Social Services and Public Safety for an update on the new South-West Acute Hospital. (AQO 366/10)

The Minister of Health, Social Services and Public Safety: The construction of the new acute hospital for the south-west began in May 2009, immediately after financial close. The construction programme focuses on the substructure, piling and external works; the piling works are nearing completion, and the substructure and rising elements are progressing to plan. The construction of the frame for the main hospital building will commence later this month. The project is on target for completion in 2012.

Mr Elliott: I want to put on record my thanks to all those concerned for the progress that is being made on the new hospital at Enniskillen, including the construction agency, the Minister and the Department.

A vicious rumour has been circulating that money is being taken from the funding for the new hospital in Omagh to help to pay for the project at Enniskillen. Will the Minister clarify the situation? Will he put on record that it is only a rumour, thereby putting it to bed once and for all?

The Minister of Health, Social Services and Public Safety: That rumour is complete nonsense:

money is not being siphoned off from the Omagh hospital. The new acute hospital for the south-west is a PFI project, which is going forward with the Northern Ireland health group providing on a design-and-build process. It is on time and on money; we do not need to take money from the budget for the Omagh hospital or from any other budget to pay for the construction. The money for the Enniskillen project was set aside. At a cost of some £270 million, it is a major development for the Health Service, which will provide an acute hospital to meet the acute service needs of the entire population of the south-west and to do an extremely good job for the local population.

Mr Buchanan: I thank the Minister for his update on the new south-west hospital. I am sure that he is aware of the ongoing concerns about securing the foundations at that site. Will the Minister confirm when he last met the developer to discuss those concerns? Furthermore, will he confirm whether the works completed to date are within budget and, if not, will he tell the House where the extra money will come from?

The Minister of Health, Social Services and Public Safety: There was a landslide at the site, but it is not as though half of the Matterhorn fell down and carried with it millions of cubic metres of snow and ice. There was a small landslide; it is an engineering problem that requires an engineering solution. That is firmly within the scope of the contract that has been agreed under a PFI. At this stage, I am not aware that there will be any additional costs. The project will be managed within the contract sum and, as I said, on time and on money.

Mr McElduff: Will the Minister detail what progress has been made on the local enhanced hospital in Omagh and the range of services that will be provided there? That development is, of course, linked to the Enniskillen project.

The Minister of Health, Social Services and Public Safety: I remain committed to the Omagh hospital. It is very much part of our plan to develop better services for the future of hospitals. We have been reviewing the procurement process for the Omagh hospital, the choice being between direct procurement and PFI. Given the way in which the money markets in London have been going, that will be an exercise for each major project as we go forward.

The anticipated headline cost for the Omagh hospital was, and is, £190 million. That includes a new enhanced hospital, a mental-health centre and a health and care centre. The hospital will provide 66 beds, with an additional 97 beds for mental-health patients, and 70% to 80% of the hospital services that are required by the local population. As Members are aware, a liaison group including local councillors has

been established, and the trust is taking forward the procurement and planning processes. A review of the business case is ongoing, and is nearing completion. All things being equal, and if my budget is properly respected, we can go forward to the next stage of a development to meet 70% to 80% of hospital needs in the Omagh area.

Efficiency Savings and Cuts

6. **Mr Hamilton** asked the Minister of Health, Social Services and Public Safety to outline the difference between services which are reduced to meet efficiency savings and services which are cut.

(AQO 367/10)

The Minister of Health, Social Services and

Public Safety: No cuts are being made and no are services being reduced as a result of efficiency plans. As we give the public the extra services that increased demand requires, we are delivering more, not less. Unfortunately, demand is rising substantially faster than the resources to pay for it.

Mr Hamilton: Does the Minister appreciate that there is much concern in the community that, when trusts are asked to make the efficiencies that they are required to, and to which the Minister agreed in the Budget, the proposals that emerge are, invariably, cuts, and not the sort of efficiencies that we expect? Will the Minister explain to the trusts the difference between efficiencies and cuts to ensure an end to the emotional game that we are all being subjected to?

The Minister of Health, Social Services and

Public Safety: I put that question straight back to Mr Hamilton, along with his accusation of playing “emotional games”. Mr Hamilton, just a few days ago, talked in the House about how the Health Service had, for years, been force-fed billions upon billions of pounds. Not for the first time, he was quite clear in what he had to say about funding for the Health Service, and, if necessary, I have quotations to back that up. The fact is that this year’s increase in the Health Service budget is the lowest in living memory. In real terms, it was 0.5%.

The Appleby report was on efficiency, and it said that the increase should be 4.3%. I repeat the fact that a report on efficiency recommended that level of increase. However, that was the one recommendation that was not implemented, because it was the responsibility of the Department of Finance and Personnel, and it failed to do so.

3.00 pm

We are finding £700 million of efficiencies, four sevenths of which do not come back to us as efficiencies for new services. In addition, there is a

provision gap of £600 million between Northern Ireland and England. Against that, the Health Service and the trusts have increased their productivity by almost 7% and have met need over and above the level for which they are resourced. Trusts are required to find efficiencies, and that is what they are doing.

The situation was also complicated by the fact that, in June, I could not persuade my Executive colleagues to discuss funding to combat swine flu and, therefore, faced a minimum bill of £64 million. As I was unable to help the trusts, all their financial deficits had to be addressed through further contingency plans. Those contingency plans have still to reach me. The Member was reacting to rumours, leaks and rumours of leaks.

REGIONAL DEVELOPMENT

Belfast Rapid Transit System

1. **Dr McDonnell** asked the Minister for Regional Development to outline any plans for the introduction of legislation for Belfast’s rapid transit system.

(AQO 376/10)

The Minister for Regional Development (Mr Murphy): I plan to introduce legislation that will provide my Department with the necessary powers to implement the Belfast rapid transit system by June 2010, subject to the necessary approvals. A public consultation on the policy proposals is due to commence later this month.

Dr McDonnell: When does the Minister envisage the process being completed? When will we see some results on the ground?

The Minister for Regional Development: As the Member knows, there is a commitment in the Programme for Government to have progress on the ground by 2011. The rapid transit division is preparing a project works programme. That programme denotes the main milestones up to December 2011 for taking forward the required primary legislation to allow for the implementation and operation of rapid transit. Many studies have been carried out on the three pilot routes identified. The Programme for Government contains the target to commence work on the first rapid transit line in greater Belfast by 2011.

Mr P Maskey: Go raibh maith agat, a LeasCheann Comhairle. What powers will be provided to the Department under the proposed legislation?

The Minister for Regional Development: The legislation is required to provide my Department with the necessary powers to enable it to implement the proposals for the rapid transit system. The new

legislation will provide a general enabling power; a land acquisition power; a power to purchase, lease and dispose of goods and services; a contracting power for the operation of the system; the power to make by-laws relating to conduct on vehicles and in or on premises; and the power to install, operate and maintain off-board ticketing machines. Once approved and brought through the normal processes in the Assembly, the legislation will apply not only to Belfast but to anywhere in the North where rapid transit is introduced.

Mr Cree: In light of the ongoing fiscal crisis in the Executive and the uncertain future, what assurances can the Minister provide that the rapid transit system will receive the necessary funding? Will he provide us with a date for the completion of the business case?

The Minister for Regional Development: I would not describe the Executive's budgetary discussions as a fiscal crisis. As the commitment to rapid transit is contained in the Programme for Government, I expect it to be honoured. The enhancement of the economy is also central to the Programme for Government, and I regard the provision of a rapid transit system in Belfast as central to enhancing and growing the economy in the city and across the region. When the time comes for allocating budgets to the project, I expect all my Executive colleagues to honour that commitment.

Mr G Robinson: Will there be a detrimental impact on budgets for public transport in the rest of Northern Ireland when the rapid transit system is introduced?

The Minister for Regional Development: No; the budget for the rapid transit system has not been allocated at the expense of other public transport budgets.

The Member will know, as all Members do, that we are facing constrained times. On the other side of the West election, we may face even more constrained times. However, the budget that we have identified for developing the pilot schemes on rapid transit is not at the expense of other public transport projects.

Mr Deputy Speaker: I remind Members that they need to stand in their place if they want to be called.

Water Supply: Rural Areas

2. **Mrs McGill** asked the Minister for Regional Development to provide an update on the work currently being undertaken by his Department in relation to water mains connections in rural communities. (AQO 377/10)

The Minister for Regional Development: My Department is reviewing the policy on the provision of financial assistance to properties that are not served by a water main. It is an extensive review that involves a number of stages.

The first stage involved an assessment of mains water provision for all domestic properties in the North, which revealed that about 4,000 properties might not be served by a water main. Questionnaires were issued to those households, and, after the second issue, there was a response rate of around 50%. Analysis of the responses indicated about 1,200 properties that might not be served by mains water. About 300 of those properties expressed an interest in being connected.

The next stage of the review will be to develop policy options, including estimating approximate costs and funding requirements and drafting a policy proposal for Executive consideration and public consultation that might effectively tackle the issue.

Mrs McGill: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. We have lobbied on the issue of mains water connections in rural areas for a long time. I thank the Department and the officials for the thorough work that has been done. My constituents and I are grateful for that. Could the cost of requisition be reduced by adopting a self-lay policy?

The Minister for Regional Development: I recognise that the issue affects isolated rural dwellings and share the Member's concern that we should try to identify the extent of the issue and the cost attached to rectifying it.

The Member asked about a self-lay policy. Article 86 of the Water and Sewerage Services Order 2006 sets out the basis on which NIW (Northern Ireland Water) could adopt a water mains laid by other bodies or, in other words, a self-lay policy. However, that article has not yet been commenced, so it is not yet in force. NIW is developing a self-lay policy, and, when it is drawn up and agreed, my Department will commence the articles subject to Assembly approval. However, I caution that, although a self-lay option might initially seem financially attractive, NIW has a responsibility to maintain the security and quality of the public supply. Advocates of self-lay policies do not always take into account the costs that are associated with that.

Mr Shannon: I have a concern. There have been occasions when new water supplies have been put into rural communities along main roads and the main road has been damaged, but the contractor acting on behalf of Northern Ireland Water has been either unaware of it or has ignored it. Has the Department taken any steps to ensure that when Northern Ireland Water is taking water supplies to rural communities, monitoring is carried out to check whether any damage has been done to any pipes on the roads? Last week, in my constituency — there has been a lot of it in the past while — severe damage was done, and some ladies'

houses were almost flooded. Aside from supplying the water, what does the Department do to monitor contractors and ensure that work is done properly?

The Minister for Regional Development: All utilities, including water, gas and telecommunications, disturb the road network to lay pipes, gain access to pipes or to fix things. There is a process by which approval is sought to do that. Utilities have the right to use the public roads network. However, there is a requirement on them to restore it to the state that they found it in. That is rigorously followed up, and I know that the Public Accounts Committee produced a report on that subject recently and made a series of recommendations. That will further strengthen the accountability of utilities. There is a requirement on NIW, or contractors acting on its behalf, to restore the roads to the state that they found them in. Roads Service will pursue that requirement.

Mr Gallagher: Will the Minister explain why connection costs for newbuilds in the countryside have increased significantly to, in many cases, four-figure sums? Will he explain that dramatic increase in such charges?

The Minister for Regional Development: Regulation 7 of the Water and Sewerage Charges Scheme Regulations 2007 provides for a reasonable cost allowance of around £2,000 for each property. The Department for Regional Development (DRD) supplements that allowance up to a maximum of £10,000 for properties constructed before 2000. That was increased from £6,500 in April 2009.

Connection charges are a necessary part of building in the countryside. The intention of the issue under discussion is to deal with properties in the countryside that have not had access to mains water supply for historical reasons. The level of charges put forward by NIW will have been tested by those who have a statutory obligation to test the policies: the Consumer Council and the Utility Regulator. I presume that it meets with their approval. NIW would have to stand over that level of charges. A reasonable cost allowance is made available to people who wish to be connected. However, the cost can sometimes be prohibitive in the case of very isolated rural properties.

Mr Deputy Speaker: Question 3 has been withdrawn.

DRD: 2010-11 Budget

4. **Mr Elliott** asked the Minister for Regional Development for an assessment of how the proposed budgetary reductions for 2010-11, as outlined by the Minister of Finance and Personnel, will impact on his Department. (AQO 379/10)

The Minister for Regional Development: The Executive have not yet decided how the amount of any proposed budgetary reductions for 2010-11 would apply to my Department; therefore, I am not yet in a position to assess what impact that would have.

Mr Elliott: I thank the Minister for that answer; maybe we will have to speculate somewhat. There has been a suggestion of £370 million of savings for the Executive, £210 million of which have been set aside to cover the deferment of water charges. Will the Minister confirm whether £210 million will cover the full costs of the deferment of water charges for 2010-11, or will it cost nearer to £400 million?

The Minister for Regional Development: The figure of £210 million was part of the NIW business plan. The Member may be aware that there is a PC10 price control process going on between NIW and the Utility Regulator, which will end in a more accurate assessment of what is required in the next year to fully fund water and sewerage services. Within a number of weeks, we may have a more accurate figure than that of £210 million.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister assure us that any reduction in budgets or any effort by the Department of Finance and Personnel to reduce budgets will not in any way lead to the introduction of water charges for domestic properties?

The Minister for Regional Development: I have made my position very clear on a number of occasions: water charges should not be introduced. When they were first appointed, the Executive decided to defer the issue. Last November, they decided that it would be wrong to consider the issue for some time, given the economic climate. I subscribe to that commitment, and I am sure that the Member and his party do so as well.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister assure us that his Department is properly focused on securing an adequate budget for rural roads maintenance? Is that issue often raised in budgetary discussions?

The Minister for Regional Development: Yes; every Department raises the issues that it faces during budgetary discussions. The Member will be aware that we have recently commissioned a report that underpins what I have said many times, which is that the structural maintenance budget is underfunded.

Traditionally, the Department would receive a substantial allocation through the monitoring rounds, particularly towards the end of the year. Absorbing that funding would enable the Department to get a lot of work done between Christmas and the end of the financial year. Given that Departments' financial arrangements and spends are now better managed, very little money is being returned as part of the

monitoring rounds. Therefore, structural maintenance has suffered even more from a lack of top-up money.

The Snaith report that I commissioned, which Roads Service now has possession of, clearly underpins the argument that Roads Service and I have been making, which is that to continue to underinvest in structural maintenance will only store up greater problems in the roads network. The biggest asset that the Executive own is the roads network. I would argue very firmly that we need to maintain that asset.

3.15 pm

A29 Passenger Transport

5. **Mr Armstrong** asked the Minister for Regional Development to outline any discussions he has had with Translink about increasing the frequency of passenger services on the A29 route. (AQO 380/10)

The Minister for Regional Development: I have not had discussions with Translink on the matter. In previous correspondence with the Member, I explained that it remains an operational matter for Translink. I understand that Translink's chief operating officer has written to the Member to explain that there is little evidence of sufficient demand to justify an increase in services on the A29 or a diversion of other services to that route.

Mr Armstrong: It seems that, all too often, Translink's idea of transport policy is to get people in and out of Belfast. Does the Minister agree that people who live along the A29, along with tourists and students of the University of Ulster at Coleraine, are entitled to a regular and reliable service along the Province's main north-south route?

The Minister for Regional Development: The purpose of public transport is not to get people in and out of Belfast. The purpose of public transport is to get people about their business without them having to use a private car. Public transport services in the North cover a vast, but largely rural, area, which means that some routes are underused. As with all other agencies and Departments, the figures in public transport must stack up. If people are not using a certain route and there is greater demand in another area, it makes sense to put public transport onto the routes where there is sufficient demand.

Translink has informed me that it assessed the A29 route and deemed that there is insufficient demand to justify an increase in services there. I am sure that some individuals who live along that route wish that the situation was different, but there must be an assessment of the number of people who will use the service. If there is not sufficient demand to justify a

service in a particular area, one would expect resources to be put into an area where there will be a greater return.

Mr I McCrea: I thank Mr Armstrong for submitting this question on an important issue. Given that the A29 is the main arterial route through my constituency, does the Minister agree that the rural perspective is most important in the provision of public transport? Will the Minister give a commitment to consider increasing rural transport provision, through his Department and Translink, to enable people to make connecting journeys via the A29?

The Minister for Regional Development:

There are Translink services on the A29, including Goldline service 278, which runs between Portrush and Monaghan, and Ulsterbus service 116, which runs between Coleraine and Magherafelt. However, Translink is not the only provider of rural transport systems.

I agree that we must provide rural transport, and I have been very supportive of the rural community transport networks that are in place. The Minister of Agriculture and I launched the Dial-a-Lift scheme last week. It will further improve public transport in rural areas and ensure that people are not isolated or left behind. The provision of public transport in rural areas is an important issue, but there is a question of which services are best suited to the sparser rural routes.

Lord Morrow: The Minister has touched on the question that I wish to ask about rural transport. Does the Minister meet Translink regularly to ascertain the current, and future, position on transport in rural communities? I hope that the Minister agrees that rural communities must be given due consideration in the drawing up of timetables and routes.

The Minister for Regional Development: I have regular meetings with Translink at which we discuss its services and operations generally. There must be consultation to ensure that local people know how to access whatever service is being provided. However, I am sure that the Member agrees that some services are underused, perhaps as a result of demographic changes. People may no longer live in a certain area, or there may have been more development elsewhere. Translink continually reassesses its services to ensure that it provides services where they are most needed. That is prudent, especially at a time of stretched budgets.

I agree that transport services for rural communities are very important and that rural communities must not feel isolated. Translink is not the only provider of transport in rural areas — there is also community-based transport provision — but all providers must assess which routes are underused and which routes they cannot economically justify placing a service on.

A5 Dual Carriageway

6. **Mr Doherty** asked the Minister for Regional Development when contractors and designers will be appointed for the A5 road scheme from Aughnacloy. (AQO 381/10)

The Minister for Regional Development: Provided that there are no challenges to the procurement process, it is expected that contractors will be appointed by the end of November this year to provide design advice and to construct the proposed dualling of the A5.

Mr Doherty: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his brief answer. Will he outline what communications have taken place between his Department and the affected landowners and farmers about the A5 road scheme?

The Minister for Regional Development: This is a rather longer answer, so it should please the Member more.

There has been a high level of consultation with the public as the scheme has developed. The public suggestions and comments have been considered fully as part of the process. The public consultation events, which were attended by more than 5,400 people, were held in April 2008 to present the study area, in February 2009 to present the route options and in July 2009 to present the preferred route. The public have also used the A5 website and helpline widely.

A round of meetings involving staff from Roads Service, Mouchel, which is the scheme consultant group, and all affected landowners is coming to a close. Those meetings were arranged so that details of the land boundaries, the use of the lands and any other concerns could be discussed. A second round of meetings is proposed between December 2009 and February 2010 so that accommodation works and mitigation measures can be agreed with landowners. A third series of meetings will take place late in spring 2010 to finalise land-take details and vesting maps. Additional meetings will take place as required, particularly where alternative lines are being examined or land-use surveys are required. There will also be a formal consultation process in advance of the public inquiry, during which all affected parties and others may make comments on and lodge objections to the draft orders and environmental statements. Those comments and objections will then be heard at the public inquiry in 2011.

Mr P Ramsey: I thank the Minister for his reply. I know that he responded previously to this question, but, given the continuous constraints and pressures on budgets North and South, is the Minister still in a position to confirm that funding remains in place for the project?

The Minister for Regional Development: Yes. I had the opportunity to discuss the project again last week at the North/South Ministerial Council transport sectoral meeting with my counterpart, Noel Dempsey. He again confirmed that the Dublin Government are still committed to the A5 project. Indeed, I think that we are trying to arrange an early payment, before the year is out.

Dr Deeny: My question has been answered partly, so I thank the Minister for his response. We keep hearing about a commitment from the Government in the South. Will the Northern Government confirm that the Northern sector of the A5 project will go ahead? How long will the project take? In what year is it likely to be completed?

The Minister for Regional Development: I have given that commitment on numerous occasions. If elected representatives continue to question it, they may create a degree of uncertainty about the project. On every occasion that we have been asked about it, the commitment from the authorities, North and South, has been restated and confirmed. That is still the case.

The intention is to hold a public inquiry in 2011. If there is a successful outcome to that inquiry, we want to be on the ground in 2012 and have the project completed in 2015.

Mr McFarland: In answer to a recent question for written answer from my colleague Lord Laird, the Secretary of State for Transport said that it was Government policy to build motorways on existing alignments rather than on new ones. Will the Minister explain why he has a completely different policy here? Is any money from the Northern Ireland Executive likely to be made available for the Northern part of the route?

The Minister for Regional Development: The simple answer is that I am not in the British Government, so their policy does not apply to me.

People have argued quite correctly for a high-speed, high-grade dual carriageway with grade-separated junctions and no central crossover. Putting that on the existing road, where there are perhaps more than hundreds of access points between Aughnacloy and Derry, would lead to huge disruption. Some houses have access to the road, so more than just small and minor roads and more substantial trunk roads would be affected.

The preferred route has been chosen after a very long examination of a number of routes, some of which were probably largely on line. The preferred route has been assessed using a range of indicators considered by Roads Service. The route is subject to further discussion and consultation and, in all likelihood, will be subject to a public inquiry and a subsequent inspector's report. I am not an engineer,

but I believe that the preferred route stacks up against the requirements put forward. However, that will be tested at public inquiry, when there will be ample opportunity for other arguments to be put.

A8 Dual Carriageway

7. **Dr W McCrea** asked the Minister for Regional Development what steps his Department is taking to ensure that farmland will not be destroyed as a result of the dualling of the A8. (AQO 382/10)

The Minister for Regional Development: The preferred route for the 14 km section of the A8 Belfast to Larne dualling scheme is predominantly an on-line improvement scheme that will, effectively, widen the existing roads to dual carriageway standard. However, there are two off-line sections — a 1.5 km section around the hamlet of Bruslee and a 3.4 km section to the west of Ballynure.

Roads Service appointed an agriculture consultant to assess the scale of the impact on farms affected by the A8 Belfast to Larne dualling scheme. Roads Service is committed to working with farmers to ensure that access to land is maintained and the impact mitigated, where possible, through accommodation works. One-to-one consultations with farmers to discuss the likely accommodation works are ongoing.

Dr W McCrea: Does the Minister accept that many of the recent routes for traffic that have been deemed preferred, for example, in my South Antrim constituency, have had little or no respect for the destruction of top-grade farmland, family farms and the general farming industry? Does he understand that there is great anger at what has happened in Bruslee and Ballynure? The community has no confidence in the survey that was done and an urgent rethink is being demanded. Will he allow those people to achieve that?

The Minister for Regional Development: Again, as with the A5, the process of selecting the preferred route involves a series of stages. There was consultation in Ballynure. I recollect that the response was largely 50:50 as to whether the route to the east or that to the west of Ballynure was chosen. I suppose everybody has their own issue, according to which piece of land is affected.

I accept entirely that building new roads through open country will impact significantly on farmland, as it has in my constituency with the Newry to Dundalk road and the continuation of the Newry bypass. In such cases, every effort should be, and is, made by Roads Service and the consultants that it employs to ensure that issues concerning land access and compensation are dealt with properly.

As I said, there was an assessment of on-line corridor options for Ballynure, one of which assessed widening the existing A8 through Ballynure. However, that was rejected, primarily due to the increased severance of the village, the impact there would be on residents during construction and traffic management issues for Ballynure, both during and after construction.

Whatever route is chosen, it will have a negative impact on some people. Those are the kinds of arguments that have to be weighed up in the process of selecting routes. Again, though, the A8 dualling will undergo consultation and end up in a public inquiry at which I am sure that the Member and those who object to the current proposals will have an opportunity to state their case.

Mr Kinahan: I thank the Minister for his answers so far. However, does he agree that the route through the centre of Ballynure, which virtually exists already, is the cheaper option? Does the Minister further accept that the preferred route does not take that into account and is the route that will destroy farms?

The Minister for Regional Development: Cost is not the only issue involved. There are about five different categories, including environmental and engineering, against which the options are scored. Economics is only one of them. Therefore, it is not simply a question of costs.

Putting a dual carriageway through the middle of a village will, obviously, have a very serious impact on that village by separating one side from the other. It can be seen that whatever route is chosen — through the middle of a village or through open farmland — competing demands must be weighed when a preferred route is being assessed. However, there is mechanism involved, which scores options against a range of indicators, and that is what has led to the preferred route in this case.

People who feel that the conclusion is wrong will have an opportunity to challenge it at public inquiry.

Mr Deputy Speaker: Question No 8 has been withdrawn.

Flooding: Foyle

9. **Ms Anderson** asked the Minister for Regional Development how Roads Service and Northern Ireland Water responded to the recent flooding in the Foyle area. (AQO 384/10)

3.30 pm

The Minister for Regional Development: NI Water has advised that between Friday 30 October and Sunday 1 November it received a total of 6 reports of flooding on private property in the Foyle area.

One report of internal flooding was received from Fallowlea Park, and five reports of external flooding were received — one each at Summerhill, Brae Head Road and Pennyburn industrial estate and two at Faughan View Park. NI Water contractors responded to each incident within its customer service target times of four hours for internal flooding and 24 hours for external flooding.

On Wednesday 4 November, at approximately 4.00 pm, officials in the Roads Service Derry office became aware of potential flooding in the area and, in a very short period of time, Roads Service received more than 50 telephone requests for assistance. Work was prioritised according to the degree of threat posed to the public and property. The normal after-hours workforce was supplemented by a further four supervisors, bringing the number of Roads Service personnel who were providing assistance to 20. When approached, the Rivers Agency immediately made two pumps available and, later, four officials. With respect to plant equipment, Roads Service deployed a gully emptier, a mini-digger, five lorries and a sweeper. The local Roads Service depot had 250 sandbags immediately available and a further 400 in reserve, supplemented by an additional 250 sandbags from the Rivers Agency. Approximately 200 sandbags were used on the day.

Roads Service continued its operations through the night until approximately 5.00 am on the morning of 5 November. All reported incidents were visited and appropriate action was taken. No domestic property was flooded as a result of the rainfall on 4 November.

COMMITTEE BUSINESS

Obesity

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 15 minutes in which to propose and 15 minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells): I beg to move

That this Assembly approves the report of the Committee for Health, Social Services and Public Safety on its inquiry into obesity; and calls on the Minister of Health, Social Services and Public Safety, in liaison with Executive colleagues and relevant bodies, to bring forward a timetable for implementing the recommendations contained in the report.

Obesity is a major global public health problem and, in recent decades, there has been a significant rise in the number of overweight and obese people in many countries. In a number of major developed countries, including the United Kingdom and the USA, obesity rates have doubled in the past 25 years, and that relentless increase is predicted to continue for the decade ahead.

In 2005, the most recent health and social well-being survey in Northern Ireland found that 24% of adults are obese. That is almost a quarter of our population, which is very worrying. Even more worrying is data from the Northern Ireland Child Health System 2004-05, which found that 22% of children are either overweight or obese. However, there are some rays of hope. Updated assessments by public health scientists working for the National Obesity Forum suggest that the anticipated surge in the number of severely overweight children is now levelling off. I certainly hope that that is the case.

Obese children grow up to be obese adults, and they end up suffering chronic diseases such as type 2 diabetes, which robs them of vitality, limbs, eyesight and a long life. I would not wish that future for any child. Nevertheless, unless the trend is reversed, by 2050, Northern Ireland will be a mainly obese society, and the cost of that to the Northern Ireland Budget could be enormous. We already pay £500 million a year to cope with the problem. We have a ticking time bomb, which, if it is not tackled, could overwhelm the Health Service in Northern Ireland, as it could elsewhere in the world.

Many people have no idea that obesity poses such a serious risk. However, it is a condition that seriously shortens life by up to nine years and leads to other conditions such as type 2 diabetes, high blood pressure and osteoarthritis. Indeed, one study has shown that

63% of heart attacks in the Western World are caused by obesity. Not only will the problem have an enormous impact on the health of our population, but it threatens to engulf the entire Health Service and will have a serious impact on society and the economy. Members of the obese generation could have a shorter lifespan than their parents, so there is a job to tackle here and now. The question is how.

I will now address a few of the report's recommendations that may help the Department to tackle obesity. In its research, the Committee was unable to find an example of a strategy that successfully dealt with the problems of obesity. However, in England, a new approach is being taken that focuses on the population as a whole. That approach is called Healthy Weight, Healthy Lives. It represents the first national population-wide strategy, and, though it is too early to assess its success, the Committee found its approach encouraging.

The reason why the Committee found that approach encouraging is that obesity levels have increased steadily over many years, and we believe that it will take a long-term response to reverse that trend. Starting the trend away from obesity will take a shift in the way that the population thinks. It is a shift similar to that which occurred in attitudes to drink-driving and smoking in public places. Those campaigns show that it can be done, and the Committee firmly believes that it must be done.

In Northern Ireland, the Department of Health has moved away from its Fit Futures initiative, which focused on tackling obesity in children and young people, to developing a whole life-course approach, similar to the Healthy Weight, Healthy Lives strategy in England.

Mr McCarthy: I am grateful to the Member for giving way. Does the Member agree that, already, many primary and secondary schools have embarked on very efficient methods of encouraging young people to steer away from the materials that would make them obese in later life?

The Chairperson of the Committee for Health, Social Services and Public Safety: Much work is being done by schools, but we are still left with the worrying situation of 22% of children being overweight.

In 2012, the London Olympics will be held. We are told that that will be a shining example of how to encourage fitness among young people and encourage a reduced intake of salts, sugar and fats. Yet who are the three main sponsors of the London Olympics? They are McDonald's, Coca-Cola and Cadbury. That is some example to set children.

In the Committee's report on the strategic direction that the Department should take in tackling obesity, we recommend that tackling obesity is not just a matter for

the Health Service. We recommended strongly that the new life course strategy be developed in partnership with other Departments, particularly the Department of Education, which refers to Mr McCarthy's point.

Let me expand on that. The Department of Education has a critical and central role. Though the Committee welcomed the action on nutrition that has been taken in schools, it would like PE to be made compulsory. When I was a child, many years ago — some time before the Boer War — PE was compulsory. That is no longer the case, and we need to return to that basic standard to ensure that at least some part of the curriculum is set aside for physical activity.

The Committee also recommends that the funding for the life-course strategy is ring-fenced for at least the first phase of implementation, to ensure that it is not impacted on by other emerging priorities.

Another key issue is the requirement for an immediate audit of the existing obesity-related initiatives. The Committee found that there was a plethora of programmes and initiatives on obesity. To some extent, that is good news because it shows that there is an understanding of the seriousness of the issue by a wide variety of agencies, including district councils, workplaces and charities. However, there is no central source of information on what programmes are available or how successful they have been. Therefore, as well as an audit of initiatives and the dissemination of good practice, the Committee recommends that the Regional Health and Social Care Board develops a range of evidence-based referral options for use by primary care practitioners.

The Committee also asks the Minister to undertake an urgent review of weight management services at all levels for adults and children, including the need for a dedicated obesity clinic and bariatric services for Northern Ireland. Severely obese people often require specialist services, not just in medical terms but with regard to transportation to hospitals, hoists for lifts in and out of bed and special seating. The number of severely obese people is expected to rise by around 5% annually, and bariatric surgery is increasingly used to treat the severely obese. However, there is a lack of funding for bariatric services in Northern Ireland, and it is not commissioned by health boards in the Province. Nevertheless, last year, £1.5 million was made available to allow some 120 people to travel to Great Britain for bariatric surgery. Trusts are looking at how to fund patients to travel to Great Britain, but we are aware that the Department has no plans to provide such surgery in Northern Ireland. That is an area that the Committee believes should be reviewed.

The Committee is also making recommendations on diet, exercise, healthy eating and food labelling. Diet and exercise are not the whole story, but they are major

contributors. Poor dietary habits and decreasing physical activity will become ingrained in much of our population, and it will take a strategic, long-term approach to change that. People are eating and drinking products that are high in saturated fat, sugar and salt. The Committee is glad to see that the Food Standards Agency is working with the industry to reduce the intake of salt and saturated fat, but more needs to be done. The Committee would like continuous pressure to be exerted at national and European level to introduce regulatory controls on the levels of salt and saturated fat in manufactured food. We also recommend that the Food Standards Agency and the Minister consider introducing clear and simple labelling based on the traffic light system in which red illustrates that a food has a high fat, sugar and salt content, amber has medium and green has low.

The Committee also acknowledged that there has been a shift towards larger portions, but academic opinion suggests that there is a link between portion size and weight gain. People seem confused about what a regular portion size is, and we recommend to the Department and the Food Standards Agency that they take a serious look at that issue.

As well as diet and healthy eating, exercise is an essential element to tackling obesity. Therefore the Committee welcomes anything that encourages exercise, particularly the Department of Culture, Arts and Leisure's draft 10-year strategy for sports and physical recreation. The Committee has concerns about possible delays in implementing the strategy and cannot emphasise strongly enough the need for a strategy to increase physical activity.

At its simplest, obesity can be explained as an imbalance between the amount that we eat and the level of exercise that we take. However, it is not as simple as that. There are many and varied environmental factors, from the accessibility and the marketing of food to transport, planning and other issues, which dissuade from physical exercise. All those issues are referred to as the obesogenic environment. Local government and every Department have a part to play in tackling the obesogenic — I do not like that word — environment, and we urge them to play their part.

There are links between obesity and health inequalities. People on lower incomes tend to buy more fast and processed foods and less healthy food, and, generally, they are less inclined to engage in regular exercise. In other words, research shows that the lifestyle of people on lower incomes is more likely to predispose them to obesity. Research also suggests that women tend to have a higher risk than men of obesity. The Committee strongly believes that the Department should take account of health inequalities and address the issue of greater obesity in areas of social deprivation.

I want to finish on a positive note. Small weight losses produce healthy gains; and research shows that even a modest reduction in weight of 10% can have a significant impact on a patient's health. We have been told that a 10% weight loss can reduce one's chances of getting type-2 diabetes and certain forms of cancer by 50%; therefore taking the issue seriously can produce quick gains for the public. We hope that the public will take heed and take heart from the impact that small changes in lifestyle can have on their health.

I thank the many groups that provided written and oral evidence to the Committee on this important issue. We were overwhelmed by the response to the trawl for evidence. In particular, I thank Dr Jane Wilde, the chief executive of the Institute of Public Health in Ireland, who made a major contribution by chairing a research event on 19 May, which was one of the most important parts of the Committee's evidence-gathering programme.

This is the first Committee report that I have had the pleasure of introducing to the Assembly since I was appointed Chairperson, and, having lived with this document for the past four months, I have the greatest pleasure in commending it to the Assembly and recommending its support by the House.

Mrs McGill: Go raibh maith agat, a LeasCheann Comhairle. Following the thanks offered by the Committee Chairperson, Jim Wells, I thank the people who helped me in my capacity as a Committee member. I thank the civil servants who provided help: those who attend Committee meetings now and those who attended previously. In fact, I see some of them in the Public Gallery. I also thank the previous Chairperson of the Committee, who is in the Chamber.

3.45 pm

The Committee Chairperson mentioned a number of the report's key points, but they are important enough to repeat. Obesity is a global health problem, and we hear about rising levels of obesity and numbers of overweight people. According to the most recent health and social well-being survey, carried out in 2005, 59% of adults were overweight or obese. That is a fairly high figure.

As far back as 2002, the Department's Investing for Health strategy estimated that by 2010, which is just around the corner, the cost of obesity to the Northern Ireland economy could exceed £500 million per annum. Whether that happens is a matter of conjecture, but it will soon be 2010, and some Departments, particularly the Department of Health, will be able to assess exactly what obesity is costing the economy. We cannot afford to lose any money foolishly.

What do we do about obesity? The Committee has finished its inquiry. However, it appears that no strategy in any country has been able to deal effectively

with the problem. We have had difficulties with our own strategies. The Committee was told that the Fit Futures initiative was, perhaps, not implemented in the way that it should have been and not properly signed off. I understand that the Department is embarking on a whole life-course strategy, which the Committee fully supports.

A number of Departments need to contribute to solving the obesity issue. The Department of Education is key because of its responsibility for physical education. I fully support the idea of young people doing a minimum of two hours' physical education a week. That has a positive effect on all sorts of issues: mental health, physical health and discipline, which is sometimes overlooked. Strategies from the Department of Culture, Arts and Leisure and the Health Committee also matter.

The Committee raised the issue of eating five portions of fruit and vegetables a day. I admit that I was not sure about portion sizes or how much to eat. I raised that issue during a Committee visit to the Food Standards Agency, which outlined exactly what the portions should be. People might consider a small tomato a portion, but the Food Standards Agency said that it was not so easy to eat five portions. It may be more difficult for people who live in the countryside and do not have access to fresh fruit and vegetables in a shop, if they do not grow their own. Therefore, a number of simple actions should come out of the inquiry, and one is to look at that issue.

Another thing that I learned about during the inquiry was the obesogenic environment and the need to tackle it. That word refers to a situation in which everything is against a person doing the right thing. The Committee discussed what was happening in this Building and what could be done to make it a healthier place. I commend the improvements in the canteen. I am not saying that it was bad previously, but there have been improvements in the amount of fruit of vegetables on offer, and fruit is provided at Committee meetings.

Mr Deputy Speaker: Will the Member bring her remarks to a close?

Mrs McGill: I support the motion.

Mr Gardiner: In supporting the motion, I draw the Assembly's attention to the fact that 60% of adults and one in five schoolchildren in primary 1 — those aged four and five — are overweight or obese. There is increasing evidence to show that the health impact of obesity is similar to that of smoking more than 10 cigarettes a day. Some people with underlying health conditions are more at risk when they are overweight or obese, most notably those with diabetes.

Anti-obesity drugs are costing the Health Service locally £2 million a year. However, the overall cost to

the economy has been estimated at £500 million a year, much of which relates to lost working days. I have never heard anyone work out the sums, but I often wonder how much the National Health Service would save down the line for every pound spent on reducing obesity, particularly among children. Health spending on obesity in the United States is about \$150 billion a year, and it has also been shown that the health spending on an obese person is \$1,400 a year more than the figure for a person of normal weight.

Much is already being done at a local level. I am the chairman of the board of governors of two primary schools that run breakfast clubs in order to encourage healthy eating. Children are dropped off at 8.00 am and have breakfast in school, as opposed to them bringing in sweet stuff to eat. The children plant apple trees, carrots, parsnips, beetroot and the like in the school grounds, and they take an amazing interest in a healthier lifestyle. We are on the right track in trying to overcome the problem. It is a matter of changing attitudes towards food for the long term.

It would be wrong for Members to debate the issue without making reference to the need for greater regulation of the food sector. The big food producers of cereal and the like have a vested interest in selling their products. Recently, however, there have been some horror stories about the contents of some breakfast cereals. Researchers have discovered that a 30 g bowl of Kellogg's cornflakes has more salt than a bag of Walkers ready salted crisps. The food industry is a big player and has huge amounts of advertising revenue at its disposal, and children are particularly vulnerable to advertising.

Any proper childhood anti-obesity strategy must also tackle the vexed issue of food labelling. Only last week, we heard from the Joseph Rowntree Foundation that the levels of childhood poverty in Northern Ireland were more than double those in the rest of the United Kingdom. Childhood poverty and bad diet often go hand in hand.

Although I welcome the Health Committee's report, I stress that it is only the beginning. I remind Members that we have started to tackle this problem in Northern Ireland long after every other part of the country.

Mrs Hanna: I support the motion. I pay tribute to Research Services, the previous Clerk to the Committee for Health, Social Services and Public Safety and other staff and the groups who gave evidence to the Committee.

The extent of obesity in our society is very worrying. The Fit Futures strategy focuses on preventive measures among young people, offering a joined-up policy on physical activity. However, it has not been implemented and, therefore, has not yet yielded many positive results. The strategy must be evidence-based. The Chairperson of the Health

Committee referred to Dr Jane Wilde, and those who gave evidence at the session that she chaired spoke strongly about the need for evidence. There must be evidence that we are generating positive results, and we must ensure that money spent on health represents effective investment. We can only afford to go with what works.

The strategy must focus not only on promoting healthy lifestyle choices but on those who are not yet obese but are considerably at risk, with a BMI index of between 25 and 29. Research shows that, at that stage, even a small amount of weight loss has health benefits. Weight loss of 10% results in significant changes. What I am really saying is that we should try to prevent people from reaching the obese level, because it is dangerous for their health and costs the Health Service a fortune to send them across the water for bariatric procedures.

The report's recommendations are about encouraging people to take more responsibility for their own health and putting support in place to promote good nutrition and exercise. Most of us know how hard it can be to say no to a second piece of cake. It is difficult to change such habits, but we need to develop a strategy that deals with the issue in the long term so that to be overweight or obese is not considered the norm. Our new Public Health Agency has the lead responsibility for that strategy.

As has been mentioned, the Food Standards Agency has a big role to play in pushing for a clear and uniform labelling system akin to the traffic light system. The FSA must also work with the food industry to address the overload of salt, fat and sugar in foods.

Physical education in schools is essential if we are to instil early on in children habits that they can incorporate into their lifestyle and carry with them as they get older. That especially applies to young girls, who are sometimes less inclined to take up sports. Most young boys will kick a ball about the place and at least get some exercise that way, but we need to think more creatively about ways to encourage more participation, especially from girls. We should perhaps focus on less competitive sports and other disciplines such as dance, yoga or karate, which reap the health benefits and could bring some fun back into exercising. Primary-school children should also be encouraged to play outside, whether that be in the school yard, the garden or the park. We should perhaps consider skipping, tag and other games that we used to play a long time ago.

The health inequality gap means that the wealthier have recourse to much more enticing brands of healthier food. That makes it difficult for people on a very low income who are struggling to feed a family to do so healthily. They may have to resort to

cheaper brands that have a much higher sugar and fat content. The health inequality gap really needs to be addressed, because anything that I ever see on offer or very cheaply priced in the supermarket is rubbish and contains a great deal of fat, sugar and salt. Supermarkets need to be involved, because they have a social responsibility.

Obesity is one of the biggest challenges facing our health system and accounts for the steep increase in type 2 diabetes and heart disease. It also contributes to high blood pressure and some forms of cancer. The list of those diagnosed with those conditions is getting longer. Dr Ryan, when giving evidence to the Committee, said that, when he was training, type 2 diabetes was called maturity onset diabetes, and now he is seeing 18- and 19-year-olds presenting with it. I was heartened to hear recently that, according to research, the rate of childhood obesity may be beginning to slow in England, after the prediction for obesity levels for 2020 was revised.

Rather than pick up the pieces, we must work with the community, retailers, schools, the Food Standards Agency, the Public Health Agency and all health professionals to produce an all-encompassing strategy that deals with the root causes of obesity and with prevention and early intervention.

Dr Deeny: I also support the motion. Obesity is a societal problem; it is not a disease, but, as we have heard, it leads to very serious diseases. We should not medicalise obesity. It needs to be tackled by society as a whole, so we need to take a holistic approach, as has been said already, that involves communities and their representatives, such as politicians and policymakers. We need cross-government, cross-departmental involvement, and, as the Committee Chairperson said — I agree with him — education in health.

The consequences of obesity have already been mentioned, and those, of course, are medical.

Obesity has major health implications, and it is left to the Health Service, the Department and healthcare workers to pick up the pieces of that societal epidemic. Type 2 diabetes has already been mentioned, and ischaemic heart disease, hypertension, loco-motor and mobility problems can also result from obesity. The serious mental-health issues that affect people with obesity have not been mentioned, but those are important too.

4.00 pm

We all know that obesity decreases life expectancy and lessens the quality of life. Members who read the Committee's report will see that its theme is one of positive thinking and finding a positive way to deal with the issue of obesity. The media is important in sending out positive messages, including advertising. We must instil a positive attitude and mindset in people

with weight problems. That works much better than creating a negative attitude and mindset. That never works.

A focus on the negative consequences of obesity and other societal problems, such as alcohol abuse and cigarette smoking, never works. It terrifies people, and their behaviours do not change. We must be positive and focus on the great benefits of more exercise and healthy eating, rather than constantly reminding people that they may die younger. There is a danger of stigmatising obese people. If we were to start to play the blame game and people were made to feel that they were to blame for their weight problem, that would concern me. Were that to happen, people would be less likely to be motivated to do something about their obesity.

The report contains a number of interesting points, and I have picked three. I am glad that the Minister is in the Chamber. Paragraph 82 mentions the Healthwise scheme, through which appropriate physical activity is prescribed for individuals in primary care. That should be made available across Northern Ireland.

The need for clear and simple messages was mentioned. Paragraph 114 makes the point that correct food labelling is essential so that people can make the right health choices, and paragraph 120 calls for clarity on what constitutes five portions of fruit and vegetables a day. The report says that the public should be told exactly what that means, and there is currently much confusion on that issue.

The Chairperson referred to education. Some people say that one hour of physical exercise is needed each day, but schools are required by law to have at least two hours of PE a week. Of course, we want an educated population, but we do not want an educated and unhealthy population.

Mr K Robinson: Will the Member agree that, although schools should be encouraged to make time for physical education and they would like to do so, there is little point in that if children pass a variety of fast-food outlets at lunchtime or on the way home from school? That negates everything that the school might have preached during the day.

Mr Deputy Speaker: The Member will have an extra minute.

Dr Deeny: I take the Member's comments on board, but that is no reason for not having the required level of physical activity in school. Obesity is a societal problem, and the fact that children do other things outside school does not mean that what schools do when kids are there is not important.

A community approach must be taken. That happens in France under a project called Ensemble, Prévenons l'Obésité des Enfants (EPODE). That is my attempt at speaking French for the day.

Mr Shannon: Was that "Del Boy" French?

Dr Deeny: Yes, I am afraid that it was. It means that together, we can prevent obesity in children. EPODE, which is referenced in the report, takes a holistic approach. It focuses not on obesity but on physical activity and healthy eating, yet its outcomes have a definite impact on obesity. I urge all Members to support the motion and the Committee's report.

Mrs I Robinson: I, too, thank my Committee colleagues, officials, and respondents to our inquiry; it proved to be a successful road to go down. Obesity causes great concern, not only in the Health Service, but in other areas of government. I support the motion on the obesity report and call on the Health Minister to read it and to act on its recommendations.

The Health Service exists to treat and to care for people; it also has a key role in disease prevention. In the long run, disease prevention saves the public service money; more important, it reduces the prevalence of diseases such as cancer, heart conditions and diabetes, which is particularly prevalent in obese people.

Obesity is a ticking time bomb. The Chairperson also used that terminology. Indeed, the point was made on many occasions in the Committee. During the past 25 years, obesity rates have doubled and continue to rise. In 2005, a health and well-being survey in Northern Ireland found that 59% of adults were either overweight or obese. Worryingly, 22% of children were found to be either overweight or obese. Those figures highlight the problem's seriousness — the figure for children is particularly alarming.

Obesity is generally preventable through healthy eating and regular exercise. However, I note the submission of the South Eastern Health and Social Care Trust, which suggested that:

"obesity should be understood in a wider context than simply a lifestyle choice concerning nutrition or physical activity. Obesity is often combined with issues of mental health, self esteem, isolation, family support and emotional wellbeing."

That demonstrates that the cause of obesity is not necessarily straightforward and can be closely linked to mental health; an issue on which I have long lobbied the Minister in the wake of the Bamford review.

Although the motion focuses on the Health Department, all Departments need to take note because they all have a part to play in reducing obesity. For several years, schools have implemented a healthy-eating strategy, and the Department of Culture, Arts and Leisure has developed a 10-year strategy for sport and physical recreation in Northern Ireland.

As other Members said, criticism has been levelled at the Minister and the Department for not completing the Fit Futures implementation plan, which is aimed at children and young people. Despite being in the public

domain since 2007, the plan has not been implemented or formally signed off.

Instead, Northern Ireland has adopted the obesity strategy from the United Kingdom mainland, entitled 'Healthy Weight, Healthy Lives', which was launched in January 2008. The view of respondents who contributed to the report is that that strategy is not necessarily the correct approach because Fit Futures offers:

"a vision of joined-up policy on physical activity".

Respondents noted that although they believe that it is a good strategy, little has been done to implement it.

Tackling obesity now could save lives as well as money. In the United Kingdom, the 2007 Foresight report entitled 'Tackling Obesity: Future Choices' stated that:

"By 2050, 60% of males and 50% of females could be obese."

It also states that by 2050 obesity could add £5.5 billion to the annual cost of the NHS, with wider costs to society and business estimated to be £49.9 billion.

Mr Deputy Speaker: Please bring your remarks to a close.

Mrs I Robinson: There are cost implications not only for our Health Service but for our economy and wider society. The report highlights the comments that were made by the representatives of the Institute of Public Health, who told us that:

"The loss of productivity and the costs of care and treatment of obesity and related conditions have serious effects on the economy and threaten to engulf the health service."

Mr Deputy Speaker: Time.

Mrs I Robinson: They went on to say that:

"Obesity is estimated to cause 450 deaths per year, £14.2 million in lost productivity and £90 million cost to health and social care."

Mr Deputy Speaker: I ask the Member to conclude.

Mrs I Robinson: I support the motion.

Mr Easton: I dare say that if I announced an initiative in the House today that would put £500 million into the Northern Ireland economy every year in these difficult economic times, it would be a stop-press moment. Headlines would be written on the subject, and it would be a cause of significant celebration. However, is it not the case that the Department's Investing for Health strategy informs us that the outlay for addressing obesity will not only hit that unwelcome target of £500 million but will exceed it? Something must be done. Failure to tackle obesity is simply not an option. I do not want to overuse that statement, but it is apt for the matter in question.

I endorse the maxim that prevention is better than cure. The problem of obesity is a global one. The report contains two major strands aimed at addressing the problem: prevention and weight management. Let

us apply ourselves principally to the cost of obesity, which is not an economic one but, rather, the health and well-being of our people. We are talking about serious and complex health issues that have life-threatening implications.

Why do I say prevention? Consider for a moment what is next for severely obese patients when lifestyle and drugs interventions have been unsuccessful: surgery. After that come lifelong medical follow-up treatments. It should set alarm bells ringing in the House that, for those who are obese, there is something of a famine of primary and secondary services. For those who are obese but who have not reached a severe enough level, we need to look to service delivery to see how further weight gain can be reduced.

Let us think financially for a moment. Is it not the reality that some 50,000 of our people meet the eligibility criteria for surgery? Let us take a financial reality check: the cost of surgical treatment and the necessary follow-up per 1,000 patients is between £10 million and £15 million. Multiply that by 50 to get a real sense of the financial implications for our Health Service.

The message must go out from the House today that in terms of health a little bit of weight loss goes a long way in terms of health. As other Members said, a weight loss of as little as 10% can deliver a significant improvement in health.

It is impossible to give due regard to a 46-page report that contains some 24 recommendations; therefore let me highlight some of them when commending the entirety of the document. Let us place PE at the core of redressing the situation. PE is integral to our children's education, and it is important to remember that one in four of our children is overweight or obese. To use an appropriate metaphor, it is time that the Department of Education stepped up to the plate to deliver two hours of compulsory PE a week. Furthermore, to show our determination in that regard, let us utilise the Education and Training Inspectorate to audit the situation.

On a national, and, indeed, European platform, let us punch at our weight in ensuring adequate controls over salt and saturated fat when manufacturing foods. Although many of us have heard the message about five portions of fruit and vegetables a day, are we confident that the exact proportions are easily understood? I think not, so let us clarify the message.

I urge employers to join in promoting the healthy lifestyle message, in promoting healthy eating in the workplace, and in asking themselves how they can promote exercise in the workplace. After all, it is an investment in the future of their staff.

Policymakers must likewise look at the considerable effect that obesity has on our society. Is it not time that

we also consider obesity-proofing our policies and include it as a real proofing exercise in all new policies?

The Minister must also go further. It falls to him to go beyond merely registering obese patients to raising his horizons to the national level and move to the introduction of quality and outcomes framework points for positive obesity management.

4.15 pm

The life course strategy is key to tackling obesity and although I do not underestimate the almost infinite pressure on finite health resources, to deliver that strategy we must put our money where our mouth is by ring-fencing the resources for that, at least for the initial period of three to five years. Trust me when I say that that will be money well spent.

In conclusion, I highlight the need for professionals in the primary-care sector to have a range of evidence-based referral options provided for them. That is a matter to which the Department and the Regional Health and Social Care Board should apply themselves. They can no longer pay lip service to addressing obesity, because tinkering at the margins will not meet that need. The report goes a long way to being part of the solution to the obesity problem. I place on record my thanks to the Committee staff for all their efforts in producing the report. I support the motion.

Mr Shannon: I support the motion, but I wish to reflect on another issue as well as obesity. Other Members spoke about the issue of obesity because of the report that is before us today; however, I wish to talk about obesity and lifestyle choices, particularly in respect of their links to diabetes.

I declare an interest as a diabetic, and Mr Deputy Speaker, I know that you, too, are diabetic. One of the problems with obesity is its link to diabetes. The figures for the number of people with diabetes are horrendous. Some 65,000 adults are diagnosed as having diabetes. Since 2008, the number of cases has increased by 7%, and since 2005, it has increased by some 26%. More than 1,000 children in Northern Ireland have diabetes. I know that not all diabetics, certainly not those with type 1 diabetes, have the condition because of their eating habits. However, all type 2 diabetics —

Mr Wells: I must emphasise that there is absolutely no link between obesity and type 1 diabetes. However, the percentage link between obesity and type 2 diabetes is as high as 80% or 85% and that is clearly the issue. No health choices can influence whether someone develops type 1 diabetes.

Mr Deputy Speaker: The Member will have an extra minute in which to speak.

Mr Shannon: I thank the Member for his intervention. That is exactly the point that I made, and I thank him for confirming that. It is clear that type 2 diabetes is caused by lifestyle choices, stress and anxiety, and by eating and snacking on certain foods.

I am encouraged by most of the comments about the report, which provides some background information on diabetes. Prevention now will mean better health and less cost later, and cost is another important factor. Of the NHS's annual budget, which is approximately £400,000 million, 10% is spent on treating people with both types of diabetes. Therefore, I am keen that we address the issue of prevention at an earlier stage so that there will be better health and less cost later. I know that that is what the Minister and the Assembly want to do.

The efficiency framework that is in place is not to the satisfaction of those who are involved in diabetes care. In addition, I do not believe that there is enough effective, structured education about diabetes. We must address those issues at an early stage to ensure that diabetes does not become a scourge later on. I know that the Minister is supportive of that principle. My colleague Iris Robinson said that obesity is a time bomb, but so is diabetes. Minister McGimpsey has said previously that he wants to prevent the Health Service from being overwhelmed by diabetes within 20 years. Where is the framework to ensure that that happens? We need to have that in place and address those issues early on.

Last week, the Public Accounts Committee, of which I am a member, had the opportunity to look at that issue in its discussions about the report on 'The Performance of the Health Service in Northern Ireland'. That report draws attention to practice in Australia, where targets for tackling the prevention of diabetes have been established. I asked why, having acknowledged the importance of targets, our Health Department is not following Australia's good lead. I believe that it should be.

I also believe that a diabetes screening programme is needed. The Department's approach is to focus on high-risk groups, but it should be looking beyond that to ensure that the approach is structured and systematic. Although I commend the Committee's report and support it in its totality, I ask the Minister and, perhaps, the Committee, which endorses and supports it, to address the scourge of diabetes.

In the report, Dr Naresh Chada from the Department of Health, Social Services and Public Safety is quoted as saying that:

"we could have another 10,000 to 15,000 people with diabetes in Northern Ireland by the early to middle part of the next decade."

Those figures are worrying, and we should focus on them.

Mr McQuillan: I support the motion.

The 2008 annual report from the Chief Medical Officer for Northern Ireland, Dr Michael McBride, states that:

“Levels of obesity in children and adults in Northern Ireland continue to be a major health concern. Recent surveys indicate that around one in four girls and one in six boys in Primary One are overweight or obese, and that almost 60% of all adults measured are either overweight (35%) or obese (24%). They also found that around 30% of young men and women aged 16-24 are either overweight or obese.”

In other words, one in five adults and one in three children has a weight problem.

At the Northern Ireland Health Economics Group's conference, which was held on 16 October, Mr Rob Phillips from the Department of Health, Social Services and Public Safety (DHSSPS) reported that obesity is estimated to be costing the NHS £4.2 billion each year, and that cost is forecast to more than double by 2050. The cost to the wider economy is estimated to be £16 billion each year, and that is predicted to rise to £50 billion each year by 2050 if left unchecked.

What is being done? First, the Fit Futures initiative, which aims to reduce obesity in children, was established by the ministerial group on public health in 2006 and implemented in 2007. Secondly, a joint public service agreement target was put in place to halt the rise in childhood obesity by 2010. That has since been expanded to include adults. Thirdly, in 2008, DHSSPS set up the obesity prevention steering group, and it is working on an obesity prevention strategic framework, which is due for publication in 2010. Furthermore, in 2009, the Health Committee undertook its inquiry into obesity.

Although all of that work is welcome, there is a lack of evidence on the effectiveness of such interventions in reducing obesity levels. The recent Change4Life media campaign cost £75 million, and previous media campaigns have been costly and largely ineffective. The concept of communicating risk about unhealthy lifestyle behaviours has not led to significant modification. Our population is getting bigger: the 'Northern Ireland Health and Social Wellbeing Survey 2005/06' found an overall increase of 26% in adult obesity in Northern Ireland since 1997.

According to a report released in July 2009 by the Trust for America's Health and the Robert Wood Johnson Foundation, such policies are failing in America. The report states that adult obesity rates increased in 23 states and did not decrease in a single state in the past year and that the percentage of obese or overweight children is at or above 30% in 30 states. The report calls for obesity prevention and control to become a high priority in healthcare reform, which I very much support.

The increase in the weight problem is such that current resources are overstretched and cannot adequately address the need for professional intervention. For example, the Northern Ireland Audit Office recently published a report stating that over 62,000 people in Northern Ireland, of which I am one, have type 2 diabetes. Some 20,000 people are unaware that they have the condition, and it is predicted that 81,000 people will have it by 2015. Type 2 diabetes is a condition that is reaching epidemic proportions.

Diabetes is one of the most costly and burdensome chronic diseases of our time; treatment of diabetes takes £1 in every £7 spent on healthcare in Northern Ireland. In 2005-06, £43.7 million was spent on diabetes treatment, excluding primary or community care, personal or social care and outpatient services. It is estimated that 10% of the NHS annual budget goes on treating diabetes. The increase in its prevalence is largely explained by the rising trend in obesity.

Obese patients are seen at a diabetic clinic where the focus is on blood sugar control, blood pressure and cholesterol levels, with weight being a secondary consideration. Often, conventional models of weight reduction are not sufficiently effective to impact on life expectancy or healthcare costs, as they rely on brief, opportunistic interventions. Such a service is not adequate or appropriate.

Obesity is strongly associated with raised blood pressure and cholesterol. Twenty-one percent of heart disease cases can be attributed to excess weight or obesity, and heart disease is the leading cause of death in patients with type 2 diabetes. Given that weight has an impact on patients' life expectancy that is similar to that of smoking, high blood pressure or high cholesterol, why do we not have the necessary resources and skills to help them to manage their weight?

Leading healthcare professionals are calling for lifestyle management to become part of healthcare provision. Weight loss is one of the few interventions that may result in increased life expectancy for many patients. Research has constantly shown that effective weight reduction can, over three years, prevent 58% of overweight individuals from developing diabetes.

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

Mr McQuillan: In the UK, 26% of total prescribing costs are attributed to complications experienced by overweight or obese patients. There is plenty more that I could say on the subject; however, I support the motion.

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I welcome the Committee's report on its inquiry into obesity. Members have devoted considerable time and effort to compiling the report and to ensuring that the issue

of obesity remains at the forefront of public interest. The report contains 24 recommendations, and, I am pleased to say, my Department has either addressed, or is considering, all the issues that it raises.

Obesity is a complex issue, the scale of which should never be underestimated. Often, it has been referred to as a time bomb and, in 1997, the World Health Organization described obesity as a global epidemic. In Northern Ireland we are facing significant problems: obesity rates have tripled over the past 20 years, and it is estimated that obesity causes 450 deaths each year.

Being obese reduces life expectancy and can lead to considerable health problems; significantly, the risk of developing the biggest killer diseases, coronary heart disease and cancer. Obesity also increases the risk of developing type 2 diabetes and can lead to depression and lack of self-esteem.

Obesity levels are rising at an alarming rate, particularly among children. Recent surveys indicate that around one in four girls and one in six boys in primary 1 are overweight or obese and that almost 60% of adults measured are overweight or obese. That is clearly a matter that we must address if we are to protect people from the serious health problems that are associated with obesity and ensure that our Health Service does not have to face the additional burden that that will place on services.

Such high rates of obesity bring with them a considerable cost to our society, which, in today's difficult economic climate, is becoming increasingly unaffordable. In 2003 and 2004, following a House of Commons Health Committee inquiry, a Foresight report estimated the cost of obesity as £3.7 billion a year.

In Northern Ireland, obesity results in the loss of 260,000 working days each year and costs the economy around £500 million. However, it is not just about the cost to our society; it is about the cost to people's health and the impact that obesity has on their lives and that of their families. That is why it makes sense to invest in preventing obesity and in helping people to change their lifestyles for the better.

Much progress has been made in tackling childhood obesity, and it is encouraging that, already, there appears to be some levelling off in the rise of obesity among P1 children. As a result of the Fit Futures task force, we now have programmes such as the healthy breaks initiative. As well as working to ensure that there is healthier school food for children, further progress has been made in making sure that food labelling is clearer, that there are tougher restrictions on the advertising of food that is high in fat and sugar, and that physical activity levels in schools improve.

Following the Foresight report, there has been increasing interest in obesity and an acknowledgement

that we should be focusing on the whole population and not just on children. In February 2008, my Department established the obesity prevention steering group. Initially, that group was established to drive forward the Fit Futures programme, and, latterly, it began work on the development of an obesity prevention strategic framework that targets the whole population.

I note and agree with the report's view that obesity is not just a health issue. From the outset of the debate, Members have accepted that the issue is not specific to my Department; it is cross-departmental and cross-governmental.

4.30 pm

Work on developing the strategic framework continues based on the life-course approach and tackling what is now described as the obesogenic environment. That means that we will be looking at ways to improve lifestyle and the physical health of the entire population. Following full public consultation, the framework should be launched in June next year.

As we all know, it is one thing to develop a strategy, but how the strategy is implemented is crucial. I believe that we are now in a position to make a major difference, thanks to the creation of the Public Health Agency. I established the agency specifically to ensure that strategies and policies were delivered and implemented at ground level. The key strength of the Public Health Agency is that it is uniquely placed to co-ordinate and deliver health improvements to the Northern Ireland public at both the regional and, through effective partnership working, the local level. The local partnerships will also include councils, because I am convinced that we should harness the skills and knowledge of local people in delivering initiatives to the local population.

I have already referred to the costs of obesity to our society. I am particularly concerned about the cost to the Health Service on the part of individuals who have made unhealthy lifestyle choices. Everyone in Northern Ireland has a responsibility in respect of lifestyle issues such as alcohol and smoking. In the end, individuals make decisions on their own lifestyle. It is essential that they make the right choices and that the Government provide the information and help that they need to do that.

Obesity has a clear link with another issue that I am determined to tackle: health inequalities. Those are associated with a wide range of social determinants, including poverty, unemployment, poor education and poor housing. The same determinants impact on individuals' opportunities and choices on healthy eating and physical activity. Tackling health inequalities is an issue that I have tasked the Public Health Agency with addressing urgently.

Although the main focus of the report is on prevention, it also highlights the important issue of obesity management and treatment. Weight-management programmes may be delivered in a variety of settings. Examples elsewhere illustrate the important role that can be played by a range of public services, including the leisure services provided by local councils and, in the health sector, primary and community care services.

We must recognise that the management of obesity can be challenging. Bariatric surgery may be considered for patients for whom a dietary approach has been unsuccessful. The management of bariatric patients is complex and involves not just surgery, but extensive support from a range of professionals before and after surgery. In particular, dietary management after surgery requires specialised support to avoid complications. There is strong clinical evidence to suggest that patient outcomes, including risk of death and post-operative complications are best treated in specialist units that perform a large number of procedures each year.

The Chairperson of the Committee for Health, Social Services and Public Safety: Before the Minister moves away from the subject of bariatric services, I note that there is a school of thought that says that a sufficient number of people from Northern Ireland are having such treatment to warrant consideration of locating a clinic dedicated to such services at one of the acute hospitals in the Province. We send 120 patients across the water each year at a cost of £1.5 million. Surely, we are getting to the stage where it would be better to provide that service in Northern Ireland.

The Minister of Health, Social Services and Public Safety: As I said, we have a budget of £1.5 million to deal with the number of people who come forward for such services; currently, that is 150 suitable patients per annum. That level of activity means that it would not be cost effective to establish a dedicated clinic for such surgery here. The advice that I receive is that, because the procedure is very complex and there is a risk of death and post-operative complications, patients are best treated in specialist units that perform large numbers of procedures each year. Access is travel.

Against that, the Chairperson advanced the argument that we provide that service locally. At the minute, we are not at the point of being able to develop a dedicated stand-alone service in Northern Ireland.

Primary care in Northern Ireland continues to make a positive contribution to identifying and supporting patients with obesity through an enhanced service that has been delivered by GP practices. Since 2006, I have invested £3.2 million in primary care to assist patients

specifically in managing their weight through the provision of advice and guidance and referral to appropriate opportunities for sport and leisure. That is exactly what happens in the Grove Wellbeing Centre in Belfast, which brings together high-quality health, social care, leisure, lifestyle and lifelong learning services to its customers.

The report specifically talks about resources. Last year, my Department allocated £1.6 million to prevention. Additional long-term investment is needed in that area, and I intend to discuss that matter with the Executive.

Obesity is a key public health issue that we always have addressed, and will continue to address, as a matter of urgency. I welcome the Committee's interest in the matter, and we will respond to each recommendation in more detail in due course. I recognise the long-term cost to our society that will ensue if we do not halt the rise in obesity. As I said, we are having some initial success with P1 children. In fact, when I took up my ministerial post, one of the first things that I said to the House was that my advice suggested that, if we do not take steps to address it, the Health Service in Northern Ireland will be overwhelmed by type 2 diabetes within 20 years. I listened carefully to that advice and followed up on it, not only through the Fit Futures policy, which I inherited, but through the obesity prevention steering group, which is overseeing the implementation, and through a new overarching 10-year obesity prevention strategic framework.

Furthermore, I am specifically addressing obesity issues across the whole population. We have included diabetes as a key anchor of the new cardiovascular framework. To date, I have included the development and implementation of the Healthy Breaks initiative, which, combined with food-in-schools policy, will ensure healthier school food for children. I have also established the Public Health Agency, which I believe will be the main driver to address issues such as health inequalities. Members mentioned Dr Jane Wilde of the Institute of Public Health, who plays an important role. The Public Health Agency in Northern Ireland will play a crucial role in the future.

Prevention is better than cure. We must work through GPs and primary care, and invest in primary care, to address those issues with patients. Other UK health Departments are reviewing what our Department is doing for obesity under our long-term condition management enhanced service with a view to introducing similar measures. We are far from complacent. How to get the message to local communities is always the issue. We should use local people to help local people. That is the key issue for the Public Health Agency. It must also address health inequalities. People who live in disadvantaged communities or in poverty are more likely to face such

challenges than people who live in more affluent areas. The Public Health Agency and the Department are driving progress on those issues.

Sadly, the Public Health Agency, which was established on 1 April, immediately faced the huge challenge of swine flu. Therefore, Members are not seeing its activity properly as yet. However, it is working away, and that activity will become more apparent in the future.

The Department will carefully consider the recommendations in the Committee's report, many of which we are taking forward already. We will consider all ideas and proposals, and all suggestions are more than welcome.

The Deputy Chairperson of the Committee for Health, Social Services and Public Safety (Mrs O'Neill): Go raibh maith agat, a LeasCheann Comhairle. I thank Members for taking part in the debate and I thank the Minister for his response. Obesity is a major issue, and the Committee has undertaken a very valuable piece of work. We expect that our report will influence the Department's thinking and policy development, and I welcome the Minister's comments on that.

Obesity is pivotal not just because it is a major health issue that is central to the quality of life of our population but because of the major financial implications that many Members have highlighted. Last week, Members had an extensive debate on finance and efficiencies in the Health Service. The potential cost of obesity to the Health Service dwarfs the efficiencies that were discussed during that debate, and we have heard today that, as predicted by the Investing for Health strategy back in 2002, unless trends are reversed, obesity will cost the Health Service £500 million a year. Much of that potential expenditure can be saved if we can reverse the trend.

(Mr Speaker in the Chair)

Obesity must be tackled. We have no choice, if we are to have an affordable Health Service and if our population is to have good quality of life. We need to invest now in order to save later. Many Members spoke about how obesity is tackled, including the development of the new life course strategy, the lack of implementation on the Fit Futures initiative, and the need for a partnership approach with other Departments, particularly with the Department of Education, given its role in providing physical education in schools. We are aware that physical education is part of the curriculum, but the number of hours a child spends in physical education each week is not compulsory. That is a key measure that the Department of Education can take forward.

Other Departments also have a role. The Department for Regional Development has a role to play in promoting the Sustrans Safe Routes to School scheme,

so that children will have safer routes by which to walk to school. Members referred to the Department of Culture, Arts and Leisure's sport and physical recreation strategy, a 10-year strategy that is sitting somewhere in the Department. That strategy needs to be published and actioned.

There is a role for the Department of the Environment through local government and the availability of leisure services. Again, the key issue is to ensure that people can afford the services offered. OFMDFM also has a key role to play in tackling health inequalities and poverty. Members will agree that those living in poverty are affected by any health problems disproportionately and seem to be predisposed to obesity. Many Members referred to those issues, and there will be consensus that a strategy to tackle obesity is required quickly and must be cross-departmental.

Another theme that has emerged in the debate today is the requirement for an immediate audit of existing obesity-related initiatives, such as the dissemination of local good practice and a central database of projects with standardised evaluation tools. Dr Deeny mentioned the Healthwise scheme, which is a 12-week exercise programme in which people are referred to their leisure centre. That is a fantastic example, but the problem is that it is not consistent and it is not available across the board. Those examples of good practice need to be implemented in all areas. They need to be consistent and measurable, because we need to know whether people are achieving something through them. The Committee hopes to see an audit of initiatives and the dissemination of that good practice across the board.

The other clear theme was weight management, the need for dedicated obesity clinics, and the possible provision of bariatric services. Many Members referred to bariatric surgery, which is not being delivered locally. People requiring it must travel to receive it. Those who live in the North should be able to benefit from this life-saving, life-changing treatment. They need to be able to access that surgery in local hospitals. Everyone agrees that local care, and more particularly, follow-up care, is best delivered locally. Bariatric surgery should be no exception. The Chairperson of the Committee referred to the number of people referred to England for that surgery, which costs the Health Service £1.5 million a year. Given that we are expected to see a 5% year-on-year increase in the level of obesity, and subsequently the number of people who may need to access that service, we need to plan for the future.

The Committee is also making a series of recommendations around diet and exercise, which some Members referred to. Diet and exercise are not the whole story. They are major contributors, but we need to look at the "whole life" approach. There needs

to be a major shift in thinking and a major change in how society and communities behave.

People must take more personal ownership of, and individual responsibility for, their health. We must analyse the root causes of ill health. I urge the Minister to bring forward the review of the Investing for Health strategy as a matter of urgency. There is strong evidence to indicate that people living in food poverty almost always have a diet that predisposes them to the risk of obesity, and we must take that seriously.

4.45 pm

I will now refer to Members' contributions. Claire McGill pointed out that no country has a strategy that we can look to as an example of best practice. Therefore, the Assembly has an opportunity to lead the way in bringing forward a strategy that other places can look to as best practice. She also referred to the good example that is set by the Assembly's canteen facilities.

Samuel Gardiner mentioned the rising levels of obesity and the cost of anti-obesity drugs to the Health Service every year. He referred to local good practice and outlined the need for a more consistent, whole-population approach. Mr Gardiner also said that people can be confused easily about the levels of salt, sugar and fat in their diets and about what is good for them and what is not. Clear, transparent, consistent front-of-package labelling is needed. A traffic-light system would be perfect, because it would enable busy people to see easily what food is healthy when they are doing their shopping. If a label has more green boxes than those of any other colour, people will know that that food is healthy.

Carmel Hanna pointed out the need to ensure that money is spent effectively and to focus on people who are in danger of becoming obese, as well as those who are obese already. We must tackle the problem of obesity at its root cause. She also talked about the role of sports, and she said that young girls are less inclined to take up sport, particularly competitive sport. Sport NI told the Committee that such activity is not all about competitive sport and that we must encourage recreational sport. Mrs Hanna also referred to the role that the food industry and retailers play in deciding on portion sizes, labelling, and so on.

Dr Deeny said that people are not always aware of obesity's associated health risks, such as type 2 diabetes, high blood pressure and an increased risk of some cancers. Action Cancer told the Committee that obesity can lead to an increased risk of uterine, cervical and ovarian cancer. The statistics about that are worrying, but people do not generally associate those illnesses with obesity. Dr Deeny went on to talk about avoiding getting into a blame game or attaching

a stigma to obesity. We must be very conscious of the need to avoid that.

Iris Robinson gave some startling statistics that I must repeat. Some 25% of children are either obese or on their way to being obese, and 60% of adults are obese or overweight. Obesity is a global problem that we must tackle now. Mrs Robinson also outlined the need for all Departments to get involved, and she said that they all have a role to play.

Alex Easton said that failure to tackle obesity is not an option, and he referred to the weight-management services. The Committee is calling for a review of those services so that people are supported in their endeavours to lose weight. Mr Easton also mentioned the role that employers can play in promoting healthy lifestyles at work. We have a long way to go to tackle the problem, but this debate is a good step forward. The Committee is committed to working with the Minister so that the matter can be progressed.

Jim Shannon said that he is a diabetic, and he made the link between obesity and type 2 diabetes. He said that the number of people who are presenting with type 2 diabetes is increasing rapidly, and he referred to the need for a service framework to tackle diabetes properly.

Adrian McQuillan talked about how the Chief Medical Officer's report highlighted the danger of obesity and the lack of evidence to support the work of various programmes. Therefore, more evidence must be gathered to guide the way forward.

I thank the Minister for welcoming the report and for his commitment to working with the Committee in taking forward the 24 recommendations. I welcome his comments that it makes sense to invest in services. I also welcome the fact that some progress has been made. However, we must work together to make more progress in tackling this epidemic.

I agree with the Minister's reference to the positive role that the Public Health Agency plays. That agency has hit the ground running in dealing with swine flu, but it has a key role to play in tackling obesity, and it is best placed to deliver co-ordinated services and a co-ordinated approach.

The Minister also talked about health inequalities. We cannot get away from those. There are social determinants of ill health, and we must tackle the fact that people who live in socially deprived areas have poorer health than those who live in other areas.

In conclusion, no one in the House disagreed with the fact that obesity is a global public health issue. There is no getting away from the fact that obesity costs the Health Service a colossal amount of money. We must invest now so that we will save in the future.

I echo the Minister's words that prevention is better than cure. Go raibh maith agat.

Question put and agreed to.

Resolved:

That this Assembly approves the report of the Committee for Health, Social Services and Public Safety on its inquiry into obesity; and calls on the Minister of Health, Social Services and Public Safety, in liaison with Executive colleagues and relevant bodies, to bring forward a timetable for implementing the recommendations contained in the report.

PRIVATE MEMBERS' BUSINESS

EU Fisheries Council

Mr Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

Mr Paisley Jnr: I beg to move

That this Assembly notes the proposals submitted by the EU Fisheries Council to reduce fish quotas and days at sea; acknowledges that Irish sea stocks were fished in a sustainable manner during the past year; expresses concern in relation to the implications for the fishing industry should these proposals be adopted; calls on the Minister of Agriculture and Rural Development to meet with the United Kingdom Fisheries Minister ahead of the Council meeting to convey the importance of these negotiations with regard to the future viability of the Northern Ireland fishing fleet; and calls on the Minister to participate personally and directly at the December meeting of the EU Fisheries Council, to ensure that these proposals are rejected.

Every autumn, our fishermen look forward to the December EU Fisheries Council meeting more in fear and trepidation than in hope. The future of fishing for the next 12 months is determined at that meeting. The industry will look back on the autumn of 2009 with particular concern because of several things that have already happened. During October, the European Community forced a new control regulation, which is Europe's fisheries enforcement tool, through the Fisheries Council. Later this month, it hopes to force the new technical conservation regulation through the council. Of course, the December council meeting, at which the quota regulations for 2010 will be agreed, is also to come.

Every year, industry commentators believe that the situation cannot get any worse. Unfortunately, things do get worse for our fishermen year in, year out. The autumn is plagued by concerns that the December council meeting will be a disaster for the industry. The ill-thought-out rules, as well as containing known problems, are polluted with many more hidden problems that come to light only later in the fishing year. Some 12 months ago, the regulation on long-term cod recovery was agreed against the advice of the Department of Agriculture and Rural Development (DARD) and the Minister of Agriculture and Rural Development. Therefore, in the months that lie ahead, our fishermen are justified in fearing and expecting that the meeting will not work to their advantage.

Earlier this year, the European Commission launched its latest review of Europe's common fisheries policy. At the outset, it seemed to promise much, with a key point being the potential for a decentralised fishing policy for regions such as the

Irish Sea. However, in light of the ratification of the Lisbon Treaty, even were regionalisation of the new common fisheries policy possible, our fishing industry is asking what will be left to manage in the Irish Sea should the European Community's latest quota proposals be approved.

I pay tribute to our fishermen, who do a marvellous job in harvesting a catch for the Northern Ireland industry and for those who enjoy eating fish. Week in, week out, they do what is probably one of the most dangerous jobs in these islands. I say that against the background of two serious incidents involving local fishing vessels, one in Belfast Lough and one not so long ago in Warrenpoint. In the latter incident, two fishermen were quite seriously injured.

Fishing is the most dangerous civilian occupation, which is too easily forgotten as we enjoy our fish supper or whatever other food that has been harvested for us. Despite the dangers and often pitiful reward for their endeavours, our fishermen have proven resistant to a whole series of crises. Despite the problems, our fishermen constantly search for the light at the end of the tunnel. Each year, however, European Commission regulations and restrictions are piled on the industry, and that light, instead of becoming brighter, becomes dimmer.

Indeed, our First Minister recently described the local agrifood sector as one of the jewels in Northern Ireland's crown. I, along with many Members who represent fishing villages and communities, contend that that could still be said of our fishing industry. It is a jewel but one that is in grave need of repair and TLC. That attention must be given, and given at leadership level, primarily by our politicians.

A sense almost of depression sometimes descends when we begin to discuss our fishing industry. The news always seems to be bad. Some pessimistic commentators would try to tell us that there is nothing worth saving. However, we need to send out a very strong message that the industry is not only worth saving but is vital to many parts of our community and to many villages up and down our coast. The fishing industry must be preserved.

There has been much good news as well, and our fishermen have done a great deal of work with the Department to ensure that the new rules and regulations are properly obeyed and honoured in accordance with the letter and spirit of the law. During the year, DARD has also been busy administering the hardship payments that the Executive agreed. Many fishermen greatly appreciated that aid, and it was widely welcomed. I trust that the Minister will reassure the House that all those payments have been processed.

I will now get to the nub of the issue. The European Community wants to inflict a 50% cut in our quota on

prawns, the most important species that we harvest. That announcement during the summer triggered the usual roller coaster of deep concern among the entire industry, followed by rumour, counter-rumour and proposals from the European Commission.

According to its own rules, the European Commission should not cut the prawn quota by any more than 15%, which, although totally unjustifiable, would have been bad enough. However, a few weeks ago, the European Commission proclaimed that it would seek a 30% cut in the quota. Why? It said that the stock was being overfished and that it was being done for the sake of consistency with the harvest rule that was developed for the prawn industry in the North Sea. Not the Irish Sea. It is nonsense to apply that rule to the harvest from the Irish Sea.

The Commission claims to favour regional management, yet it imposes rules on our fishermen in the Irish Sea that have been developed for fisheries in the North Sea. Although on the one hand it offers some hope that our Agri-Food and Biosciences Institute (AFBI) fishery scientists can provide expert local evidence to challenge Europe's diktat, it should not be a surprise that fishermen have asked the Committee what the point is of having and paying for local fishery scientists when their advice is ignored by those who are supposed to take it.

The facts speak for themselves. The Northern Ireland prawn fleet landed a record number of prawns from the Irish Sea in 2009. As well as meaning hundreds of jobs on local trawlers, those landings have helped to sustain more than 700 onshore jobs among scampi processors and prawn exporters. They have helped to sustain local villages, traditions and livelihoods.

The evidence from our fishermen is supported by AFBI scientists, whose underwater camera surveys of the fishing beds indicate an 8% increase in the Irish Sea stock this year compared with last year. If ever there was a sustainably fished stock, surely it must be prawns in the Irish Sea. That was the message that Committee members and I delivered to Commissioner Joe Borg when we met him in Brussels in October.

Of course, I realise that stock is managed across a much wider area than the Irish Sea, and there is cause for concern about part of the stock in the west of Ireland. Yet again, our fishermen, along with their colleagues from other parts of Europe, have been proactive in proposing measures designed to address that specific problem. Therefore, I repeat that the proposal to cut the area 7/Irish Sea prawn quota is totally unfounded and must be resisted.

That resistance must come from the House, with the Department's backing. The House should speak on this issue with one clear voice. We are here to encourage

and develop one of the jewels of our food processing industry — our fishing stock — and to ensure that the men who do such a worthwhile job under very difficult conditions are supported in the industry in which they have chosen to serve.

5.00 pm

In December, the Minister must go to the Council meeting in Brussels, at which she should be encouraged and emboldened to tell UKRep that Northern Ireland has drawn a line in the sand that will not be rubbed out. The industry here demands support, and UKRep should represent this part of the UK strongly and valiantly to ensure that our industry is preserved and that our fishing stock is allowed to sustainably do the job that scientists say that it can do. Therefore, I commend the motion to the House, and I urge Members to unite in encouraging the Minister and the Executive to ensure that our fishermen's jobs are preserved.

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle. I support the motion, and I thank the Members opposite for tabling it. I also thank the Minister for her efforts on behalf of the fishing industry. She is tackling most of the issues that the motion raises, and the industry recognises the work that she has undertaken.

Sinn Féin believes that the North is entitled to full and independent representation in all relevant negotiations that impact on devolved matters. We should be able to do what is best for our fishing industry. Presently, the British Government determine who represents Administrations at European Council meetings. The North is hampered by the dominance of another Administration, namely Scotland, that is fighting for its own fishing communities. We are not a sovereign nation, and Members need to understand that fact.

I shall base my speech on the recognition that, this year, the fishing industry here is facing a difficult set of circumstances. Fish and nephrops prices have been very low, but, on the other hand, fuel prices have been very high. Fish prices have been stagnating, and the catching sector sees only a small proportion of the final fish sale price. Fishermen are not able to pass on costs, and prices did not go up even in 2008, when there was a massive hike in fuel costs.

As politicians, we often talk in this warm Chamber about fishing. I remind Members that fishing is a hard and dangerous occupation, and we should not forget that fact. Nephrops is the single most important catch in the North of Ireland, particularly along the County Down coast. Based on 2008 figures, it contributes more than 60% to the value of the total catch. Therefore, a 30% cut in the nephrops quota would be likely to have a disastrous impact on the local fishing industry.

Will the Minister clarify the position with respect to the size of prawns that may be landed? The industry is concerned about more bureaucracy and diktats from Europe. It is similar to the straight bananas debate, about which we heard previously.

Mr McNarry: Maybe you could fish for those bananas.

Mr W Clarke: In a banana boat. *[Laughter.]*

In my constituency, increasing the size of prawns that are allowed to be caught would represent a significant cut in both prospective catches and fishermen's incomes at an economically tough time, when they are struggling to make ends meet, particularly given that overheads are continually being driven up by high fuel prices. Rural jobs are difficult enough to sustain without yearly threats from the EU. A balance needs to be struck between environmental scientists, fishermen and coastal communities that rely on fishing.

Fishing provides the lifeblood for many communities and meaning to many people's lives. It is a way of life, and it plays an economic, social and cultural role in south Down, as well as in many other areas. I remind Members again that we are debating one of the most dangerous occupations. In the past, many fishermen have paid the ultimate price to bring food to our tables, and I have known many of those men personally.

We are entering a critical phase for the future capability of the fishing industry; we are not just facing important annual negotiations, but entering a defining period for the future of European fisheries. At long last, discussions are about to begin on the future of the common fisheries policy.

I want to talk about discards. In my opinion, it is morally wrong for fishermen to hurl good dead fish overboard because they have quota for only one species in the net. No one can convince me that that is sustainable fishing.

That takes me to the review of the common fisheries policy, which I will touch on briefly. We need a fully accountable fishery to give confidence that, in return for landing more of what is discarded, we will ensure that the same levels of discarding do not continue. On-board cameras, which are being piloted by some vessels in Scotland and Denmark and which other nations are considering, might give us the assurance that we need to move from simply measuring what is landed to a catch-quota system. Industry representatives are monitoring those pilot schemes, but on their own, they will not be a panacea. Our fishing sector is engaging with scientists, but as was said earlier, they are demoralised when sound scientific evidence is ignored.

When an economic driver is lost, there is devastation. In south Down, our construction industry has been decimated due to the recession. Manufacturing is also very stressed. When cuts are made to the prawn industry, the whole community will have to absorb them.

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

Mr W Clarke: Shops, pubs, restaurants, as well as the businesses that service the industry, are all in difficulties. The fishing industry, particularly the prawn sector, is under extreme pressure.

Mr Elliott: I thank the Members who secured the debate. It is a timely intervention, given that we are approaching what I call the "Christmas shenanigans" in Brussels. That has become almost an annual event, and it is an unwelcome Christmas present for fishermen in Northern Ireland that appears to get worse every year. Every year, we anticipate that the situation will improve, and we are encouraged to think that. The Chairperson of the Committee for Agriculture and Rural Development, Mr Paisley Jnr, relayed to us the outcome of his recent meeting with Commissioner Borg. In December 2007, the former Committee Chairperson, Dr McCrea, together with Mr Willie Clarke, Mr P J Bradley, other Committee members and I also met Commissioner Borg. We took some comfort from that meeting and thought that there would be a better outcome for us in December. Instead, however, the situation got worse.

We can say what we want about our own or any other Minister, but the difficulty is that the people in Brussels just do not seem to listen to us. We put a good case to the UK Government, but when it comes to decision-making, we are like a small drop in the ocean. The people in Brussels do not realise the impact that they have on the industry and economy of Northern Ireland. I take that very seriously, particularly when I visit fishermen in ports throughout Northern Ireland. They are frustrated that we cannot get a better handle on the situation.

It has been suggested that we look to other countries for support for our industry. For example, it has been suggested that we co-operate with the Scottish Government and that in the Republic of Ireland. The Republic of Ireland is a member state. As Mr Clarke said, Northern Ireland is not a member state, and we must rely on the UK to put forward our case. It may be helpful at times to co-operate with those other countries, but the difficulty is that they are also our competitors. Clearly, they will do nothing that will disturb or impinge upon the benefits they will get out of the Fisheries Council meeting. I say to Members and to the Minister that they should beware of who they are trying to befriend, because those people may be doing more harm than good in the negotiations.

This is one of those issues in the European Union where we try to exert as much power as we can, sometimes without much success.

I want to pick up on an issue that Mr Clarke touched on, which is the discards. That involves throwing back into the sea good fish as waste, at a time when that fish could be beneficial to the local fishing community, the Northern Ireland economy and to those throughout the world who are starving.

It is one of the greatest wastes and among the greatest nonsense to have emerged from the common fisheries policy. We need to impress upon the Commission the need for it to do something about that waste urgently. When we met Commissioner Borg, we impressed upon him the importance of having that issue urgently addressed. If it is not, no part of the fishing industry in Northern Ireland will be able to reap the benefits.

We have heard about the proposed quota cuts, and reference was made to the 50% cut in prawn quotas. Those cuts would be catastrophic for the small fishing industry that remains in Northern Ireland, and our immediate concern is to defeat those proposals. I am waiting to hear from the Minister, and I hope that her discussions have been ongoing. Although the debate is timely, the Commission debate and negotiations in Brussels will happen in only one month. I hope that our case has been made long before now and that the Minister has made her case not only to the Commission but to the UK Government, whose officials will be at the table on our behalf. Those are the people who we have to convince, and I hope that that has been done before now.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. I support the motion on securing the future viability of the Northern Ireland fishing fleet, and I compliment the Members who proposed it. I have a few concerns about the motion, but those will emerge during my contribution. Given that the Irish Sea is fished predominantly by Irish and UK fleets, the scope of the motion, if it is intended to affect the outcome of the December meeting of the EU Fisheries Council, seems somewhat limited. On 7 October, the Minister met her English and Scottish counterparts, and, on 4 November, she met the Irish Minister for Agriculture, Fisheries and Food, Tony Killeen. It would be a surprise, therefore, if the Minister neglected to continue with that course of action. In fact, is there any reason why she should not meet the French, Belgian and Spanish Ministers or those of any other countries whose fleets fish the Irish Sea?

I urge caution on rejecting outright any scientific evidence, particularly from the International Council for the Exploration of the Sea, on some fish stocks while accepting it on others, such as herring and haddock, for which the total of allowable catches is to

remain the same, and plaice and anglerfish, for which the total is to increase. The rejection of scientific advice contributed significantly to the collapse of cod stocks and the need for the current cod recovery plan. The Irish Marine Institute's stock book of 2008 states that cod, whiting and haddock stocks are severely depleted in fishing grounds west of Scotland and that cod stocks in the Irish Sea, in which there are few signs of recovery, have virtually collapsed. The stock book also states that cod stocks in the Celtic Sea remain below sustainable levels.

The Department of Agriculture and Rural Development's 'Northern Ireland Fleet Futures Analysis (2004-2013): Methodology and Results' notes that the reduction in the total allowable catches for nephrops that was introduced by the EC was:

"an attempt to reduce the Nephrops fishery by-catch of whitefish — notably cod, whiting, haddock and saithe caught mainly by twin-rig Nephrops trawl gears as opposed to single-rig gears — in the face of deteriorating whitefish stocks, rather than due to particular concerns about the state of Nephrops stocks themselves.

The Nephrops stocks targeted by the NI fleet are considered to have been fished at sustainable levels over the past decade and are currently thought to be within safe biological limits, although there is some dispute between assessments of stocks size and state, and resultant management decisions, by the scientific community and fishermen's understanding of true stock sizes. It is generally recognised that there is a discrepancy between the reported landings volumes of Nephrops and the true extent of activity in the fisheries."

Concerns continue about the assessment and management of stock sizes and state, as reflected in the International Council for the Exploration of the Sea's (ICES) 2009 advice on nephrops:

"Current management of Nephrops in Subarea VII (both in terms of TACs and effort) does not provide adequate safeguards to ensure that local effort is sufficiently limited to avoid depletion of resources in separate Functional Units. The current situation allows for catches to be taken anywhere in the ICES division and this could imply inappropriate harvest rates from some parts. More importantly, vessels are free to move between grounds, allowing effort to develop on some grounds in a largely uncontrolled way."

That seems to have been a particular problem on the Porcupine Bank, where there has been a large increase in effort over the past five years and the stock has declined substantially.

5.15 pm

However, the importance of the prawn catch to the Northern Ireland fleet — 90% of the fleet fishes for nephrops — and its impact on other commercial fish stocks, was acknowledged by the Minister in a written answer, AQW 8378/09 on 7 July 2009 when she identified as a key priority maintaining the nephrops total allowable catch:

"at a level that sustains the stock and the activity of our catching and processing sectors."

It is worth focusing on that stock in particular. The ICES advice in 2009 talked about trawling for nephrops and the resultant discarding of small nephrops and fish, which can be high — a point to which Mr Clarke and Mr Elliott referred. It is that aspect of nephrops fishing, along with uncertainty about the level of the stock, which contributes to the restrictions on the total allowable catch. ICES scientific advice states that, given the apparent stability of the stock, current levels of exploitation and effort appear to be sustainable. This year, the International Council for the Exploration of the Sea stated that in the Irish Sea west —

Mr Speaker: The Member's time is up.

Mr McGlone: I support the motion by saying that we need to maintain the sustainability of stock; otherwise there will be no fishing industry.

Mr Ford: I too welcome the debate and congratulate those who secured it. It brings back to me nostalgia for the days of the first Assembly, when, every autumn, the Agriculture Committee devoted parts of a number of meetings to discussions on the forthcoming European Fisheries Council meeting. We got the results after the Christmas break, and, generally, they were uniformly bad. However, it is important that that discussion is not confined just to the Agriculture Committee and that the motion is on the Floor of the Assembly for wider consideration of what is needed.

I remember how frequently, in the early days of the Assembly, the Committee was presented with two entirely differing views on the stock situation. A scientific view was generally cited by those who supported the European Commission, and there was the view from the decks of the vessels which sail out of Portavogie, Ardglass and Kilkeel, and they rarely coincided on real stock levels in the Irish Sea.

In more recent years, work done by the Agri-food and Biosciences Institute (AFBI) with fishermen has shown much greater consensus, at least locally, about what is possible and what is not. That scientific evidence must be supported by the Assembly and carried forward by the Minister in her discussions with other UK Ministers, hopefully with the support of her friends from Ireland, and into the European Fisheries Council in December to make an impact on the Commission as a view that is shared not just around here but as evidence that can start to make a real difference to us.

A report from the Minister in January about last December's European Fisheries Council meeting referred to a 2% cut in the nephrops quota, and a somewhat higher cut for cod. She pointed out in her statement to the Assembly that that was rather better than the 5% cut in the North Sea and west of Scotland.

Nonetheless, in response to a question I asked, she pointed out that the 2% cut resulted in a £372,000 financial loss. That is how much fishermen in Northern Ireland lost from what was perceived as a modest cut. It also indicates why we must ensure that, if we are to continue to have a viable fishing industry in Northern Ireland, the cuts that are being talked about for some areas must be resisted, because it is clear from the scientific opinion of AFBI and the experience of those who work the trawlers that they are utterly unrealistic.

There was not only that £372,000 loss from the nephrops quota but a further loss to the white fish catches, where cod and haddock quotas did not quite balance out. That was not the extent of the financial loss, because costs in general for the fishing industry have gone up. Although the cost of fuel may fluctuate from month to month, the overall trend is for costs to go up, not down, and fishermen experience continuing suffering and difficulty. There is also the sheer difficulty of maintaining the capital cost of a boat if the number of days that it can be at sea to reap any reward from that investment is restricted.

There is clear evidence now that the science is in line with what the fishermen are saying, at least in the concept of our largest issue, nephrops. That evidence must be backed by the Assembly to show that that it has been noted.

A couple of Members referred to the by-catch of white fish and the criminal activities that take place when discards have to be thrown back into the sea rather than be used. Surely, that is something that we can all agree on, whether it is on the grounds of the fishermen's income or on the morality of throwing away good food in a hungry world. We must ensure that measures are taken that will deal with that issue properly, so that the by-catch issue does not become an excuse for cutting the quota of nephrops generally. We have heard a clear message on that matter from those who proposed the motion. Mr Elliott said that that was pressed on the Commissioner when the Committee was in Brussels recently, and I am glad of that. I trust that it is a message that we can rely on the Minister putting forward in her discussions with other Ministers and the Commission. I trust that she will be successful in putting forward the views of the Assembly to the Fisheries Council in December.

Mr Irwin: I have never been aboard a fishing vessel in the Irish Sea, but I have seen the television programme 'Trawlermen', which gave a great account of life at sea for the crews of fishing vessels. It is not a job that I would be comfortable doing. As a farmer, the green grass and the country lanes of County Armagh are more my cup of tea than being in a fishing boat on the rough sea. *[Laughter.]* Therefore, I believe that the effort and resolve of our fishermen is something to be proud of. They are at great risk while pursuing their

catch. Our supermarkets, restaurants and fast-food outlets would be sadly lacking without the immense effort put in by our fishermen.

However, the ever-meddling hand of Europe has been a source of concern for our fishermen for many years. Of late, that interference is getting to the stage where our fishing industry cannot sustain much more pressure from EU directives. In 10 years, we have seen a 33% decrease in the number of fishermen in Northern Ireland, and that is the harsh reality of the industry.

Although the policing of cod stocks in the Irish Sea is concerning, our fishermen have responded responsibly. The key words over the past few years have been conservation of stock and responsible fishing. I agree with the Members who said that it is morally wrong to see millions of dead fish thrown overboard because of the EU policy that does not allow them to be brought ashore. It is a travesty for the industry that that is allowed to happen.

With 90% of our fleet fishing for prawns, the news that there is the possibility of a further 40% cut is extremely concerning. One can understand the anxiety of the local fishing fleet as we approach the December meeting. Prawn fishing forms the backbone of the industry in Northern Ireland and the seriousness of the matter cannot be overemphasised. I reiterate the need for the Minister to take a full and active role in relaying our serious concerns about the reduction in quotas and days at sea. It is apparent that Brussels is applying a broad-brush approach to the industry here. However, scientific evidence suggests that stocks of prawns are OK, especially if they are fished sustainably.

I was part of a delegation from the Committee for Agriculture and Rural Development that met with Joe Borg. We were able to explain the current health of the prawn stock in the Irish Sea and how it has remained stable, and the fact that the North Sea harvest control rule is not something that should be applied uniformly along the coast of the UK and Ireland. It is important for the Minister to link successfully with her counterpart in the Department for Environment, Food and Rural Affairs at the December meeting, and a clear and forceful voice must be heard in full support of our industry here. The opportunity exists for our position on the proposed reductions to be made now, and it is up to our Minister to use every avenue available to ensure that the Fisheries Council is left in no doubt about our objections and the damage that would inevitably be caused should such drastic reductions be forced on our industry. I support the motion.

Mr McNarry: I thank the Members who secured the motion for doing so. It goes without saying that the fishing industry in Northern Ireland has played a vital part in our local economy for hundreds of years. It currently employs approximately 1,200 people,

contributing around £100 million per annum to the local economy. It does that despite the repeated failing policies of the European Union. We have had decades of regulation, quotas and countless hoops to jump through, which have reduced the industry to a shadow of its former self, and in no way, I would suggest, have they protected the fish stocks as they were supposedly designed to do.

The common fisheries policy is a prime example of how centralised and generic bureaucracy fails to meet its most basic objectives. It is a policy that has failed our fishermen and our fish stocks. I welcomed the European Commission's admission that the common fisheries policy has abjectly failed. As we head towards the renegotiation of that policy in 2012 — I know that it should have been yesterday and not that far away — we must ensure that decisions on fishing quotas and time at sea are more flexible and have a greater regional and localised input.

Brussels, through defunct logic, has assumed, incorrectly, that the fishing industry is not interested in protecting fish stocks, the environment and the biodiversity of our seas and oceans. That could not be further from the truth. The sea is the fisherman's livelihood, and it is therefore only logical that he needs to protect the stock of that livelihood. However, the current quota system has maintained the disgraceful continuation of discards and the one-size-fits-all regulation. That logic must be replaced by a more flexible and dynamic approach that balances sustainability and economic survival with local knowledge.

The motion itself, however, deals with the more immediate problem of member states' Fisheries Ministers negotiating this December on the EU Fisheries Council final quotas for next year. The motion correctly calls on the Minister of Agriculture and Rural Development to meet the UK Fisheries Minister ahead of the council meeting to ensure that Northern Ireland's needs and priorities are properly represented at the negotiations. We in the Ulster Unionist Party support that call.

A particular concern is the EC's proposals to slash the Irish Sea prawn quota. Ian Paisley Jnr said that it would be slashed by 50%, although I think it may be 30%. Nevertheless, it is one mighty slash. That has correctly been described as a — and I love these words — “massive disappointment” that could have a devastating impact on the fleet. There is no doubt that it will have such an impact. That is doubly frustrating for the local fishing industry in my constituency and elsewhere, because there is clear evidence that prawns are being fished sustainably in the Irish Sea. It is therefore crucial that we get an outcome from the negotiations that is in the best interests of Northern Ireland and the United Kingdom.

Mr Paisley Jnr called for a united stand. I have heard him make that call from other platforms, but it sounded pretty good today on this issue, as the Assembly can unite together behind the motion. It is not in the best interests of Northern Ireland or the United Kingdom to put the livelihood of hundreds of people at risk and cost Northern Ireland's economy tens of millions of pounds.

Suffice it to say that we recognise that as well as maintaining our waters as resources, we must also protect them and improve their biodiversity. I note that the Marine and Coastal Access Bill received Royal Assent last week. Northern Ireland still has much work to do to produce its marine management plan, and I encourage our local fishing industry, the Department of Agriculture and Rural Development, the Department of the Environment and local environmental groups to combine and work together to come up with a plan that will benefit all parties.

Again, it is in our best interests to have a sustainable fishing industry and healthy and diverse waters. We support the motion and call on the Minister to hear what is being said and do all within her power to get the best deal for our local fishing fleet.

5.30 pm

Mr Hamilton: My mother's side of the family grew up in Ardglass, which, as everyone knows, is a fishing port. I am sure that Members would struggle to find many DUP families in Ardglass — they are like hen's teeth. It is a trawl that may not produce too much, but we always try our best.

I can remember visiting regularly a thriving fishing industry at that port. I remember sitting at my relatives' house and looking into the harbour, where I saw dozens and dozens of boats come in every weekend. I remember my grandfather taking me to the fish market in Ardglass, where I witnessed a thriving business. A couple of weeks ago, I had the opportunity to visit Kilkeel with the Assembly and Business Trust. Kilkeel was always the biggest port, and the real jewel in the crown of the fishing industry in Northern Ireland. What I saw recently could not have contrasted more with what I remember as a young boy in Ardglass, which was always a small port.

As a constituency representative for Strangford, I know only too well the importance of the fishing industry to my area and to the whole economy of Northern Ireland. It is important not only to the fishermen and their families but to the people who are employed on the back of the industry. Sadly, we are reminded regularly of how dangerous fishermen's work is. People are employed behind the front line in processing, in supplying material to the industry, in engineering and in retail, as well as restaurant and café owners, who market themselves as offering locally available,

excellent produce, fresh on people's plates. Small and family-run businesses dotted all over the Ards Peninsula, not only in Portavogie, where fishing is centred, are utterly dependent on the fishing industry.

Prawn fishing is dominant in the Northern Ireland fishing industry because of the cuts in white fish quotas, and there are rumours of cuts of 30% in prawn quotas. That would have the effect not only of decimating and devastating an industry but of devastating communities. Fishing is literally the only industry and the only employer in some communities, and I shudder to think what the impact of 30% cuts might be on communities, people, families and businesses in those areas. That should be at the forefront of our minds and the Minister's mind.

The scientific position on prawns is, at best, confusing and, at worst, completely contradictory. A couple of weeks ago, the Minister said that science showed that the prawn stocks in the Irish Sea are reasonably stable, yet the industry faces cuts of 30% or more. It is baffling and impossible to explain. It defies logic.

Many of us will find different places to point the finger of blame, but, generally, the finger ends up pointing in the direction of Brussels and at its common fisheries policy. It is a bit of a joke that that is called the common fisheries policy, because there is not a terrible lot that is common about it. The fishing fleets of other member states seem to do what they want, flouting the laws that are laid down by the European Commission. In our country, we seem to do what we are told and much more. That is concerning, because that also has a devastating impact on the industry.

Having talked to members of the fishing community, I know that they want a champion for fishing. Last year, the Minister secured hardship funding for the industry, so I acknowledge that she understands that there is a problem. The fishing community is crying out for someone to speak out loudly for its interests and to work with colleagues in other jurisdictions in the United Kingdom to take a step forward and a lead to say that the misrepresentation and poor representation of the local industry annually at the Fisheries Council will no longer suffice.

The Assembly must decide whether it wants Northern Ireland to have a fishing industry any longer. If it does, it needs to step forward and take the lead.

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

Mr Burns: There has been general agreement on the key issues in the debate, and I do not want to repeat the contributions that have been made by my party colleague and other Members.

The issue is complex. Regulations and legislation on fisheries are as complex and detailed as any that have

come from the EU. There is no denying that certain fish stocks, such as cod, are in desperate trouble. I will do my best to state the case in a simple and direct manner, the same way that fishermen have spoken to members of the Agriculture Committee.

If the EU Fisheries Council decides to reduce fish quotas and the number of days at sea, it will be a hammer blow to the local fishing industry and coastal communities. The Assembly must resist proposed cuts in the quotas of herring, prawns and other fish because if it does not, soon, there will be no fishing fleet. All other related jobs in processing plants and so on will go to the wall, too.

I fully expect the Minister to fight our corner fiercely at the December meeting of the EU Fisheries Council. As stated in the motion, she must meet the UK Fisheries Minister ahead of the meeting in order to put across the Assembly's point of view.

The fishing industry had a tough year in 2008. Due to high fuel costs, in particular, 2009 has not been much better. The Executive established a hardship package for the industry, which was most welcome. However, the fact that it had to be set up in the first place clearly indicates the distress in the fishing industry.

The industry needs to be sustainable, profitable and economically viable and not one that is being helped off its knees regularly. The Assembly can help to deliver that in a number of ways. As well as resisting cuts, there needs to be a sensible increase in certain quotas in the Irish Sea. Where possible, the Assembly must ensure that the fishing fleet is free from restrictions on fishing time, by proving that it makes little impact on fish mortality.

Fishermen must also do their bit, although that will not be easy. They switched from catching white fish to mainly catching prawn. Now, prawn stocks are being hit hard, and cod stocks have not recovered as well as we hoped. Some boats could use better, more sensitive equipment if they are to diversify. However, where will money for that be found?

It looks as though 2010 will be another difficult year for the fishing industry. The Assembly must do its best to see the industry through these challenging times. The situation is stark: by the time that cod stocks recover, will there be a fishing fleet left? I hope that the Minister brings back good news from the meeting of the EU Fisheries Council in December 2009. I support the motion.

Mr P J Bradley: I also support the motion. I thank the Members who tabled it and call on the Minister to meet the UK Fisheries Minister in advance of the EU fisheries negotiations in Brussels.

Sadly, the Assembly must recognise the fact that Northern Ireland's fishing industry does not and never

did have the support of UK Fisheries Ministers. That fact is silently recognised by the industry here. Despite that, I agree with the motion: there is nothing wrong with trying to get the current Minister on our side.

Successive Fisheries Ministers have made no bones about their primary interest in the wider marine environment, rather than in the well-being of the fishing industry. What real concern have London-based Ministers ever displayed towards fishing fleets in faraway Scotland and Northern Ireland?

How can we look forward to better times when those who should be the fishing industry's champions have no interest whatsoever in that industry? The County Down fishing industry has paid a high price for its attachment to the UK industry. That was pointed out quite clearly to me in 2001 when I, along with Dr Paisley and George Savage, met Mr Fischler. He gave us a warm reception but, within minutes, he pulled the rug from under our feet when he said that he did not understand why we were looking for an increase in quotas at a time when the UK had taken up only 75% of its quota. That left us with very little to go on. Nevertheless, in the December talks of that year, there was some success on whiting. However, the UK Minister could not claim any credit for that, and I say well done to my former colleague Brid Rogers who helped to deliver something at that time.

I welcome the fact that the Minister of Agriculture and Rural Development recently met her counterpart in the Republic, Tony Killeen, the Minister of State at the Department of Agriculture, Fisheries and Food and that they have agreed to continue to work together closely in the run up to this year's Fisheries Council meetings and, in the longer term, in their approach to the reform of the common fisheries policy.

There are two long-term scenarios that, should either of them be achieved, would go some way to helping the Northern Ireland fishing industry. Ian Paisley Jnr referred to the first of those, which is the acquisition of regional status, but the member state would have to agree to that and I doubt that that would happen. The other scenario is the introduction of an all-Ireland fishing policy or industry. I doubt that the former is achievable and, as for the latter, there may not be the goodwill in the industry here or from political representatives to pursue that line, even if it assured a profitable future for the industry.

This time round, the Commission has proposed to implement a 30% cut in the allowable prawn catch, which is a repeat of the old trick of presenting a very high figure from which the EU Fisheries Council can commence negotiations. I was at Kilkeel harbour last Friday, and there is a belief in the industry that the figure will come out at 5% to 7%. Even a 5% or 7% reduction or any reduction in the total allowable catch

(TAC) will have devastating consequences for the industry, the processors and the associated businesses throughout the area, which Mr Hamilton referred to.

Jim Wells, Jim Shannon and I visited processors in Kilkeel, and other Members visited processing factories, and we all heard about their fears. For too many years, they have had to live under annual threats. Each year, they have a small bit of enjoyment, but then a new threat arises around August or September. I do not know how they survive that.

This year, on top of the call from the International Council for the Exploration of the Sea for a 30% cut in the allowable catch of prawns in most of the waters around the coast of Ireland — from the north to the Shannon and down to Wexford — the Commission is proposing to increase the minimum landing size of prawns in the Irish seas to a 25 millimetre tail length, which for some processors will prove to be yet another setback for their sector.

The last part of the motion calls upon the Minister to ensure personally that the proposals are rejected, which I am confident that she will endeavour to do.

It just remains for me to thank those who tabled the motion, and on behalf of my constituents who are involved in the fishing industry I wish the delegation well in its negotiations.

Ms Ritchie: I support the motion. Yet again, the Northern Ireland fishing industry, the fishing fleet and particularly the fishermen in the County Down fishing ports of Ardglass, Portavogie and Kilkeel face an uncertain and unsatisfactory future as they await the news of the fish quota allocations and days at sea restrictions for 2010.

To appreciate fully the importance of the fishing industry to the local economy, it is important to put it in some context. The industry employs approximately 1,200 people, who are concentrated in those three communities along the County Down coast. The industry contributes around £100 million per annum to the local economy, it receives no production subsidies from Europe, and it is 100% owned by local businesses. All those involved in the fishing industry are to be commended for their entrepreneurial spirit in the face of ongoing bureaucratic adversity. It is worth noting that the fishing community in Kilkeel in particular and the wider community in Kilkeel and the Mournes have suffered from job losses, particularly in B/E Aerospace, SuperValu, ToughGlass and Cunningham Stone. It must be noted that Kilkeel has already suffered from those vicissitudes of fortune, so any projected cuts in total allowable catches will have a serious impact on the area.

5.45 pm

Irish Sea stocks have been fished in a sustainable manner for many years. Fishermen in the three ports have faced unnecessary reductions in quotas, and restrictions on the number of days that they can fish have been imposed on them. The first Westminster legislation regarding that matter was passed in 1993. Cod recovery measures, which were first introduced in 2000, the days-at-sea regulations and the reductions in quota were all perceived to be fish conservation measures. However, scientists, the Department and the European Union totally disregarded the fishermen's knowledge of the depth of shoals and fish species. Predictions from Brussels suggest that more stringent, punitive measures are on the way, and those will impact on not only the fishing fleets and local communities but the fish processing industries on which the economies of Ardglass, Kilkeel and Portavogie rely.

During discussions with her UK and Brussels counterparts, will the Minister challenge the fact that the EU has ruled out any review of the cod recovery measures this December? That must be reviewed, and a better deal must be achieved for fishermen. We must concentrate on finding interim and long-term solutions to alleviate the impact of those swingeing cuts on the fishing industry.

First, it is important that the Minister meets her counterparts in London and that Northern Ireland is given a place at the negotiating table during discussions on quota allocations in Brussels this December. Secondly, we must redouble our efforts for the 2012 negotiations on the revision of the common fisheries policy to ensure that it fully reflects fishermen's views on the nature of the fishing areas in the Irish Sea, the amount of fish species and the impact of climate change on the migratory movement of fish. The revised common fisheries policy must ensure that the principle of relative stability for fishing industries in certain locations is reflected with reference to the County Down ports.

It is deeply unfortunate that fishermen from Kilkeel have quotas imposed on them in respect of certain fish species, while their colleagues in Clogherhead, County Louth, are afforded greater flexibility to catch larger quotas of the same fish species through the Dublin Government being able to invoke the Hague preference. In any event, it is important —

Mr Deputy Speaker: Will the Member draw her remarks to a close?

Ms Ritchie: It is important that fishing communities, fishing families and the fishing industry in the County Down ports are sustained and protected.

Thirdly, we should seek to ensure that we obtain full responsibility for fisheries, which is currently a reserved matter.

Mr Deputy Speaker: Time.

Ms Ritchie: In order to ensure our full place at the discussions on the annual quota allocations, we need to directly negotiate on our own behalf. If the First Minister and deputy First Minister believe in devolution, they should take that issue on board.

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

Ms Ritchie: Thank you.

The Minister of Agriculture and Rural Development (Ms Gildernew): Go raibh maith agat, a LeasCheann Comhairle. I hope that I get the same amount of latitude as Ms Ritchie, because I have much to cover to reflect today's debate.

First, I congratulate Messrs Paisley Jnr, Shannon and Irwin on securing the debate, and I welcome the interest that Members have shown in the fishing industry. I acknowledge the role that the Committee has played, and I am grateful to Mr Paisley Jnr and the rest of the Committee for Agriculture and Rural Development for taking the time to visit Joe Borg and press the case for the local industry.

I pay tribute to fishermen, who do a very difficult and dangerous job. Indeed, I have been getting weekly updates from the skipper about Rico, the fisherman who was seriously injured, and I am glad to say that he is recovering well. I wish him a full recovery.

This is the third round of autumn negotiations that I have been involved in since I became Minister. This year will definitely be the most challenging yet. I am in absolutely no doubt about the seriousness of the situation that the local fishing industry faces. I know the importance of the fishing industry to the economy of south Down — something that many Members have referred to during the debate — and the dependence that there is on it. I also want to assure the Committee Chairman and members that the hardship payments that we received from the Executive last year have all been made.

As I have said on previous occasions, the process of the negotiations on fishing opportunities takes place over several months. It is not front-loaded in December; it is an ongoing negotiation. During that time, the other Fisheries Ministers — Richard Lochhead in Scotland, Elin Jones in Wales, and Huw Irranca-Davies at the Department for Environment, Food and Rural Affairs — and I meet on several occasions to discuss negotiating priorities ahead of the Agriculture and Fisheries Council meetings.

Members may be aware that Huw Irranca-Davies visited Portavogie in August. He had the opportunity to meet representatives of the local industry and to hear at first hand the industry's concerns about the impact of the cod recovery plan, the advice from ICES and the effect of the economic downturn and poor prices. In fairness to Huw Irranca-Davies, he is well aware of and I have impressed on him the seriousness of the situation here and the importance of the industry.

The Fisheries Ministers met — obviously, I was there — in Edinburgh on 7 October. We discussed our approach to this year's negotiations with the full range of stakeholders, including representatives from the local industry. At the beginning of this month, I also met Tony Killeen TD, my counterpart in the South, to see where, how and when we could support each other's interventions with the EU Commission to maximise the benefit for our fishing industries working the Irish Sea.

I assure Members that, as in previous years, I will be attending the December Council of Ministers and will be arguing forcefully on behalf of the local industry. Indeed, I have done and will do all that I can to influence the approach of DEFRA. It was that intervention last year that led to a minimal cut; again, as David Ford pointed out, it still meant a lot to the industry. However, it was about as minimal as I could get it.

Before I turn to the proposals on fishing opportunities for next year, I want to cover the proposals on technical conservation, which will be decided at the Council's November meeting, which I will be attending at the end of this week.

While the Commission's proposals for TACs and quotas are, to say the least, disappointing, there are further, more immediate threats to our industry in the shape of the proposed technical conservation regulation. This regulation has been under discussion for well over a year, but the Commission and the Swedish presidency seem determined to put it through this Friday. Over the last month, there have been several iterations of the regulation which have been discussed in detail at official level, and some of the flaws have been ironed out through that process, but problems remain.

At the beginning of November, there was a last-minute ill-conceived proposal that would have required the industry to land all nephrops whole. At that time, I spoke directly to Huw Irranca-Davies and Tony Killeen to highlight how important it was that this unjustified proposal be rejected. Thankfully, strong opposition by Britain, Ireland, Spain and others ensured that it was withdrawn.

However, there remains another very serious threat to our industry which is still in the draft regulation: a

uniform minimum landing size of 25 mm for nephrops throughout EU waters. It has been presented as a simplification measure — or, as Willie Clarke referred to it, as straight bananas. He is right: one size does not fit all in this arena. I support simplification where a common approach is appropriate, but I cannot accept it in circumstances in which regional variations in stock characteristics mean that a tailored approach is needed. The Commission's approach to simplification on this issue appears to ignore conservation objectives. I believe that applying a harmonised standard, as proposed, will result in increased discards, which Members have talked about, and disrupt long-standing fishing industries and markets in the process.

For more than 30 years, the average size of nephrops in the Irish Sea has been 24 mm to 25 mm, compared to 30 mm for the North Sea. In that time, fishing effort has fluctuated, but there has been no perceptible change in the average size of nephrops. Therefore, there is no evidence to support increasing the minimum landing size from 20 mm to 25 mm in the Irish Sea for conservation reasons. Raising the minimum landing size for Irish Sea nephrops will have a devastating effect on the scampi sector, and, in particular, on the businesses that have invested in developing and marketing scampi products that are based on smaller prawns.

The catching and processing sectors in the North of Ireland, which account for the vast majority of nephrops taken from the Irish Sea, have developed their businesses to adapt to smaller prawns. Most of the prawns landed by the North of Ireland fishing fleet are tailed and used as the basis for valuable breaded scampi products. Larger prawn tails are used in whole-tail scampi, which has a higher value added, and a market and technology utilising smaller tails have been developed for reformed-tail scampi.

I have spoken to Huw Irranca-Davies and Richard Lochhead and impressed on them the importance of the issue for our local industry. We have submitted those concerns in writing to the Commission. Tony Killeen, the Fisheries Minister in the South, is also opposed to the change.

That sort of proposal is a retrograde step by the Commission when it comes to having a credible and flexible common fisheries policy. The proposal appears to abandon policies that advocate regional solutions, and it sends entirely the wrong signal to the fishing industry about the Commission's intentions with regard to regionalisation within CFP reform.

I assure Members and the local fishing industry that I will make strenuous attempts to persuade the Commission to drop the so-called simplification measure, which makes absolutely no sense on conservation grounds.

I am aware that the local catching sector is concerned about much of the technical detail, particularly the proposed rules relating to fishing nets. Along with my ministerial colleagues, I am arguing for the retention of a strengthening bag for boats fishing for prawns and, on behalf of the industry, that its concerns about the location of the square mesh panel be addressed.

I will now turn to the Commission's proposals for fishing opportunities in 2010. There is some good news but very little of it. On 29 September, the Commission published its TAC proposals, which, following further consideration by the EU's advisers, the STECF, have drawn on ICES scientific advice. Those proposals covered only the TACs; as yet, there is no confirmation of effort-controlled ceilings. However, in keeping with the cod recovery plan, I expect that the maximum allowable effort, as measured in kilowatt days, will be down by 25% due to the poor state of cod stocks.

The Commission has proposed a rollover in the TAC for Irish Sea haddock but a 25% decrease in the TAC for Irish Sea cod. Because of the provisions of the cod recovery plan, the latter proposal was expected. The cod recovery plan will bring about a similar year-on-year decrease in the TAC until spawning stocks rebuild to a level of 6,000 tons. Current estimates put the spawning stock biomass at less than 2,000 tons.

I understand the points that Members made about increasing discards as a consequence of decreasing the TAC. Based on the current scientific assessment, the Commission will strongly resist any argument that the cod stock in the Irish Sea is being fished sustainably and that the TAC should not, therefore, be reduced.

If we can demonstrate that the local fleet has taken steps to reduce cod mortality, there will be opportunities to secure additional fishing effort. My Department will work closely with the industry in developing suitable cod avoidance measures and will use the EFF funds to assist the industry in adopting more selective fishing gear.

A rollover of the herring TAC has been proposed. However, I believe that there is sufficient evidence from our expanded scientific surveys to justify an increase in that TAC. My Department has put papers to the STECF, and I hope that it will recommend a 15% increase in the herring TAC, which will appear in the draft regulation. If that does not happen, I will press for it at the December meeting of the EU Fisheries Council.

Cuts of 25% have been proposed to the TACs for whiting and sole. However, those stocks are of little economic significance to our fleet. An increase of 14% to the TAC for plaice is welcome, and that reverses the trend of cuts for that stock in recent years.

Nephrops is the stock on which the industry depends, and the ICES advice for that area came as something of a shock. Members will recall that, last year, there

was some uncertainty around the interpretation of underwater television surveys of nephrops burrow counts that were used to estimate the nephrops population. That issue has been resolved; however, there is now disagreement over the level of fishing, or harvest ratio, that the nephrops populations can sustain in the longer term.

ICES believes that nephrops stocks in area 7 are not being fished sustainably and, accordingly, has recommended a harvest ratio that would see the TAC drop by almost 50%. The STECF took a slightly different view, and, subsequently, the Commission proposed that the reduction in the TAC for area 7 should be 30%.

For the first time, we have new in-year survey data available for the western Irish Sea and Aran grounds stock. ICES has identified the time gap between the survey and the TAC year for which the advice is given as a source of uncertainty in the assessment and forecast. Together with the South, we have been successful in persuading ICES to consider that new information.

6.00 pm

Although it has not been possible to have the entire area 7 advice reopened and to get new advice published, the acceptance of the new data by ICES strengthens our case to the Commission in support of arguments that the Irish Sea prawn stock is stable. On that basis, we are pressing the Commission to accept that the Irish Sea and Aran grounds components of the overall area 7 TAC should be unchanged. On that assumption, the effect would be to increase the proposed overall TAC for area 7 from 17,000 tons to 18,900 tons. That would mean a cut of about 23% on last year's TAC of 24.5 tons.

Under current management arrangements, the amount of prawns that can be taken depends on a member state's relative stability share of the TAC. For area 7, Spain has 6%, France has 24%, Ireland has 37% and Britain and the North of Ireland have 33%. The local industry has an 85% share of the combined Britain and North of Ireland quota, which means that 5,300 tons would be available based on a TAC of 18,900 tons. To put that in perspective, the landings this year to date are in the order of 7,500 tons, most of which were taken in the Irish Sea. The overall position is complicated by the fact that the area 7 TAC is made up of a number of different nephrops stocks, not all of which can be demonstrated to be as stable as the Irish Sea stock. For that reason, the Commission is still likely to want to see a significant cut in the overall TAC.

Members are absolutely right about discards. We have to get to a situation whereby the rules of fisheries management do not lead to an increase in the number of fish being discarded. That is shameful, and I know that the issue concerns the buying public as well as the

fishermen and the House. We need more regional control from the reform of the common fisheries policy so that we have fisheries policies that are appropriate to the Irish Sea.

It is no exaggeration to say that the survival of the local fishing fleet at its current level and the businesses and employment that it supports in processing and support industries hang in the balance. The decision on the minimum landing size issue that will be taken at the November Council meeting and the decision on the nephrops quota that will be taken at the December Council meeting are key to the future of fishing here. On top of the impact of the economic downturn, that means that we have reached a tipping point. If we do not get the right deal in Brussels, the whole industry may well collapse.

Resisting the proposed cut in nephrops TAC in area 7 is my top priority. I have just come from a teleconference with my fellow Fisheries Ministers, at which I again emphasised that it should be a top priority in the negotiations with the Commission in December. I agree that the common fisheries policy has failed, and I want to see it replaced by a more regionalised approach with more input from local stakeholders. That will be a key issue for us in 2010. I want to explore the scope to adapt new approaches within current rules, even ahead of reform being agreed.

I congratulate Ian Paisley Jnr on securing the debate, and I appreciate the support that Members have expressed for the local fishing industry. At the teleconference, I said that the House would be united in its support for the fishing industry and for a strong outcome in the November and December Council meetings.

I am pleased to advise Members that, at my invitation, Fisheries Ministers will meet here on 9 December to finalise priorities for the December Council meeting, which will be held on the 14th and 15th of the month. I will be attending the Council meetings in November and December, at which time I will have a series of meetings with my fellow Fisheries Ministers. There will also be meetings between us, the presidency and the Commission. I will use every opportunity to press home my arguments. Members can be assured that I will do my utmost to resist these unreasonable EU proposals, which threaten the viability of the fleet and the future of the entire local industry.

Mr Shannon: I thank every Member present for taking the time to stay for the debate and for making valuable contributions. I pay tribute to our fishermen and to the industry.

I am not sure whether Members have ever been in a fishing boat. I was out in a fishing boat on a calm day, which was exciting. I always thought that, on a rough day, it might not be as exciting to be tossed about in the sea in a small boat. I do not know whether Members know where the sleeping quarters are in a

boat; fishermen have to curl up in a ball, almost like a chicken, and put a load of pillows around them. That is how they sleep. Sleeping in those conditions would be a miracle. I pay tribute to our fishermen, who are the only remaining real hunters, by which I mean that they hunt for their living. TV programmes such as 'Trawlermen', which my colleague William Irwin mentioned, and 'Deadliest Catch', of which most Members will be aware, provide a good perspective of what it means to be a fisherman.

Today's debate focuses specifically on the EU. Fishing generates about 1% of the gross national product. There are 260,000 fishermen in the EU. My comments should illustrate how important fishing is, how much it is worth to EU trade and the amount of fish that fishermen bring in compared to that which is for themselves. Fishing represents no more than 10% of local employment in any region of the EU. However, it often exists in areas, as it does in my area, where employment opportunities are limited and where unemployment is high, such as Portavogie, Ardglass or Kilkeel. P J Bradley mentioned that matter, and Margaret Ritchie mentioned job losses in Kilkeel.

The market for fish and fish products has changed in recent years. It is not just about the fishing boats and the fishing industry; it is also about processing. Supermarkets are now the main buyers of fish, and they expect steady supplies.

Thair's less fresh faash sould the noo, hooiniver demand fer processed faash an'readie maide meals hes grew. In spite o'thon the nummers waarkin i faash processin' hae bein fallin', wi 60% o'faash ate i the EU cummin fae ootby. In pairt thon bes oan account o' the ability tae transport fresh faash internationally gettin' better. The EU bes the worls secon' baagest faaschin power efter China.

Fresh fish sales have fallen, but demand for processed fish and prepared meals is growing. Despite that, employment in fish processing has been falling, and 60% of fish that is consumed in the EU comes from outside it. That is partly due to improvements in the ability to transport fresh fish internationally. The EU is the world's second largest fishing power after China. That outlines the importance of fishing for the EU; it is doubly or triply important for us in Northern Ireland.

Some two million tonnes of fish products were exported in 2006, and more than six million tonnes had to be imported to meet EU needs. The competitiveness of the EU fishing industry has been affected by overcapacity and shortages of fish to catch. Moreover, fishermen are simply not allowed to fish and, therefore, cannot provide the fish that is needed by supermarkets. Some Members mentioned fuel costs; everyone is aware of that matter. Furthermore, we are aware of the red tape. As my colleague Simon

Hamilton mentioned, certain EU countries seem to be able to fish oblivious to rules and regulations, while we are doubly zealous to ensure that we follow them.

I want to touch on the Minister's reply. In his introduction, my colleague Ian Paisley Jnr mentioned the technical configuration. People wonder what I am on about when I use those big words. I am on about the catch and the size of the nets. A couple of fishermen came to my advice centre in Portavogie on Saturday and told me that they had bought nets at £2,500 each, after which the EU had changed regulations on net sizes. Fishermen have invested in such equipment and will be hurt because of that. I commend the Minister on the hardship fund, which has partly addressed many issues.

The Minister of Agriculture and Rural

Development: I take the Member's point about the gear. The EU is keen to avoid discards of selective fishing gear. Under the EFF, money and support will be available for fishermen who want to replace those nets. I know that it is a small part of the problem, but we recognise the challenges in that area.

Mr Shannon: One of those men spent £50,000 on a new engine for his boat and £7,500 on new nets. That gives an idea of investment in the fishing industry. This is an issue not only for fishermen but for the fish-processing industry as well.

PJ Bradley and I visited Rooney Fish in Kilkeel through the Assembly and Business Trust, which gave us an idea of the big issue: prawns. Rooney Fish and Rockall Seafoods in Kilkeel told us that reducing the prawn quota would affect not only fishermen but fish processing as well; it concerns jobs at sea and on shore.

I encourage the Minister to stand tall — I know that she will, all 5 ft 5 in or 5 ft 6 in of her — with her UK counterparts to do everything possible to ensure that the fishing industry survives. The cod industry once supported 46 boats in three ports; it now supports six. As Members said, the cod industry is critical.

Ian Paisley Jnr outlined the importance of the fishing industry and of the December meeting and the fact that fishermen are looking to it with fear and trepidation. The reduction in the prawn quota is the big issue for us. Willie Clarke mentioned fuel costs and the dangers of the sea. I mentioned that earlier: every Member who knows fishing knows the danger in that industry. He referred to "straight bananas"; that is no doubt to do with the catching gear. That illustrates the importance of getting things right.

Tom Elliott referred to the December meeting or the "Christmas shenanigans", as he called it. It gets worse every year, and that is an unfortunate part of the industry. The fishing industry needs confidence to buoy it up; we are concerned that it seems to go from crisis to crisis. Patsy McGlone referred to the virtual collapse of cod stocks in the Irish Sea; those who

represent fishing areas are well aware of that. The prawn catch could be the saviour of the NI fleet, but hearing what the quota restrictions are makes things very worrying.

David Ford referred to memories of past debates, which I suppose were something similar to this one. However, the scientific view overrules what the fishing industry in Portavogie, Ardglass and Kilkeel has to say. Willie Irwin — the Tom Jones of the DUP — prefers the green, green grass of home to a fishing boat. He put forward the point of view of the prawn industry. Even though he may not have been in a fishing boat, he is still very supportive of the industry.

David McNarry referred to decades of regulation and said that more flexibility is needed. That is very true. Simon Hamilton, who has an ancestry in Ardglass that I was not aware of, would have seen the boats when they were present in great number. Thomas Burns referred to the fishing stocks that need to be retained. The hardship fund has made a partial difference. PJ Bradley underlined his knowledge of the fishing industry in south Down and was very ably supported by Margaret Ritchie, who outlined her position on the fishing industry and its importance.

I record my thanks to the Minister for the work that she has done and the work that she will do. The Assembly is asking her to do a great deal on behalf of our fishing industry. We need the Minister to don her armour and step forward to Brussels, ready to do the business to ensure the safety of the fishing industry that we represent and support. They are talking about reducing the prawn quotas, but we want to ensure that everything is done that can be done to help the fishing industry. The Minister has had many meetings about that, and effort is being put into it. That is good news, but we need to retain the fishing industry.

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

Mr Shannon: We are asking the Minister to do her best for us at the December meeting.

Question put and agreed to.

Resolved:

That this Assembly notes the proposals submitted by the EU Fisheries Council to reduce fish quotas and days at sea; acknowledges that Irish sea stocks were fished in a sustainable manner during the past year; expresses concern in relation to the implications for the fishing industry should these proposals be adopted; calls on the Minister of Agriculture and Rural Development to meet with the United Kingdom Fisheries Minister ahead of the Council meeting to convey the importance of these negotiations with regard to the future viability of the Northern Ireland fishing fleet; and calls on the Minister to participate personally and directly at the December meeting of the EU Fisheries Council, to ensure that these proposals are rejected.

Adjourned at 6.10 pm

NORTHERN IRELAND ASSEMBLY

Tuesday 17 November 2009

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

Members observed two minutes' silence.

ASSEMBLY BUSINESS

Ms Ní Chuilín: Go raibh maith agat, a LeasCheann Comhairle. On a point of order, Mr Deputy Speaker. On reading the Official Report of yesterday's sitting, I noted Mr Storey's remarks about Ms Caitríona Ruane, the Minister of Education. I noted that he said that he was speaking as a private Member, but he described Caitríona Ruane as a blatant hypocrite. He said that she was:

"one of the most blatant hypocrites in the House". — [Official Report, Vol 45, No 5, p252, col 2].

I would like the Hansard report to be reviewed and a ruling to be made, because that language is totally unparliamentary.

Mr Deputy Speaker: The Speaker will review the Hansard report, and I will draw his attention to that matter.

MINISTERIAL STATEMENT

British-Irish Council Summit Meeting

Mr Deputy Speaker: The Speaker has received notice from the Office of the First Minister and deputy First Minister that junior Minister Newton wishes to make a statement regarding the British-Irish Council summit meeting.

Mr Storey: *[Interruption.]*

Mr Deputy Speaker: Order. Has the Member finished?

The junior Minister (Office of the First Minister and deputy First Minister) (Mr Newton): In compliance with the requirements of the Northern Ireland Act 1998, I wish to make the following report on the thirteenth summit meeting of the British-Irish Council, which was held in St Helier, Jersey, on 13 November 2009. All Northern Ireland Ministers who attended the summit have agreed that I will make the statement to the Assembly on their behalf and that it will be based closely on the communiqué from the meeting.

The States of Jersey hosted the summit in the Radisson SAS Waterfront Hotel, St Helier, Jersey. The heads of delegations were welcomed by the Chief Minister for Jersey, Senator Terry Le Sueur. The Irish Government delegation was led by the Taoiseach, Brian Cowen. The British Government delegation was led by Rt Hon Peter Hain MP, Secretary of State for Wales. The Welsh Assembly Government was represented by the First Minister for Wales, Rt Hon Rhodri Morgan AM. The Scottish Government were led by the First Minister for Scotland, Rt Hon Alex Salmond MP MSP. The Guernsey Government delegation was represented by the Chief Minister, Deputy Lyndon Trott, and the Isle of Man Government were represented by the Chief Minister, the honourable Tony Brown MHK. In addition to the First Minister, the deputy First Minister and me, the Northern Ireland delegation comprised the Minister of Education and the Minister of Culture, Arts and Leisure. A full list of participants is attached to the statement that was provided to Members.

It was the fifth BIC summit since the restoration of the institutions in May 2007. The Chief Minister of Jersey, Senator Terry Le Sueur, chaired the meeting, which focused on economic issues; indigenous, minority and lesser-used languages issues; an update on the strategic review of BIC; and a report on progress in the various BIC work sectors.

The economy was discussed at the last BIC summit in Cardiff in February 2009, and it was agreed that the forum should be used to review the current status of the global economic downturn and its impact on each of our representative Administrations. Ministers from each of the member Administrations discussed the

impact of the economic downturn, ongoing pressure on public expenditure, measures to ameliorate unemployment and efforts to ensure the resumption of bank lending to small businesses.

The Council explored what immediate steps could be taken to ensure that member Administrations are well placed to take advantage of any future global economic recovery. The Council also acknowledged the serious challenges that are faced by all member Administrations and agreed that sharing knowledge and information on best practice was invaluable. The Council noted the conclusions of the independently commissioned report from Michael Foot CBE, which stated that the Crown dependencies — Guernsey, Jersey and the Isle of Man — provide a significant net economic contribution to the City of London and, ultimately, to the broader UK economy.

The main focus of the discussions about indigenous, minority and lesser-used languages was on language planning. The Council had an extended discussion about the four key areas of adult education, family support, young people, and local language initiatives and resource centres. The Council noted that the availability and expansion of adult education provision for the teaching and learning of indigenous, minority and lesser-used languages is an important element of the process of acquisition language planning. It also noted that adult education had an important role to play in improving and expanding the skills base.

Member Administrations discussed and a number committed to developing their capacity to provide bilingual public services and encouraging other organisations to work and provide services through their respective minority, indigenous or lesser-used languages as well as through the medium of English. The Council considered encouraging individuals who move into communities to learn the indigenous language and putting in place effective adult education delivery mechanisms, both of which are essential components of arresting the decline in usage at community level.

The Council considered language transmission in the family to be a key issue in enabling indigenous, minority or lesser-used languages to flourish. Ensuring the intergenerational transmission of a language is a crucial element in the process of its development and maintenance. However, the Council noted that the home, family and community were not easily accessible to social planners and that families in indigenous or minority language situations needed advice and guidance on how to raise their children as balanced bilinguals.

The Council further noted that, for a language to flourish and survive, it must be spoken by young people, who need to develop a sense of ownership of the language. The Council discussed the importance of providing young people with the relevant support and

social opportunities to enable them to use their language in all aspects of life. Ministers further discussed ways of promoting the use of indigenous, minority and lesser-used languages among young people. Further analysis of the economic benefits that are associated with minority languages was proposed, and Ministers agreed to take forward that work in the minority languages work stream.

The Council examined the threats surrounding communities with a high density of indigenous, minority and lesser-used language speakers. Halting the decline in such communities is a crucial target in various national strategies tasked with language planning at community level. The Council explored the benefits that can be delivered by dedicated resource centres and local language initiatives in preserving indigenous, minority and lesser-used languages.

The Council noted and acknowledged the benefits of sharing knowledge, ideas and best practice, and the diversity in communities' approaches to language planning. The Council encouraged the use of languages in communities through projects that reflect their varying linguistic nature.

The Council tasked the indigenous, minority and lesser-used languages working group to explore areas of possible co-operation with the European Network to Promote Linguistic Diversity and other organisations to learn from experiences elsewhere. The Council endorsed new work on themes such as legislation, where appropriate, and on immersion, education and strategic planning in the group's work programme.

The Council considered an update on the strategic review of BIC, commissioned at the Belfast summit in July 2007. The paper set out the progress that has been made on arrangements to establish the Council's standing secretariat. It was agreed at the Cardiff summit in February that the Chief Minister of Jersey would take informal soundings from Ministers of the Council, with a view to achieving consensus on the standing secretariat's location. The Council thanked the Chief Minister of Jersey for his sterling efforts, noted that it has not yet been possible to reach such a consensus and acknowledged the need for a further round of consultations. However, the Council approved a legal framework for the standing secretariat that would achieve the desired result of strengthening BIC's administrative identity and support. It was noted that co-ordinators have identified possible cost-sharing models, but final agreement would emerge only after the standing secretariat's location is decided. On foot of that agreement, exact costs will be identified.

The Council heard that the collaborative spatial planning group held its inaugural meeting in Belfast in June 2009 and a second meeting in Dublin in October, where it considered papers on likely themes and a work

programme. The work stream brings together officials responsible for regional development strategies, national planning strategies and frameworks in each of the Council's member regions. The group is considering how member Administrations can work together to their mutual benefit by adopting a more collaborative approach to strategic spatial planning on cross-boundary issues.

The demography working group continues to be committed to the work plan that was endorsed at a ministerial meeting in March 2008. The main focus is on understanding migration and its impact. Northern Ireland commissioned research into the impact of migration. The outcome of that research was released at an event hosted in Belfast in June 2009 and included the following reports: 'The Experiences of Migrant Workers in Northern Ireland'; 'The Economic, Labour Market and Skills Impacts of Migrant Workers in Northern Ireland'; 'The Impact of Migration on the Labour Market in Britain'; and 'Recent Migration into Scotland: The Evidence Base'.

The demography work stream will take forward work on:

"understanding the impacts of migration and the implications of wider student flows amongst the BIC administrations."

Plans are being developed to identify appropriate policy leads in the Administrations, with a view to discussing them at the next British-Irish Council.

10.45 am

In September 2009, the digital inclusion working group held its inaugural meeting in the Isle of Man. That proved to be a useful opportunity for member Administrations to discover common themes and shared understandings in the work that they are doing individually on digital inclusion. The working group decided to focus on the following broad areas: content outcomes; trust; engagement; and skills and training. The group's focus is to deliver a report on sharing best practice on the maximisation of engagement in a knowledge society.

In 2009, officials from the early years policy work stream met on three occasions, and the working group remains committed to driving forward work on early years childcare, education and health. Interventions in those areas are key to improving children's life chances, particularly the opportunities of those from disadvantaged backgrounds, and to supporting families in challenging times.

The Council noted that the working group focused initially on the workforce, and significant common themes in that area emerged from the eight BIC Administrations. Those themes are the need to ensure a more child-centred approach with better integration across services, including the better integration of workforce planning; the need to assure the quality of provision across the sector when children receive care and/or education; the

need to promote appropriate recognition and career progression opportunities for the early years workforce, with suitable qualifications to accredit skills and knowledge; and the need to address issues of diversification, retention and sustainability, while recognising economic realities.

In June 2009, the Scottish Government-led marine renewables work stream held its inaugural meeting. At that meeting, member Administrations explored their marine renewable strategies and priorities. The group agreed that its initial focus would be on sharing updates on policy development experiences in marine spatial planning and related legislation, the development/establishment of test facilities and issues that relate to grid access, capacity and investment. The group also intends to focus on raising the profile of marine renewables as an emerging and viable renewable energy resource in the European Union.

In June 2009, the first meeting of the UK Government-led electricity grid work stream was held. Participants gave presentations on the challenges that electricity networks in the British Isles are facing in accommodating significant amounts of new renewable and other generation energies in the system so that renewable energy targets can be met and supply security increased. Participants set out current and planned projects to meet those challenges, including proposals to increase significantly the capacity of the existing grid network through the use of new technology and by building new transmission lines. The discussion established a common understanding of issues throughout the British Isles, and the group acknowledged that the challenges that they face are common to them all.

The environment group continues to co-operate and to exchange information between member Administrations in areas such as understanding extreme weather events, integrated coastal zone management, fishing for litter and managing radioactive waste. In addition, the group submitted a discussion paper to the second European climate change programme to inform the development of the EU's Green Paper on adaptation.

In April 2009, the environment group's ninth ministerial meeting was held in Jersey. Ministers reflected briefly on the creation of the energy work stream, and they received a presentation from the Met Office Hadley Centre on extreme climate events.

In June 2009, the initial meeting of BIC housing officials took place in Belfast. The following issues were agreed as being pertinent across the jurisdictions: changing demographics; greening the housing stock; affordable housing; and investment in housing.

The Northern Ireland Department for Social Development is currently drafting papers on the above topics that will examine the issues, consider what lessons can be learnt from other areas and seek the approval of

BIC Housing Ministers to begin further work on these areas. The papers will be circulated to all BIC Housing Ministers in advance of the ministerial meeting which is planned for December 2009.

The indigenous, minority and lesser-used languages group continues to focus its discussions in the following priority fields: community development, young people, legislation, immersion education and strategic planning. The legislation subgroup intends to hold a seminar in February 2010 which will concentrate on language rights and legislation for practitioners. The indigenous, minority and lesser-used languages group intends to create a subgroup to examine and discuss the European Charter for Regional or Minority Languages in Dublin in December 2009.

The sectoral group on the misuse of drugs has held three senior official meetings in 2009 through the co-operation of the eight BIC member Administrations. In March, Guernsey representatives briefed the group on the introduction of their new legislation to ban the product called Spice and other psychoactive substances. The aim of this legislation is to disrupt the commercial importation and sale of such substances, as opposed to criminalising users. The issue of legal highs and Spice has now come to prominence at EU level. Given the ongoing developments, the BIC sectoral group is in agreement that the issue should remain as a standing agenda item for discussion in future meetings.

In May, Dr Suzi Lyons of the alcohol and drugs unit of the Health Research Board in Ireland gave a presentation to the group on the development and content of the country's national drug-related deaths index, which was launched in late 2008. The index gives Ireland an accurate picture of the levels of drug-related deaths, thus facilitating policy development in the drugs area. A meeting held in September focused on prevention and on the way in which Scotland is raising the awareness of the overall population of the dangers of drug use through its national Know the Score campaign. The next ministerial meeting will be held in 2010, and Ministers will discuss substance misuse in the prison setting and the responses necessary to address that issue, along with how best to provide effective treatment and rehabilitation options to that cohort.

The social inclusion group continues to focus on the theme of the contribution of the third sector to promoting social inclusion under the following main topics: responding to the effects of the economic downturn; developing the roles of the third sector; and broadening the appeal of volunteering and citizen involvement. Work is progressing well, with Administrations sharing information and lessons on best practice. The officials group has now met five times and has seen in operation a wide range of third-sector organisations. A final report, concluding the contribution of the third sector in promoting social inclusion theme, will be the subject of

discussion at a ministerial meeting to be held in March 2010.

Work in the transport sector has continued to focus on the mutual recognition of driving disqualifications, the mutual recognition of driving offences that attract a penalty less than disqualification and research into drugs and driving. The accessible transport subgroup continues in its work to improve the information provision for disabled people who wish to travel from one Administration area to another, through the development of a common webpage, sharing standards of disability training schemes, scoping the current level of concessionary travel across Administrations and examining the potential for their mutual recognition.

The Council noted the important work that has been taken forward by the knowledge economy group in the area of business continuity management of small businesses. That work stream, which Jersey led, specifically sought to promote and develop the sustainability of business in the face of potential serious threats, such as those arising as a result of terrorist attacks or natural disasters. The focus of that work was on small and medium-sized enterprises, which are believed to be most at risk. Possible preventative measures and business continuity planning were developed to strengthen business sustainability through a common set of best practice guidelines.

After consultation with the Business Continuity Institute, the institute asked the knowledge economy group for assistance in making recommendations for an updated copy of its 'Pocket Sized Good Practice Guidelines', which has been completed. With the completion of the final copy for the BIC website and the hard copy of 'Business Continuity Management for Small Businesses', the group's work has concluded. The Council agreed that 'Business Continuity Management for Small Businesses' should be published on the BIC website and agreed that the best practice guidelines could be used in the eight member Administrations.

The next BIC summit will be held in June 2010 and will be hosted by the Government of Guernsey. The Isle of Man offered to host the subsequent summit.

Under "Any other business", the Council considered the relationship between the British-Irish Council and the British-Irish Parliamentary Assembly and requested the preparation of a report for its consideration at the next meeting in Guernsey.

Mr Deputy Speaker: Before we proceed with questions to the junior Minister, I remind Members to switch off their mobile phones, because their operation interferes with the recording equipment. I also remind Members that their questions must relate to Mr Newton's statement.

Mr Storey: I thank the junior Minister for coming to the House to make his statement. Does he agree that the current period of devolution has been characterised by what Members on this side of the House would describe as a proper focus on east-west relationships? Previously, an unnecessary emphasis was placed on North/South structures, but we have gone a considerable way to redressing that imbalance.

The junior Minister (Mr Newton): We have strong links with other regions in the United Kingdom. The British-Irish Council is playing an important role in promoting and developing those links by having positive, practical relationships and by providing a forum for consultation and co-operation. The Council has taken forward an extensive programme of work since it was established. In my statement, I attempted to cover everything that happened at just one meeting. That was the first British-Irish Council meeting that I had the privilege of attending, and one could not fail to be impressed by the amount of work that the various work streams are undertaking.

The British-Irish Council has met on 13 occasions since it was established. I was nervous about the occasion of its thirteenth meeting falling on the thirteenth day of the month, which was last Friday, but that is a fact of life. There have been eight BIC meetings since the restoration of the Northern Ireland Assembly in 2007, and, since 2007, there have been 10 BIC ministerial meetings, including five summits. The first four summits were held in Belfast, Dublin, Cardiff and Edinburgh, and the latest, to which my statement relates, was held in Guernsey last Friday.

In addition to the BIC ministerial meetings, officials from each of the BIC member Administrations meet regularly to progress work in each of the BIC work streams and to prepare for ministerial summit meetings. There have been 70 meetings of BIC officials since the restoration of the Assembly.

There are 11 live BIC work streams. Northern Ireland leads three and is ready to lead in a fourth when the legal issues surrounding the Baby P case are concluded. It is worthy of note that BIC dispenses with a work stream once the task that the Council has set for it has been concluded.

When work has been completed, the report is produced and made available as soon as possible. Therefore, there is no need to continue that work stream. That has occurred on three occasions so far, and, in direct response to Mr Storey's point, perhaps the North/South institutions could learn something from that approach.

11.00 am

I have addressed Mr Storey's point, given a full report on the BIC summit and referred to the various work streams that are ongoing.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. Tá mé buíoch den Aire as ucht a ráitis. I

thank the junior Minister for his detailed and comprehensive statement.

I note that the promotion of Irish, Welsh, Scottish Gaelic, Ulster Scots, Manx and other languages featured prominently on the agenda — the clár — of the summit in Jersey. I also note that, in promoting an enhanced language, other Administrations have adopted a proactive and progressive approach to legislation and strategy. One need only read the detail of today's statement to appreciate that.

Does the Minister have any concerns about the snail's pace approach of Minister McCausland and his Department in developing a strategy to promote an enhanced language? The Minister and his Department are only at the stage of preparing high-level principles on which such a strategy could be based. Gregory Campbell was at the same stage two years ago when he was the Minister.

Will the Minister also detail the Minister of Culture, Arts and Leisure's exact input into the BIC summit on language? He appears to be at odds with the other Administrations.

The junior Minister (Mr Newton): I thank the Member for his question. However, I do not agree that Minister McCausland and his Department are approaching the issue at "a snail's pace". We must ensure that we get the evolution absolutely right. As Minister McCausland pointed out during the meeting, the strategy is critical to that process.

The BIC's minority languages group is concentrating on the following priority areas: the use of information and communication technology to promote languages; data research and language use surveys; legislation, policies and strategies; and community development. I covered all those areas in my statement to the House today.

At the meeting in Cardiff on 22 September 2009, new areas of work dealing with minority languages and young people and minority languages in primary education were discussed, and that discussion concluded at the Jersey summit. Moreover, the BIC's minority languages group plans to organise a seminar in Edinburgh in 2010 that will concentrate on language legislation. However, that seminar will have a wide remit and will also address policies and strategies.

My understanding is that, as outlined to the Committee for Culture, Arts and Leisure, the Minister intends to introduce a strategy for indigenous or regional minority languages, which aims to:

"enhance, develop and protect the Irish language and the Ulster Scots language, culture and heritage."

I have given a comprehensive report on the BIC meeting to the House. I hope that the Member feels

that my answer to his question was equally comprehensive.

Mr McCallister: I welcome the junior Minister's statement to the House. I am sure that he shares my disappointment that agreement was not secured at the BIC summit on where the Council's standing secretariat will be based. What actions has this Administration taken to facilitate a speedier agreement on that issue?

Will the junior Minister also inform the House how the Council's work stream on marine renewables will inform policy and practice in Northern Ireland?

The junior Minister (Mr Newton): Am I answering one question or two, Mr Deputy Speaker?

Mr Deputy Speaker: Your choice.

The junior Minister (Mr Newton): I will take the first question first, which I suspect was about why no decision was made on the location of the BIC secretariat.

There was considerable discussion about that matter, and the council considered and endorsed an update paper that was presented to the Cardiff summit. The paper contained a number of key principles and details about the establishment of the standing secretariat. It agreed core functions, staffing profiles and secondment arrangements and endorsed, in principle, the sharing of the costs of the standing secretariat among all member Administrations. It tasked the secretariat and co-ordinators to examine the start-up and running costs of the standing secretariat, and asked that proposals on apportioning those costs be brought to the next summit.

It is now apparent that early identification of the location of the BIC standing secretariat is a prerequisite to calculating the running costs of that location. An early decision on location is required in order to establish those costs and to enable each member Administration to discuss and agree the apportioning of costs.

Scotland, Wales, the Isle of Man and Northern Ireland offered to host the standing secretariat. The Jersey summit host has taken soundings from each member Administration with a view to reaching a consensus decision on the location of the standing secretariat. In order to assist in reaching that consensus, Northern Ireland and the Isle of Man withdrew their offers once Edinburgh became the clear favourite.

The BIC memorandum on revised procedural guidance provides, at paragraph 6:

"It will be open to the BIC to agree common policies or common actions."

In addition, paragraph 7 states:

"The BIC normally will operate by consensus. In relation to decisions on common policies or common actions, including their means of implementation, it will operate by agreement of all members participating in such policies or actions."

Members who opt not to participate in common policies or actions will not thereafter be involved or covered in any decision relating to them. Efforts will, therefore, be made to reach a consensus at summit meetings. If that is not possible, however, the decision can be deferred to the next summit or made via correspondence between summits. Consensus was not reached on the location of the standing secretariat, and the Chief Minister of Guernsey will undertake a further round of consultations. The issue will be considered again at the next summit in 2010.

The council approved a legal framework for the standing secretariat, which will achieve the desired result of strengthening the Council's administrative identity and the administrative support available to it. Establishing a permanent standing secretariat would be an important development, and would play a crucial role in positively managing, co-ordinating and promoting Council activities and the programme's overall direction. For that reason, the Northern Ireland Executive Ministers who were in Jersey were disappointed that a location could not be agreed, especially when a clear favourite location emerged.

With regard to reports that appeared in Scottish newspapers at the weekend — and I am sure that that is where the Member picked it up from — I agree with the Scottish First Minister's comment:

"The UK Government should go and reflect on the overwhelming decision of the Council."

I also note the reported comments of Scottish officials, who pointed out:

"they had even managed to unite Ireland, with the Democratic Unionists, Sinn Féin, and the Irish Republic all backing the Edinburgh decision."

Mr P Ramsey: I welcome the Minister's detailed statement and, in particular, I welcome the work that the collaborative spatial planning group has done to date. We look forward to any new themes and work programmes that that group may produce.

One of the most important issues discussed was the economic downturn, which affects so many communities and small businesses in particular. Have the Executive identified any new options, steps or measures to help those areas that have been badly affected in Northern Ireland, especially small businesses?

I also welcome the continued and most important work on the misuse of drugs. We have all seen how badly that problem affects communities; it has destroyed families and young people's lives. Do the Executive have any new proposals to identify and prevent the importation and sale of substances identified at the meeting?

The junior Minister (Mr Newton): In my statement, I referred to the ongoing work on drugs being led by

Guernsey and, if I may, I will leave that part of the drugs issue with the Member. However, I am happy to follow that up in writing if the Member wishes.

The first part of Mr Ramsey's question centred on the recession and the economic downturn. Obviously, that is of concern and it took up a fair bit of the discussion in Jersey. We all know that the credit crunch has adversely affected the local economy. Over the past year, employment has fallen, along with output in the construction industry, and manufacturing and the services sector have contracted. However, with regard to the unemployment situation, although I do not want to say that to some extent we are pleased, as that would be the wrong word, we have not fared as badly as other parts; for example, the Republic or other parts of the UK.

The public sector, which was put forward as a weakness in our economy, has become a strength. To some extent, that has saved us in a way that other Administrations have not been saved. Obviously, it is of concern that the number of unemployment benefit claimants has increased by more than 70% over the year, which compares with an increase of 62% over the year for the UK as a whole. The total number of people in employment has increased slightly over the quarter — by 60,000 — and decreased by 34,000 over the year. However, Northern Ireland has an impressive record for creating employment over the past decade, with London the only region experiencing more rapid employment growth. Northern Ireland's economic inactivity rate is 28.7%, which is the highest of all the UK regions. Ten years ago, Northern Ireland's economic activity rate was lower than the current rate of 27.7%.

Output in the service sector remained relatively constant over the quarter, and fell by 2% over 2009. By comparison, output in the UK service sector fell by 0.6% over the quarter and by 4.2% over the year. Nevertheless, the forecasts for the UK economy at best predict unemployment to continue to rise until the middle of 2010, and some forecasts predict an even worse outcome, with the peak of unemployment coming in 2011. The First Trust forecast for the local economy predicts that unemployment will continue to rise and employment will fall until the middle of 2010, when some stability may return. We may be dealing with the impacts and the costs of unemployment for some months to come.

In sharing information during the summit, we saw a great determination in all Administrations to share best practice. Indeed, in sharing best practice, we should try to protect each other, as it is in the interests of all the Administrations to support each other.

A downturn in Northern Ireland will have an impact on the Scottish economy, and a downturn in the Republic of Ireland will have an impact on England. There is obviously a great desire among all the nations

to share initiatives and best practice and to support each other in order that the entire community, including business, can survive the downturn as best as possible.

11.15 am

Ms Lo: I thank the junior Minister for his comprehensive statement. I also note that considerable time has been given to the discussion of indigenous, minority and lesser-used languages. For a long time in Northern Ireland, the focus on minority languages has only been on Irish and Ulster Scots, to the great disappointment of all ethnic minority communities here. As far as I am aware, there is no public funding available to any of those communities to run classes to teach young people their birth language, whether that be Chinese, Arabic, Hindi, Urdu, or any other minority language.

Given the opportunities at the Council to hear of the good practices in other jurisdictions and regions, will the Executive consider putting more effort into promoting community languages in Northern Ireland?

The junior Minister (Mr Newton): I thank the Member for her question. At the meeting, we were dealing with indigenous, minority and lesser-used languages. The Member has made a valuable point, and I am happy to ensure that it is raised. If the Member is content, I am willing to ensure that any information that becomes available to me on that issue is fed back to her.

Mr Bresland: I thank the junior Minister for his statement. I note that, yet again, no Ulster Unionist Minister attended the British-Irish Council summit. Will the junior Minister inform the House why some of his ministerial colleagues do not take their responsibilities to the east-west relationship seriously? *[Interruption.]*

The junior Minister (Mr Newton): I am being barracked from the other side of the Chamber.

I thank the Member for his question. He is right, in a sense. In addition to the First Minister and the deputy First Minister — as I suspect he has picked up from the report — Minister Ruane, Minister McCausland and I attended on behalf of the Northern Ireland Executive. I cannot explain why other Ministers made the decision not to attend.

It is obviously an important opportunity to share best practice, gain knowledge and strengthen the British Isles axis. All those are important initiatives. I was happy to stand in for Sir Reg Empey and deal with the demographic issues that arose on his behalf. I recollect that the last time I stood in for a Minister in the Chamber I got myself into some trouble for doing so.

I cannot answer for other Ministers. I found it a valuable exercise, as did the other Ministers who were there. Indeed, the British Government Ministers, the Taoiseach, and Rhodri Morgan, the First Minister of

Wales, found it an appropriate venue to be at. Others need to make up their minds about whether they regard it as a priority, and, if so, to be in attendance.

Ms Anderson: Go raibh maith agat, a LeasCheann Comhairle. If BIC is more robust than it has been before, and if, as Mervyn Storey suggested and the junior Minister somewhat confirmed, it now has teeth, the reports that emanate from it are not as easy to dismiss and their implementation will be more robust. In that context, and given the discussion on indigenous, minority and lesser-used languages and the progressive approach that is taken in Scotland and Wales, will the junior Minister outline the key areas where he believes the North can do more to promote the Irish language and Ulster Scots?

The junior Minister (Mr Newton): I made my statement on behalf of the First Minister on the work that took place in Jersey. At that meeting, the Minister of Culture, Arts and Leisure spoke about the fact that he intends to introduce a strategy for indigenous or regional minority languages, with the aim of protecting, enhancing, and developing the Irish language and Ulster-Scots heritage and culture. I think that the Minister has already been to the Committee for Culture, Arts and Leisure to outline that.

It was good to learn from the language strategies that are being adopted in Scotland and Wales and to hear of the resurgence of interest in the indigenous language in Jersey. However, there is not going to be a one-size-fits-all approach. If we can learn from Scotland and Wales, that is excellent, but I am sure that the Minister feels that he needs to develop his own strategy and share that with the Committee and the House.

Mr Easton: As the junior Minister is aware, Members of the Assembly attend the British-Irish Parliamentary Assembly (BIPA). Did the recent summit meeting consider the possibility of more structured relationships between BIC and BIPA?

The junior Minister (Mr Newton): That was considered, and I covered that question to some extent in my reply to Mr McCallister.

The issue was brought up under “any other business” at the meeting. In 2002, the British-Irish Council wrote to the British-Irish Inter-Parliamentary Body, which has been renamed the British-Irish Parliamentary Assembly, to routinely exchange public documents, including communiqués that are issued following summits and ministerial meetings. In return, BIIPB was asked to provide copies of its relevant reports to BIC. In late 2003, the BIIPB secretariat raised the issue of sending delegates as observers to BIC meetings, and, following consultation with the BIC member Administrations, the BIC secretariat responded that BIC:

“acts as a forum in which the executive branch of government in the respective member administrations can meet to discuss, in confidence, matters of mutual interest within the competence of the relevant administrations. It is the agreed view of the BIC members that it would not therefore be appropriate for members of the BIIPB, representing the legislatures of individual BIC members to attend its meetings.”

However, on 13 July 2009, the Secretary of State for Wales, the Rt Hon Peter Hain, who is well known to the Member, wrote to each BIC member Administration, proposing that the relationship between BIPA and BIC should be deepened through the following actions: future meetings of the BIPA to be addressed by relevant Ministers from BIC, depending on the theme of the previous summit; reports from BIPA committees to be sent to the BIC; the BIPA co-chairpersons to have observer status at BIC summits; and suitable arrangements to be made for BIC members to observe BIPA’s meetings.

On 27 August 2009, a response stated that each BIC Administration will have a view on the issues that were raised and that any change to the current relationship between the Council and BIPA will, as is proper, be subject to a collective decision, taken through the normal process, involving the secretariat and all member Administrations. Mr Hain wrote to each member Administration to inform them of his intention to discuss those issues under “any other business” at the summit in Jersey, and he did so.

A report will be prepared on the relationship between the British-Irish Council and the British-Irish Parliamentary Association for consideration at the next summit in Guernsey. I do not want to pre-empt the outcome of those deliberations; that would be premature. I can see advantages in a properly defined relationship that recognises the different roles of the two bodies. I believe that Members would also wish to emphasise those differing roles.

Mr Kinahan: I thank the junior Minister for his statement, which described many excellent initiatives. Mindful of current financial constraints, does the Council, when it discusses best practice, costs and needs, examine how all or any of those initiatives will be funded when they come before the Administrations?

The junior Minister (Mr Newton): When I responded to Mr McCallister’s question about the establishment of the secretariat, I emphasised the fact that a budget and costs would need to be established and that costings would need to be taken into account when determining where the secretariat would function.

I am sure that, in all aspects of its work, BIC has the correct ethos. No one wants to operate a project for its own sake: it must offer value for money. Although it is never possible to guarantee the outcome of any work that is undertaken, particularly in these days of economic constraint, value for money will be the driving factor.

The benefits of each piece of research that is done flow into our economy and into that of the greater, collective Administrations' economy.

Mr A Maginness: I thank the Minister for his detailed and comprehensive statement, which shows the value of the British-Irish Council. There is no need for Members to pit BIC against the North/South Ministerial Council. The two bodies are not in competition; they work together. They dovetail in the political architecture of the Good Friday Agreement.

BIC is doing valuable work on drug misuse. Can the Minister report to the House what he hopes will arise from the concentrated efforts of all member jurisdictions to deal with drug misuse? How can that work be applied in Northern Ireland?

The junior Minister (Mr Newton): I thank the Member for his question. Obviously, that issue is of growing importance throughout the British Isles and further afield. It can only be welcome when work that is done in one jurisdiction is shared with others. That is another expression of the sharing of best practice. The important ongoing work on drug misuse offers the opportunity to discuss and debate issues in that area, which are of obvious mutual concern.

11.30 am

In June 2008, Northern Ireland hosted a most informative and positive seminar on the use of advances in prevention science to guide substance misuse prevention in communities. Discussions at official level about legal highs have been particularly useful.

Tackling the misuse of drugs is a challenge for all member Administrations of the Council, and the Republic of Ireland takes responsibility for advancing co-operation on that issue. Perhaps that is the political point that the Member was trying to make, while being nice about it of course. The Republic of Ireland leads the misuse of drugs sectoral group, and through the co-operation of the eight BIC member Administrations, it successfully carried out its work programme in 2008 and 2009.

During the tenth BIC summit meeting, which took place in Dublin in February 2008, it was agreed to include a renewed focus on the families of problem drug users in any future drugs strategy, with a view to providing increased support to those families and to better harness their potential to facilitate life improvements for problem drug users.

I agree with the Member about the usefulness of the BIC meetings and the whole ethos that results from them.

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

I welcome the junior Minister's statement, in which he referred to the electricity grid work stream and the

building of new transmission lines. Will he say whether the proposed 400-kilovolt overhead interconnector that is to run from Moy in Tyrone to Cavan then on to Meath was discussed? If it was not discussed, will he give an assurance that the issue will be on the agenda for the next meeting? There are serious concerns about that overhead interconnector in my own constituency.

The junior Minister (Mr Newton): I thank the Member for his question. Northern Ireland is working with the Republic of Ireland to develop thinking on grid infrastructure that can bring mutual benefits to the region. The Member is obviously aware that there have been a number of meetings between the energy Ministers at the BIC energy summit, and there will be more during the spring of 2010.

I do not think that the subject that the Member raised was specifically mentioned at the latest meeting, but I assure him that I will follow that issue up on his behalf, and I will get a written response to him.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas. Tugaim faoi deara óna ráiteas go bhfuil fo-ghrúpa le bunú i mí na Nollag leis an Chairt Eorpach ar Theangacha Réigiúnacha agus Mionlaigh a iniúchadh agus a phlé. Arbh fhéidir leis an Aire a dhearbhu go bhfoilséoidh a Roinn an tuairisc thánaisteach ar an tríú tuairisc thréimhseach de choiste na saineolaithe ar chur i bhfeidhm na cairte i dTuaisceart na hÉireann? Arbh fhéidir leis a rá fosta cad ina thaobh nach raibh cur isteach sa tuairisc óna Roinn ag an am chuí?

I thank the junior Minister for his statement. I notice that a subgroup is to be established to examine and discuss the European Charter for Regional or Minority Languages, and that it will meet in Dublin in December. Will the junior Minister assure the House that, before that group meets, OFMDFM will publish the Northern Ireland supplementary report to the third periodic report of the committee of experts that oversees the implementation of the charter in Northern Ireland?

Will the junior Minister explain why the Northern Ireland contribution to that committee of experts was not made at the appropriate time and what actions his Department intends to take to comply with the charter? Go raibh maith agat.

The junior Minister (Mr Newton): It is not possible for me to guarantee anything that comes out of the total work of OFMDFM. However, I will certainly raise the Member's concerns and endeavour to get him a response before that subgroup meets.

MINISTERIAL STATEMENT

North/South Ministerial Council

Institutional Format

Mr Deputy 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 meeting in institutional format.

The deputy First Minister (Mr M McGuinness): Go raibh maith agat, a LeasCheann Comhairle. In compliance with section 52C(2) of the Northern Ireland Act 1998, we wish to make the following statement on the fifth meeting of the North/South Ministerial Council (NSMC) in institutional format, which was held in Stormont Castle on Wednesday 11 November 2009.

The Executive Ministers who attended the meeting have approved the report, and we make it on their behalf. The Executive delegation was led by the First Minister, Peter Robinson MP MLA, and me, and we also chaired the meeting. In addition, the following Executive Ministers were in attendance: Margaret Ritchie, Minister for Social Development, and junior Minister Robin Newton. The Irish Government delegation was led by Micheál Martin TD, Minister for Foreign Affairs.

During the meeting, we had a broad discussion with Minister Martin on practical, mutually beneficial co-operation in the context of the current economic and budgetary challenges facing each jurisdiction.

On obstacles to cross-border mobility, the Council noted and welcomed the continuing popularity of the Border People website — www.borderpeople.info — and the latest marketing strategy for the website that is targeting specific events in the border region.

The Council noted that a plan is in place to inform teachers about recent changes in pension arrangements for those who wish to transfer to work in the other jurisdiction. As a first step, an information seminar will be held with the main teachers' trade unions and the information provided will be circulated to other Departments.

The Council also noted that the NSMC joint secretariat has facilitated a meeting between relevant Departments to discuss access to welfare benefits for cross-border workers.

The Council considered a paper on EU matters that were raised in the NSMC and noted the work on EU-related matters in the relevant NSMC sectoral formats since April 2009. That included developments

in the agriculture, aquaculture and marine, and special EU programmes sectors.

Ministers considered a paper on North/South bodies, issues and discussed a range of issues relating to the North/South implementation bodies and Tourism Ireland Limited, including the implementation of cumulative efficiency savings in their 2009 and 2010 budgets, and they agreed other cost-saving measures. The Council approved the 2009 business plan for the Special EU Programmes Body (SEUPB). It also agreed a process to bring up to date specific non-pay terms and conditions for the bodies' staff.

The Council considered a paper on the NSMC joint secretariat's new accommodation and noted that construction work on the new permanent accommodation for the NSMC joint secretariat in Armagh is proceeding on target and that plans are being made for an official opening in 2010. The Council also agreed that, where practicable, future NSMC meetings will be held in the new accommodation, representing a more cost effective and efficient use of resources.

The Council noted that progress in all of the matters that were discussed at the institutional meeting will be reported to the next NSMC plenary meeting, and it agreed to meet again in institutional format as appropriate.

Mr Deputy Speaker: I again remind Members to ask questions on the statement and not to read out their own statements.

Mr Elliott: I thank the deputy First Minister for that statement. Some issues to do with agriculture have not been expanded on. Was there any discussion about last year's dioxin problem, and, if so, was there any indication of how compensation could be reached for the farmers in Northern Ireland who were affected by that?

The deputy First Minister: The short answer is no; there was no discussion on that matter. However, I will endeavour to get the Member an up to date assessment of where the situation sits, and I will write to him about that.

Mr O'Loan: I welcome the Minister's statement. He referred to a broad discussion having taken place with Minister Martin on practical, mutually beneficial co-operation in the context of the current economic and budgetary challenges facing each jurisdiction, and I welcome that. Will the Minister tell me what the tone and nature of that discussion was and whether it was a positive discussion? Were he and the First Minister of one mind in approaching those issues so that we can get mutually beneficial co-operation across the island?

The deputy First Minister: It was a very wide-ranging discussion. North and South, we are dealing with serious economic difficulties and pressures, and we are all very conscious of the need to work in a spirit of co-operation, where it is mutually beneficial. Micheál

Martin, the First Minister and I had a very useful discussion. It was obvious from the contributions that all three of us are equally determined, where there are mutually beneficial outcomes, to endeavour to continue to engage in a way that will allow us to position ourselves to come out of this time of grave economic difficulties in a way that enhances the spirit of co-operation. That spirit is clearly there, as demonstrated through the establishment of the North/South Ministerial Council.

Since InterTradeIreland came into being, we have seen a massive increase in co-operation, North and South, and the success of that body sends a very powerful message to all of us. We need to work in a spirit of co-operation to derive as much benefit as possible for all the people of this island.

Mr Neeson: I thank the deputy First Minister for his statement. Tourism Ireland was considered as part of the discussions. I am delighted that Carrickfergus Castle featured very prominently in a recent national advertisement from Tourism Ireland.

Mr Deputy Speaker: The Member must ask a question.

Mr Neeson: Will the Minister give more details on the cost-saving measures that were discussed at the meeting?

The deputy First Minister: We are all very conscious of the tremendous work that Tourism Ireland does. The North/South implementation bodies and Tourism Ireland are funded jointly by the Executive and the Irish Government. Budgets for those bodies are determined annually, based on agreed business plans which are approved by sponsor and finance Departments, Ministers in both jurisdictions, and by the NSMC.

Expenditure is monitored throughout the year, and each body, including Tourism Ireland, submits an annual statement of accounts to the Comptroller and Auditor General for the North and to the Irish Comptroller and Auditor General, who, in co-operation, examine and certify the accounts. Copies of audited accounts are laid in the Assembly and the Oireachtas.

We are all very conscious that this is a time of grave economic pressure; particularly, in the South. Anybody who has seen or heard the news recently will know of the Irish Government's very clear intention to bring in, what many people are describing as, fairly swingeing cuts to all sorts of budgets all over the place. None of us is under the illusion that we are going to remain unaffected by the approach adopted by the Irish Government.

It is critically important that we are in a position to ensure that the bodies continue to deliver what they were established to deliver. The big challenge is whether those bodies can do that against a backdrop of the quite clear signals that are coming from the institutions in

the South, which we will find ourselves bound to by dint of the fact that much of the work of the North/South Ministerial Council on implementation bodies is done on a 50:50 basis.

Ms Anderson: Go raibh maith agat, a LeasCheann Comhairle. Will the joint First Minister detail discussions on the plans that are in place to inform teachers about recent changes in pension arrangements for those in the profession who wish to work in the North and the South?

11.45 am

The deputy First Minister: I made it clear in my statement that a considerable amount of work has been done on that matter. Much more information on the issue is now widely available, and that is of great benefit to those teachers in each jurisdiction who, on occasion, wish to change schools and work in a different jurisdiction. The trade unions are involved in the information seminars that are taking place, and those will be of tremendous benefit to teachers.

Dr McDonnell: On the issue of cross-border mobility, was there any mention of the INTERREG programme? I ask that with the east border region in mind. I have heard many complaints about issues being stalled for the past three or four years and that projects that should have been enacted are not moving forward. From what the deputy First Minister heard at the North/South Ministerial Council meeting, is he able to throw any light on that?

The deputy First Minister: As we go forward, INTERREG is of tremendous importance to all of us. The INTERREG IVa programme provides in the region of €256 million to encourage economic development. That is the only EU programme operating in the North that has increased its budget — a 40% increase on the budget for the INTERREG IIIa programme. To date, the programme has approved 34 projects worth €152.5 million. Approved projects include Project Kelvin, which is an ICT infrastructure initiative that has received €30 million.

The inclusion of areas of western Scotland in the eligible area has brought an important new dimension. Policy and planning expectation remains that the five local-authority based partnerships will play a significant role in the new programme as lead partners in strategic projects. INTERREG IVa remains primarily a North/South cross-border programme. All projects that involve Scotland must also involve the North and the South. Scottish eligibility derives from Scotland's maritime border with the South. Projects that purely involve the North of Ireland and Scotland are ineligible, because they do not involve an international border.

The SEUPB is confident that INTERREG IVa will meet its 2009 N+2 target of €14 million. The Member mentioned the slowness of the programme's projects. I

acknowledge that there have been delays, but I have been assured that things are moving forward with speed.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for the update on the new buildings in Armagh city. I ask the joint First Minister whether the NSMC has —

Mr Deputy Speaker: The Speaker has ruled that Ministers should be addressed by their proper title. In this case, the title “deputy First Minister” should be used.

Mr Boylan: I ask the Minister whether the NSMC has carried out a review of remuneration for board members? Go raibh maith agat, a LeasCheann Comhairle.

The deputy First Minister: A review has been carried out, and a 10% cut for board members was approved at the meeting.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister detail the work that has been done to increase the take-up of transnational and INTERREG inter-regional European programmes? At a future meeting of the North/South Ministerial Council, will he raise the issue of obstacles to cross-border mobility, specifically in respect of school-transport entitlement?

The deputy First Minister: Following the report of the European Commission task force, the Executive agreed to increase the North’s transitional and inter-regional participation. In 2009, we have already surpassed the number of successful projects that were achieved under those programmes in the entire 2000-06 programme period. There are 22 successful projects with partners here, and they will receive EU funding totalling approximately €4.5 million.

Our partners in those programmes are working with partners from 12 EU member states and other European countries. In the face of the likely decline in assistance from the EU structural funds in the future and in the current economic climate, it is important to build capacity so that the additional funding that is available under the programmes can be competed for.

The Member asked about transport in border regions. As a former Minister of Education, I know that that is a difficult area to deal with. I have no doubt that the Minister of Education in the North and the Minister for Education and Science in the South will continue to monitor that situation.

Mr Shannon: I thank the deputy First Minister for his statement. It mentions:

“developments in the agriculture, aquaculture and marine, and special EU programmes sectors.”

Unfortunately, the statement does not contain many details about that. I know that that is not the deputy First Minister’s fault. However, as elected representatives and Assembly Members, we need more details about

those issues so that we can, in turn, pass information about them to our constituents.

The statement mentioned “efficiency savings” and cost cutting in Tourism Ireland. Will the deputy First Minister confirm that, despite those measures, Tourism Ireland can still deliver tourism and attract tourists to our shores?

The deputy First Minister: As I said earlier, we are all conscious, North and South, that we face huge economic pressures and difficulties. We will hear the outcome of the Budget announcement that will, no doubt, come from Dublin in the next few weeks. That will outline the steps that they are prepared to take to try to pull the economic circumstances around to a satisfactory level.

No one is under any illusion whatever that we will remain unaffected by the approach that will be taken. The big challenge for the bodies that were established, particularly Tourism Ireland, which Mr Shannon mentioned, is to be in a position to deliver what they can in accordance with the challenges and proposals that have been set by the NSMC. As we go forward, we are conscious that those bodies will not remain unaffected by cuts. However, the big trick is to ensure that the bodies still deliver what they intended to deliver in the first place. In other words, they must cut the cloth to meet the challenges that they face. I have no doubt that all the bodies will be determined to ensure that services to citizens will continue to be delivered at the high level that they have been since the bodies were established.

Mr Shannon asked about agriculture. Farmers have great concern about the future of EU dairy farming. We have heard the debates on low milk prices over the past year. That situation has been of grave concern to many farmers and has placed many farms in a loss-making situation. Thankfully, world markets have improved as recent milk auction prices have shown a substantial increase. That should be reflected in producers’ milk prices in the next few months.

Developments in the past year have shown that the difficulties that are caused by the volatility in world markets have created huge problems for farmers. We need to consider how to reduce that volatility and enable farmers to better cope with market fluctuations in future. Under EU legislation, milk quotas will end in 2015. The EU Commissioner has stated firmly that the Commission will not propose an extension to the milk-quota regime. Given that, it is important for the industry to be able to make a smooth adjustment to a quota-free environment.

The proposed EU fund of €280 million for the dairy sector is welcome. However, that still requires the approval of EU Finance Ministers, who will meet on 19 November. If the British Government do not support the

measure and refuse to provide additional funds for it, they could disadvantage our dairy farmers in comparison with those in other EU countries. As Members know, the debate about agriculture in Europe is ongoing, and we seem to return to discussions on the matter almost every year.

Mr Kinahan: The deputy First Minister has touched on part of my question already, but will he outline what discussions took place on the types of practical and mutually beneficial co-operation that could address the severe budgetary challenges facing the Republic of Ireland and this part of the UK?

The deputy First Minister: During the meeting, we had a broad discussion with Minister Martin on practical and mutually beneficial co-operation in the context of the current economic and budgetary challenges facing each jurisdiction. Minister Martin outlined the challenges facing the Irish Government and the steps that they propose to take to meet those challenges. He said, for example, that the NAMA legislation is progressing, and he referred to the constructive discussions that have taken place between the two Finance Ministers, Minister Wilson and Minister Lenihan. We all recognise that it is still too early to talk about green shoots. We are all ultra-cautious about recovery, even though everyone around us is saying that we are beginning to emerge from the recession.

We outlined the work of the cross-sector advisory forum and of the various subgroups that are under consideration. We also discussed the importance of house building, from an economic point of view and on the basis of need. We agreed that it will be important in future to look for innovative ways in which to finance housing. With the forecast pace of public expenditure slowing, we will have difficult choices to make in the near future as we determine our priorities for budgets that are already very tight.

At the meeting, Minister Martin outlined some fairly serious proposals from his Government to produce savings in public expenditure, and no doubt we will hear about those proposals shortly. We agreed that it is important that our public spending be as efficient and effective as possible, and, in that context, we agreed that it would be useful for our officials to explore with Irish Government officials opportunities for efficiency savings through co-operation.

There has been a big debate about the NAMA legislation. The Minister of Finance and Personnel had a very constructive meeting with his counterpart, Minister Lenihan, on 8 September 2009 to discuss NAMA's possible impact in this jurisdiction. The size of the portfolio of loans residing here is critical to the impact on our local economy. At that meeting, Minister Lenihan indicated that some €4.8 billion in loans here are to be transferred from participating banks to NAMA. I hasten

to add that that is a much lower figure than the earlier estimates of approximately €20 billion. However, even €4.8 billion in exposed local assets has considerable implications for our economy. That figure is the equivalent of approximately 15% of the entire economy's output. Our key concern is that there should be no fire sale of those assets, because that would have a deflationary effect on the local property market and the wider economy. Minister Lenihan confirmed that it was in no one's interests to see such a sale happen. We took considerable comfort from that.

Mr A Maginness: I thank the deputy First Minister for his statement. Along with the Assembly, the British-Irish Council and the North/South Ministerial Council form a major part of the institutions established under the Good Friday Agreement and have played a significant role in bringing about reconciliation in Ireland. I welcome the fact that the North/South Ministerial Council and its secretariat will have a new home in the primate city of Armagh — no better place for it. Will the deputy First Minister give an indicative date for the opening of the new headquarters of the North/South Ministerial Council's secretariat?

The deputy First Minister: I said in my statement that we expect the new building to be ready for occupation early next year. We received a progress report, and I am told that the builders are up to the roof and that progress has been astonishing. We recognise the symbolism of the establishment of the North/South Ministerial Council alongside the power-sharing arrangements. I also compliment the work done by the British-Irish Council, which we attended in Jersey last week.

All those institutions are very important. We all recognise that it is critical that we work together, particularly in the context of current economic circumstances. Mutual benefit is derived through recognising the need for businesspeople, North and South, to work collaboratively to build their businesses. The work of InterTradeIreland has also been a huge success, as has the work of Tourism Ireland, although it has been affected by the strength of sterling and associated pressures.

12.00 noon

Those institutions are clearly invaluable. They have a very powerful role to play in the restoration of our economy, as well as in the context of national reconciliation. It is vital that people, North and South, meet on an ongoing and consistent basis. It is equally important for those people to see that their politicians, North and South, have the ability to come together and make decisions in their interest.

We have agreed that, where practicable, future NSMC meetings will be held in the new accommodation in Armagh. That will represent a more cost-effective and efficient use of resources. Armagh City and District Council will be responsible for all construction costs,

and it will lease the building to the NSMC joint secretariat. Maintenance, running costs and the tenant's fit-out will be the tenant's responsibility. The tenant's fit-out costs, including furniture, fittings, glazing, doors, wall, floor and ceiling finishes, and professional fees were originally estimated at around £1.5 million. However, that estimate has recently been downscaled to £1.1 million following discussions and negotiations with the developer.

Those costs will be shared on a 50:50 basis with the Government in Dublin. A single lump-sum payment will be required, probably in March 2010. Our contribution will be £550,000. The total cost of the lease as well as the running costs will be shared on a 50:50 basis with the Irish Government. The estimated cost of the lease to OFMDFM will be £115,000, subject to final contract. That is an increase of £85,000 on the current lease.

The design reflects the highest environmental and energy-saving standards and will complement the existing architecture of Armagh city. It will enhance the positive image and standing of Armagh as an important centre for public administration and cross-border activity, and it will act as an important catalyst in the regeneration of a disadvantaged area of Armagh city.

MINISTERIAL STATEMENT

North/South Ministerial Council:

Transport Sectoral Format

Mr Deputy Speaker: I have been informed that the Speaker has received notice from the Minister for Regional Development that he wishes to make a statement on the North/South Ministerial Council meeting in transport sectoral format.

The Minister for Regional Development (Mr Murphy): A LeasCheann Comhairle, in compliance with section 52 of the Northern Ireland Act 1998, I wish to make the following statement on the seventh North/South Ministerial Council meeting in transport sectoral format, which was held in Dublin on Wednesday 4 November 2009. The Minister of the Environment, Edwin Poots, has approved the report, and I make the statement on his behalf.

The Executive were represented by the Minister of the Environment and me. The Irish Government were represented by Noel Dempsey TD, Minister for Transport, who chaired the meeting. The Council noted progress made since the last meeting in April 2009 and welcomed the chance to meet to discuss opportunities for cross-border co-operation on strategic transport planning and road safety.

Ministers discussed progress on the Dublin to Belfast rail link. They noted the updated position on the Malahide bridge collapse and agreed that both rail companies will continue to work to recover passenger numbers after the relaunch of the service. They also agreed that the financial implications of the proposals to improve the reliability of trains on that line should be reviewed with a view to putting a reconfigured fleet in place as soon as possible.

Ministers noted that the new train station at Newry has been fully operational since 7 September 2009. They also discussed the position on the development of integrated ticketing systems and the long-term aspiration to develop integrated ticketing for North/South services.

The Council noted that both the A5 north-west gateway from Derry to Aughnacloy and the A8 Belfast to Larne road projects had achieved the second significant milestone — the preparation of a preferred options report — on target and that work is progressing to meet the third significant milestone — the publication of the draft Orders — by late 2010 or early 2011.

Ministers noted that the contractors and designers for both projects are expected to be appointed by late autumn 2009. The Minister for Transport will make a payment of €9 million to the NI Consolidated Fund before the end of 2009 in accordance with agreed

procedures. Ministers also noted the signing of PPP contracts for two service stations on the M1, which are due to open in late 2010.

The current position on road deaths in each jurisdiction was discussed, and Ministers noted the declaration that was recently made to the EU in relation to bilateral application of the convention on the mutual recognition of driving disqualifications. Once the mutual recognition of driving disqualifications is in place, a project plan will be developed to pursue the mutual recognition of penalty points. That will be a complex and longer-term process, because, currently, the penalty point systems are different in each jurisdiction.

Ministers reviewed progress on the existing road safety strategies and on the new strategy for the North, which will be taken forward by DOE. They also reviewed the continuing co-operation between the two jurisdictions in the areas of advertising and publicity, research and enforcement. Ministers noted the background to and current position on the new lower drink-driving limits in both jurisdictions and agreed that exploration of the potential for a co-ordinated approach to the introduction of new limits should continue.

Ministers noted the Department of Transport's publication of the 'National Cycle Policy Framework' as a follow-up to the Smarter Travel policy and that the Department for Regional Development actively promotes walking, cycling, public transport and car sharing to businesses, commuters and schools through its Travelwise initiative. They also noted that the Department for Regional Development has initiated a review of the regional transportation strategy to ensure more sustainable transport arrangements and that it has produced a report that sets out the greenhouse gas emissions from transport.

The Council noted that officials are engaging positively in the sustainable transport agenda and progressing initiatives that underline the all-island dimension. It looks forward to an update at a future NSMC meeting in transport sectoral format. Ministers noted that the jointly supported car-sharing website for the north-west region is now operational and is expected to be launched formally before Christmas.

Ministers noted that, as a first step in organising a freight forum, relevant Departments will jointly organise a meeting of key stakeholders in the freight sector in early December 2009 to identify priority issues to be considered by the forum. Those priority issues will subsequently be considered in depth by working groups comprising representatives of the key stakeholders and persons with an interest in promoting the sustainable freight sector throughout the island. Ministers requested that a report on progress be made at the future meeting of the North/South Ministerial Council.

The Council noted that a contractor has been appointed to undertake the replacement of bridges on the Tyrone/

Monaghan border with a completion date in winter 2010. Ministers also noted that Louth County Council continues to undertake a further appraisal of the proposed Narrow Water bridge project. Further reports on those projects will be presented at a future NSMC meeting in transport sectoral format.

Ministers noted that work continues on the cross-border, community-based rural transport pilot in line with the agreed project plan. The Departments are satisfied that the outcomes will be relevant to consideration of issues of cross-border transport and social inclusion, and they look forward to a full report being presented to a future NSMC meeting in transport sectoral format. The Council agreed to meet in that format again in March 2010.

The Chairperson of the Committee for Regional Development (Mr Cobain): What progress have the Department and Roads Service made in considering the feasibility study for a southern relief road, which has been with the Department since February? When does the Minister anticipate that his Department will make a decision on that issue?

The Minister for Regional Development: I assume that the Member refers to the southern relief road in Newry. We announced that the first study on that road showed that the construction of such a project was economically viable and presented a number of options. I am not sure whether the Member is terribly familiar with the area, but it is environmentally sensitive because it crosses an area that leads down to Carlingford Lough. Therefore, there are significant environmental issues on the waterway and on Flagstaff ridge, which is on the Armagh side of the Newry to Warrenpoint road. There are many significant issues concerning the landscape that any proposed connection between the Newry-Warrenpoint dual carriageway and the A1-M1 would go through.

I have instructed Roads Service to embark on further studies, and it is engaging consultants to look at the environmental issues. From his experience in the Committee, the Member will know that all those studies have to be completed before a project can formally enter the construction phase. The first study tested the economic viability of the project and proved that it is viable. We are now looking at the environmental studies. It is expected that that will take up to two years, after which we will take the matter forward.

The Deputy Chairperson of the Committee for Regional Development (Miss McIlveen): Will the Minister quantify the impact that the recent track closure has had on the Enterprise service? Will he give the Assembly an assurance that any resulting revenue losses will not lead to fare increases in that service or fare increases or service reductions in other parts of the public transport network?

The Minister for Regional Development: Northern Ireland Railways (NIR) and Iarnród Éireann have a revenue-sharing agreement on the Enterprise service, and the final figures for 2009-2010 have still to be agreed. However, revenue was down by more than 50% in September compared to the same month last year. Overall, the shortfall in revenue for NIR is estimated to be close to £1 million; however, it could be higher, depending on the time taken to recover passenger numbers. My officials have been working closely with Translink to ensure that the revenue gap is addressed, but, clearly, the event was unforeseen, so my Department may need to bid for more money to cover the shortfall or manage the pressures in NIR.

The last things we want are fare increases and reduction in services, and we have had that conversation with Translink on many occasions. We are trying to increase passenger numbers as quickly as possible, but there is still some work to be done to identify the ultimate shortfall in revenue. We are considering whether to try and manage that shortfall within existing budgets or to cover it by bidding for more money during further monitoring rounds.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. Tá mé buíoch den Aire. I am grateful to the Minister for his statement. I refer him to the issue of road safety. He may be aware that the biggest percentage of road fatalities occurs on rural roads and that one of the major causes of road fatalities is speed. Did the issue of comparable signage come up during the meeting?

The Minister for Regional Development: That specific issue was not discussed at the meeting that was held in Dublin, but I know that the Department of the Environment continues to raise awareness of road safety issues through extensive advertising and publicity and a programme of road safety education in schools.

Significant changes to the training and testing of learner drivers are being considered in consultation with the Driving Standards Agency in Britain. The possibility of introducing a system of graduated driver licensing is being explored. Consideration is also being given to lowering the current drink-drive limit. In addition, research is ongoing into a number of issues, including motorcycling and regulatory regimes for taxis and goods vehicles, both of which have implications for road safety and are being revised and updated. Furthermore, the Department of the Environment is working with its key partners on a new road safety strategy, which is being developed for publication in 2010, two years ahead of the expiry of the existing strategy. There is a range of measures ongoing.

The issue continues to exercise us. Recently, it has been reported that, although the trend in road fatalities is downwards practically everywhere else, including the South, the trend this year in the North is up. Overall,

the trend in the past couple of decades has continued to move downwards. There has been recognition in the discussions that I have had during transport sectoral meetings that there are particular problems in border areas. The number of fatalities in those areas is particularly high, and the issue needs to be addressed through a range of approaches, including enforcement, detection, awareness and education.

Mr O'Loan: I welcome the Minister's very substantial statement. My question is about the new lower drink-driving limits in both jurisdictions. I welcome the reduction in the limit in the South. I was concerned about a good deal of the nature of the debate, although the argument was eventually won in what I judge to be the right way. Is any joint work planned to change social attitudes to alcohol in relation to driving? Substantial work is still needed in that regard.

The Minister for Regional Development: In the South, the decisions have not yet been taken. It is a matter of some debate, and the discussion about lowering the limit was the key focus of interest, certainly for the media, after the meeting was held. I know that Minister Dempsey and Minister Poots are considering a similar approach of lowering the current limit of 80mg of alcohol per 100ml of blood to new limits of 50mg for ordinary drivers and 20mg for learner, novice and professional drivers.

12.15 pm

The introduction of random breath-testing is also being considered. Despite the substantial debate on the issue, public consultation in the North and the South reflects an understanding that drink-driving has led and continues to lead to a significant number of fatalities and accidents on our roads. The consultation exercises showed broad support for a reduction in the drink-driving limit and for random breath-testing.

Part of the shared North/South advertising programme attempts to raise awareness around issues such as speed, but it also focuses on the effects of people drinking or taking drugs and then getting behind the wheel of a car and the dangers that they pose to themselves and to other road users. Therefore, work on road safety is continuing between both Departments. Some of that work is around enforcement and penalties, but other areas include creating an awareness of the issues and educating people through a series of measures, from dealing with schools to public advertising.

Mr G Robinson: The Minister has raised a number of points. I want to refer to integrated ticketing. Does he agree that it would be advantageous to have integrated ticketing on all Translink services before cross-border services are integrated?

The Minister for Regional Development: The Member will know from my statement of a few weeks ago on the reform of public transport that a driving

factor behind that is to try to integrate ticketing as much as possible, so people can move from one form of public transport to the other. More people will use public transport if it is easier to do so, more accessible and more understandable for people who want to plot journeys that involve different modes of public transport. Therefore, integrated ticketing is very much the focus of the reform of public transport initiative.

A substantial amount of our public transport is North/South by the Enterprise rail or bus services. Progress towards integrated ticketing on those services would also be helpful. That is made more complicated because of the currency difference. However, we are not focusing on integrated ticketing on North/South services and ignoring trying to integrate it on the public transport network here. We are trying to move forward in both systems simultaneously.

Ms Anderson: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. Were decisions taken at the North/South Ministerial Council meeting in transport sectoral format on 4 November non-dismissible and robust in terms of their implementation by the respective Departments here and in Leinster House? I ask that in the context of the decision that was made about the A5, particularly in relation to the contracts and designs that, in line with the agreed procedure, are expected to be finalised for both projects by late autumn.

The Minister for Regional Development: The short answer is yes, the decisions are non-dismissible and the process robust. The A5 project, to which the Member referred, is a good example of that, because it is a joint project, as was the Newry to Dundalk road, which was also very successful. It was delivered and paid for jointly by both Administrations. The working relationship between the National Roads Authority in the South and Roads Service in the North on the Newry to Dundalk road has been excellent. Although many people were sceptical, certainly of the South's financial commitment, we are looking forward to an early payment that I think will be made in advance of the North/South Ministerial Council's plenary meeting in Limavady in mid-December.

The systems are very robust, but the Member will be aware that it is not just in the sectoral format of the North/South Ministerial Council that the two Departments co-operate. There is a huge range of joint working between the Departments on day-to-day matters, besides those that we deal with at North/South Ministerial Council level. The amount of co-operation and joint working continues to grow, and I think that it has proven very beneficial to people across the island.

Mr I McCrea: I welcome the Minister's statement. As the Minister will know, in my constituency of Mid Ulster there have been quite a number of deaths, including

the loss of many young lives, due to road accidents. Can the Minister go into any further detail about the new road safety strategies that the Department of the Environment will be taking forward?

The Minister for Regional Development: As I said in a previous answer, there is a range of measures, including changes to training and testing, the introduction of a graduated driver licensing system and consideration being given to lowering the drink-driving limit. In addition, there will be research into ongoing issues, including those relating to motorcycling, and the regulatory regimes for taxis and goods services will be revised and updated.

The Department of the Environment is working with key partners on a new road safety strategy, and I am told that the public consultation on that is expected in the new year. The new strategy is scheduled to be in place before the end of 2010. I imagine that that strategy will include a significant amount of detail on the work that the DOE intends to carry out.

I agree with the Member that, despite all the work that has been put in, it is frustrating, saddening and disheartening to learn that the number of deaths on our roads this year has grown and seems to be heading towards a higher figure than last year's. However, a range of measures are being undertaken by the DOE and on a North/South basis, and the strategy will be out for consultation in the new year, when the Member and all other people who have an interest in the subject will be able to put forward their opinions and ideas.

Mr Kinahan: I thank the Minister for his statement. I wish to return to the A8 road project. The Minister said that he will be appointing contractors and designers. Many people in the area do not feel that the choice of the preferred route was properly processed. When the Minister is appointing new contractors and designers, will he take on board the lessons that were learned as a result of the pollution incidents on the A4 project and the code of practice that the Ulster Farmers' Union has been trying to produce to ensure that farmers are properly consulted and involved when a road is being built?

The Minister for Regional Development: I do not accept that the process was not followed properly. The process is well tried and tested, and when the Newry/Dundalk road was being built, before I took up my position in the Department for Regional Development, I experienced the process from the other side. So, I have seen the process at work in my own area. Perhaps organisations such as the Ulster Farmers' Union did not show the same interest when a road was going through farm land there. Nonetheless, I am happy to hear what the UFU has to say, and I am sure that Roads Service would be happy to discuss with the UFU its position, which is open to a substantial degree of scrutiny and must be rigorously tested and benchmarked against

certain criteria before the Department arrives at a preferred route option. As the member knows, the preferred route option then undergoes a further period of consultation, which, ultimately, ends in a public inquiry.

Some people who want a road to proceed argue that the whole process takes far too long, but I think that it is necessary, because, when a road is to be built through someone's land, that person has rights and entitlements that must be protected. There are access and compensation issues, all of which must be properly sorted out. A substantial and robust process is in place to deal with those matters, and there will be ample opportunities between now and the end of the public inquiry for the Member, landowners and other interested parties, such as the UFU, to make their case if they think that procedures have not been followed properly or that a wrong decision has been taken.

Such projects must undergo a lengthy and onerous process to make sure that they are done right. If a project is not done right, ultimately, it will be subject to a judicial challenge, which would put it back to square one. That is the last thing that Roads Service wants to happen, because it is a very inefficient use of its resources. Therefore, particular attention is paid to ensuring that the processes are correct. Nevertheless, throughout the process, projects are open to consultation, discussion and challenge.

Mr Gallagher: I preface my question by welcoming the positive comments with respect to the A5 project and by expressing my regret about the omission of the east-west, Belfast to Sligo route.

With respect to the all-Ireland dimension to sustainable transport, does the Minister agree that one sure way of getting more people out of their cars and on to public transport would be to develop an all-Ireland express bus service? At the moment, work needs to be done to develop that. There is a good service from places such as Monaghan and Cavan to Dublin, for example, but feed-in services to those are awkward and do not encourage people to use public transport. An all-Ireland express bus service would bring mutual benefits.

The Minister for Regional Development: Sustainable travel and transport is increasingly prominent on the agendas of transport meetings, and that is necessarily so. We were pleased to announce that the formal launch of the north-west car share project will take place soon, if it has not taken place already.

As the Member knows, a range of initiatives can be taken to encourage sustainable transport. One of them, as he rightly says, is to make public transport more desirable and accessible to members of the travelling public. If there are problems concerning the feeder services to Dublin express buses, I am happy to ensure

that Translink follows up some of the Member's suggestions with him.

Many cross-border services seem to be operating successfully. In the short term, I want to get the cross-border rail service up to its former standard and improve its reliability and punctuality. The central thrust of my Department's effort is to encourage people to leave private cars and use public transport and more sustainable forms of transport, such as walking or cycling. From talking to Minister Dempsey, I know that it is the aim of the Department of Transport. Both Departments have taken initiatives individually and collectively, and we share more and more initiatives in that respect.

I am happy to raise the issue if the Member will provide me with details of the services to which he refers and consider how best Translink can ensure that people access them.

Mr Deputy Speaker: The Business Committee has arranged to meet upon the lunchtime suspension. Therefore, I propose, by leave of the Assembly, to suspend the sitting until 1.30 pm, instead of 2.00 pm. On resumption, Mr Ross will speak.

The sitting was suspended at 12.28 pm.

On resuming (Mr Deputy Speaker [Mr Molloy] in the Chair) —

1.30 pm

Mr Ross: I see from the attendance in the Chamber that the anticipation of my question has not generated the level of interest that I had hoped for.

I thank the Minister for his statement. In particular, I am glad that our Executive are pushing forward on the introduction of new, lower drink-driving limits, and I hope that the Irish Republic will replicate that.

The Minister will know that Members for East Antrim and South Antrim have lobbied for the A8 for many years, and I welcome the progress that has been made on that scheme. However, other Members and I have been in correspondence with a number of landowners who will be impacted on by the project. First, will the Minister update us on how the one-on-one consultations with those landowners are going and inform us of when he anticipates that they will be completed? Secondly, can he assure the House that not only will the concerns of those landowners be listened to but that the Department will try to take action to resolve some of the issues that they raise?

The Minister for Regional Development: As I said in response to previous questions, I appreciate that road-build projects that are being built through open countryside will cause substantial issues for landowners and farmers and, in some instances, properties will be lost. Substantial processes need to be in place to deal with the consultations and discussions on such issues as access and compensation. Such procedures lengthen the road-building process. Although some people become frustrated that things are not happening more quickly, consultations and discussions are a necessary part of the process. The Member will appreciate that now that it affects landowners in his constituency of East Antrim and others in the South Antrim constituency.

The public consultation on the A8 scheme and the engagement with the community and key stakeholders have played a significant part in the development and subsequent announcement of the preferred route for the scheme. Three public exhibition events were held between May 2008 and August 2009 and were attended by between 250 and 600 people.

The one-to-one consultation meetings with individual landowners are ongoing, and Roads Service will continue to liaise with those landowners through the next stage of the project. Roads Service is committed to working with the farmers to ensure that access to land is maintained and that the impact is mitigated where possible. One-on-one consultations will continue with the farmers to discuss the likely accommodation works and matters such as access, lanes, fencing and

underpasses in economically viable cases. That type of discussion is ongoing.

As part of the consultation and the examination of the route, the Department appointed an agriculture consultant to assess the scale of the impact on farms affected by the A8, and Roads Service is committed to continue to work with the farmers to ensure that the land access is maintained and the impact mitigated, where possible, through accommodation works. That dialogue goes on with local farmers.

Mr Buchanan: The Minister will be aware of the financial impact that the A5 western transport corridor will have on many farming families in west Tyrone, where the road is running through farms and, in a number of instances, dividing farms down the middle. Will the Minister confirm that there will be a proper financial package in place to fully compensate those farming families? Will he outline Roads Service's flexibility to provide bridges and underpasses to reconnect those farm holdings? Will that be delivered as part of the package or will it come out of the compensation that is paid?

The Minister for Regional Development: The process for dealing with landowners who are affected is well established. It has worked for major road projects, including the Newry/Dundalk route and the Newry bypass, with which I am familiar, and the A4 Dungannon to Ballygawley route, which affected, I think, a couple of hundred landowners. Issues such as compensation, access, severance of farms and removal of buildings arose and were dealt with. Some time back, I was aware that only one or two of the couple of hundred cases made in relation to the A4 were outstanding. I have not heard since that that is still the case, so I assume that agreements were eventually reached.

There is a tried and tested process of compensating landowners and their agents through Land and Property Services. That agency is tasked with assessing the value of the land and reaching an agreement that is satisfactory to all parties.

The issue of access to farms, and whether underpasses or lanes that run parallel to the new A5 should be built, will be worked out during the construction of the new road. However, the construction of underpasses is expensive and will not be available in every situation.

During previous major roads projects, and the A5 is the biggest one ever undertaken, all those issues have been worked out satisfactorily. I understand that not everyone involved is happy that a road is being built through their property, but the issues of compensation and access were worked out satisfactorily in the vast majority of previous cases. I expect any issues arising from the A5 project to be resolved in a similar manner.

Mr Bresland: I also thank the Minister for his statement.

My question is on similar lines to the one that was asked by Alastair Ross, but I will ask it anyway. Will the Minister assure the House that he will consult fully with all those whose properties could be affected by the proposed route of the A5?

The Minister for Regional Development: That is already being done. Various public events were held to discuss the proposed routes and, after its selection, the preferred corridor. An open invitation was extended to those events, which were held in three locations along the route of the A5: Strabane, Omagh and the Ballygawley area. Following those meetings, one-on-one engagements commenced between Roads Service, the consultants that were appointed to deal with the consultation process, Mouchel, and the individual landowners involved. All those issues must be resolved.

There is a strong sense in the region that the A5, in creating better access to the north-west, will bring significant economic advantage. However, the project will have an impact on some individuals, and they also have rights and entitlements. It is incumbent on Roads Service to respect their rights, deal properly with those people, ensure that they are adequately compensated and address any access issues.

Mr Elliott: My question relates to the financing of the A5 project by Northern Ireland and the Republic of Ireland and whether funding has been approved on both sides of the border. It was anticipated that €400 million would come from the Irish Government to pay for the A5 and the A8 projects. Has that been secured? Has the approximate £400 million that Northern Ireland must contribute to the A5 project also been secured?

The Minister for Regional Development: The project has already started on the basis that the money for the A5 and A8 projects has been identified and secured from future Budgets. The money has also been identified and secured by the Southern Government. They intend to make their first payment of €9 million in advance of the next North/South Ministerial Council meeting in plenary format, which takes place in mid-December 2009.

(Mr Speaker in the Chair)

The Member should be reassured that the process has begun and that people are already working on the scheme. The issues of land acquisition, access and compensation are all being addressed, and the design stage is ongoing. The project has begun in anticipation that the moneys will certainly continue to be made available.

EXECUTIVE COMMITTEE BUSINESS

Diseases of Animals Bill

Consideration Stage

Mr Speaker: Members have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list.

There are four groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1, 2, 3 and 12 and on the Minister's opposition to clause 6 standing part of the Bill. The amendments deal with a new code of practice for entry to premises and the withdrawal of the parts of the Bill relating to fixed penalty notices.

The second debate will be on amendment Nos 4, 5 and 11, which deal with removal of the part of the Bill that links non-compliance with biosecurity guidance to withholding of compensation and also provides for the making of a disease-specific Order on withholding compensation.

The third debate will be on amendment Nos 6, 7, 8 and 9, which deal with increasing penalties for a second offence for deliberate infection and related issues.

The fourth debate will be on amendment Nos 10 and 13, which deal with the withdrawal of the part of the Bill that concerns the valuation of items that have been seized to prevent the spread of disease.

I remind Members who are intending to speak that, during the debates on the four groups of amendments, they should address all the amendments in each particular group on which they wish to comment. Once the initial debate on each group is completed, any subsequent amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

Clauses 1 to 3 ordered to stand part of the Bill.

Clause 4 (Powers of entry)

Mr Speaker: We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 3 and 12 and the Minister's opposition to clause 6. The amendments deal with a new code of practice for entry to premises and the withdrawal of parts of the Bill relating to fixed penalty notices.

Members should note that amendment Nos 2 and 3, which are paving amendments, are tabled as a

consequence of the opposition to clause 6 standing part of the Bill. Members should also note that amendment No 12 is consequential to the opposition to clause 6 standing part. Therefore, I will not call amendment No 12 if it is agreed that clause 6 stand part of the Bill.

The Minister of Agriculture and Rural Development (Ms Gildernew): Go raibh maith agat, a Cheann Comhairle. I beg to move amendment No 1: In page 4, line 22, at end insert

“Powers of entry under warrant: code of practice

46D.—(1) An inspector who enters any premises by virtue of a warrant issued under Article 46B shall comply with a code of practice which has been published under paragraph (4) and has not been withdrawn.

(2) The Department shall prepare a code of practice in connection with the exercise by inspectors of a power of entry conferred by virtue of a warrant issued under Article 46B.

(3) After preparing a draft of the code the Department—

(a) shall publish the draft in such manner as it thinks appropriate and invite representations regarding the draft;

(b) shall consider any representations made to it regarding the draft; and

(c) may amend the draft accordingly.

(4) After the Department has proceeded under paragraph (3) it shall publish the code in such manner as it thinks appropriate.

(5) The Department shall from time to time review the code and if it thinks it appropriate revise the code.

(6) Paragraphs (2) to (4) apply to a revision of the code as they apply to its preparation.”

The following amendments stood on the Marshalled List:

No 2: In clause 5, page 5, line 30, leave out from “or” to “4A” in line 31. — *[The Minister of Agriculture and Rural Development (Ms Gildernew).]*

No 3: In clause 5, page 5, line 33, leave out “or that sub-paragraph”. — *[The Minister of Agriculture and Rural Development (Ms Gildernew).]*

No 12: In clause 21, page 14, line 24, leave out from “, 50(1)” to the end of line 25 and insert “and 50(1).” — *[The Minister of Agriculture and Rural Development (Ms Gildernew).]*

Before I speak to the amendment, I take this opportunity to thank the Chairperson and other members of the Committee for Agriculture and Rural Development for their detailed consideration of the Bill. The Committee asked me to reconsider some parts of the Bill, and I was happy to do that. In turn, I had to raise some very difficult issues with the Committee, particularly those concerning enforcement and biosecurity measures. I am grateful for the Committee’s detailed consideration of those matters and for its constructive proposals. I met with the Committee on a number of occasions, and I am glad to

be able to say that, with goodwill on both sides, we were able to reach an agreed position.

My amendments reflect the detailed work that the Committee, the Office of the Legislative Counsel, legal advisers and officials in my Department carried out. I thank everyone who was involved for their efforts. I also thank the Ulster Farmers’ Union in particular for its involvement in developing the Bill; its advice and contributions were invaluable.

I believe that the proposed amendments will result in animal health legislation that is proportionate and effective. I also believe that the proposed measures have the potential to help us to address those diseases that are serious threats to the industry. I am thinking particularly of brucellosis, and also, of course, of foot-and-mouth disease and emerging diseases such as bluetongue and avian influenza. We need to have policies and measures in place to deal quickly and decisively with animal and poultry diseases so that our agrifood industry can compete in an increasingly competitive and changing marketplace.

Amendment No 1 concerns a new provision that will apply when inspectors are required to search premises under the authority of a warrant. I am glad to say that farm searches under warrant are rarely needed. In fact, they have never been needed under the Diseases of Animals Order 1981. Even so, we need to have safeguards in place so that farmers will know their rights if a search is required. The Committee feels very strongly about this issue, as do I. Nobody wants strangers on their premises. Sometimes, however, farm searches have to be conducted where there is evidence that an offence may have been committed.

I want to ensure that searches are carried out in an acceptable manner and that farmers can have someone present to protect their interests. The Committee suggested this amendment during its scrutiny of the Bill, and I am grateful to Committee members for their input. The new provision will require the Department to draw up a code of practice with which inspectors will have to comply when entering premises under warrant. The code will be drawn up in close consultation with the Committee for Agriculture and Rural Development and stakeholder groups.

The Committee in particular will have an important contribution to make to the development and review of the code. My officials have consulted informally on the terms of a draft code. When the Bill becomes law early next year, the draft code will be issued for formal consultation with the Committee for Agriculture and Rural Development and stakeholder groups. A search liaison officer, completely independent of my Department, will be appointed to oversee the search and to deal with any issues that arise, particularly about the code of practice. Farmers will have the right

to have their own witness present during the search, and all those matters will be included in the code.

1.45 pm

The code of practice will be issued to every farmer in the North of Ireland. A version will also be placed on the Internet, and a copy of the code will be given to the occupier when a search is to be conducted. I sincerely hope that any farm searches will be few and far between. Searches are not undertaken lightly, nor are they pleasant for anybody involved. I hope that the existence of the code will provide protection and reassurance for farm businesses and farming families.

Amendment No 2 relates to the provision in clause 5 to make it an offence to fail to give a name and address, in so far as it concerns the operation of the fixed penalty provisions set out in clause 6. The intention of clause 6 was to introduce a system of fixed penalties as an alternative to prosecution in court for certain types of offences under the Diseases of Animals Order. Those are the more straightforward offences that can be readily dealt with on the spot and do not require further detailed investigation, such as the illegal movement of animals during a disease outbreak.

When the proposal for a fixed penalty scheme was discussed with the Committee, concerns were expressed that innocent farmers would be inclined to accept the fixed penalty rather than pursue an expensive and public court case. Although I have the utmost confidence in the professional ability of my inspectors, who would be trained to administer the scheme, I accept that there is an element of risk in the issuing of fixed penalty notices. That is why the scheme was intended to apply to clear-cut offences only, which were readily apparent and not open to dispute.

The Committee suggested that the scheme should include an independent appeals system. I have looked at the operation of similar fixed penalty schemes and have taken legal advice. There is no precedent for an appeals system in the type of scheme that I had envisaged under the Bill, and the fixed penalty notice envisaged would have provided full details of the offence, and the recipient would have had the choice of accepting the notice or having the case heard in court. Lawyers have advised that the creation of a statutory appeals process as a means to determine guilt or innocence would usurp the role of the court. The Committee was made aware of those issues and indicated that, if the clause remained in the Bill, it would table an amendment for the inclusion of an appeals system.

I considered carefully all the representations made to me on the proposal for a fixed penalty scheme. Indeed, I have had to deal with fixed penalties for parking and other offences on behalf of my constituents, so I am well aware of the issues

surrounding fixed penalties. In my view, the cost of an appeals system would far outweigh the income from fixed penalties, and, based on legal advice, I am mindful of the judicial implications and the role of the courts in determining guilt or innocence. I am, therefore, opposing the inclusion of clause 6 in the Bill.

Amendment No 3 is a consequential amendment to clause 5. The remaining amendment in the group is amendment No 12, which makes a minor technical change to clause 21 on the procedure for orders.

The Chairperson of the Committee for Agriculture and Rural Development (Mr Paisley Jnr): As Chairperson of the Committee for Agriculture and Rural Development, I put on record my thanks and the thanks of members of the Committee to the departmental Bill team, the supporting officials and those who provided evidence to the Committee. I also thank Committee members for their hard work and the Committee's support team for the time and effort that it put in to getting us and the Bill to this point.

The Committee's scrutiny of the Bill has been extensive, Mr Speaker, and, as you and Members will learn later in the debate, it continued well beyond Committee Stage. Members and the industry should be aware that every clause has been debated in Committee, and none more so than clause 1, "Slaughter to prevent spread of disease". After much debate, the Committee agreed not to amend that clause to force the Department to instigate a proactive eradication programme of TB. However, the Committee felt that it was important that the House be apprised of the Committee's concerns about the clause and of the actions that it proposed undertaking.

The Committee remains concerned that more than £25 million is spent each year on trying to keep the disease in control. We believe that that policy has failed and will continue to fail, resulting in continual financial burdens on the Northern Ireland exchequer. That is the same conclusion that was reached in the report on the control of TB that was published by the Public Accounts Committee earlier this year.

In order to address the failures in the current TB strategy, the Committee called on the Department to review legislation relevant to the eradication of bovine tuberculosis and, in particular, to extend its existing powers to allow for the proactive cull of badgers and susceptible wildlife. The Committee originally proposed that clause 1 be amended to compel the Department to implement a TB eradication programme whenever disease incidence levels reached a defined intensity in a defined area; in effect, when the Department recognised that a hot spot was extensive. The proposed programme would have included the culling of all susceptible animals in that area, including badgers and wild deer.

The Department rejected that proposal, citing the extensive powers already available under the Diseases of Animals Order 1981 and in the Bill to deal specifically with badgers. I want to make it clear that officials from the Department of Agriculture and Rural Development (DARD) have stated in evidence that the powers to tackle the disease, including the culling of susceptible animals, are in statute and are within the gift of the Department. Therefore, it is up to the Department to use them.

It is the Department that is refusing to make use of those powers, despite the industry being almost unanimously supportive of the eradication of the disease. It is the Department that is content to have spent £200 million over the past 10 years so that the disease can be maintained at the same level now as it was 10 years ago. It is the Department that is content to continue to spend, or waste, £25 million per year for the next five years, when, as it told both my Committee and the Public Accounts Committee, it might be in a position to indicate when it might be able to eradicate the disease. That will be another £125 million, on top of the £200 million already spent, to move us no closer to eradicating the disease. It is important that the House gets a sense of our frustration on that point.

The Committee, therefore, agrees with the aim of clause 1, in that it will extend the powers to slaughter in the event of an outbreak of transmissible spongiform encephalopathy (TSE). However, the Committee did not agree with the policy direction of the clause, as it believed that it did not tackle the increasing TB incident levels. The Committee has recommended that it should undertake an inquiry into the eradication of bovine TB, with the aim of bringing forward a Committee Bill to amend the Diseases of Animals Order 1981 to introduce a defined compulsory bovine TB eradication programme, which would include the removal of all animals susceptible to bovine TB.

The Committee, like most others, is facing a heavy legislative programme at the moment that is preventing the immediate commencement of that inquiry. However, I can assure the House, while also reminding the Department, that the inquiry remains a priority for my Committee, because, in my view and the Committee's view, the Department cannot be allowed to continue to waste money on this issue.

I thank you, Mr Speaker, for giving me latitude to set out that explanatory position. I will now turn my attention to the first group of amendments, and I thank the Minister for her explanation of those amendments.

The Committee and the Department are in the happy position of having agreed all the amendments after much debate and negotiation. The Minister gave us a flavour of that discussion. She also provided an

explanation of the amendments and their impact on the clauses of the Bill.

The Committee expressed grave concerns about the clauses dealing with powers of entry, as it strongly believed that the original clause offered little or no protection to farmers or farm dwellers. The Committee did not dispute the need for searches of farm businesses and, where merited, farm homes. Indeed, the Committee is adamant and should be absolutely clear that those who bring the industry into disrepute and put it at risk should not be protected. However, it felt that the weaknesses that were highlighted following the alpha-nortestosterone (ANT) episode had not been mitigated and that safeguards needed to be built into the clause to offer protection to the innocent. The Committee, therefore, called on the Department to safeguard farmers and farm businesses by drawing up a new code of practice for the search of premises under warrant. The Department agreed to that request, and the amended clause refers to the code. That is a significant development as it provides stakeholders and the Committee with the opportunity to participate actively in the compilation of a key departmental procedure.

In addition, the new code of practice is to be issued to all Northern Ireland farm businesses and placed on the Department's website. At the outset of a search under warrant, the code must be issued to the farm occupier. That will ensure that all those involved, including the occupier and departmental officials, will be aware of the extent of their rights and, importantly, the limitations of the power.

Secondly, the Department agreed to the Committee's recommendation that a search liaison officer, totally independent of the Department, be appointed to ensure that searches have been conducted in accordance with the code of practice.

Finally, the Department agreed with the Committee that farm occupiers would have access to third-party oversight during searches as an assurance that the search was being undertaken in an appropriate manner during what might be a stressful time.

The Committee fully supports the Minister in her intention to oppose the Question that clause 6 stand part of the Bill. The Committee believes that the clause would result in innocent recipients of fixed penalties accepting the penalty rather than pursuing an expensive and public court case.

The Committee made a number of proposals to the Department on clause 6, including a proposal to define the proposed penalties in the Bill and a proposal on verification of the evidence supporting the issue of the notice by two departmental officials. However, the Department insisted that the clause would not be amended. The Committee pursued the matter and insisted that procedures be established that would

allow a recipient of a notice to appeal its issue within 21 days. The Committee believes that that would afford individuals who were mistakenly accused the opportunity to present their evidence to the Department for consideration.

The Committee's argument was strengthened when a senior enforcement officer from the Department stated in evidence to the Committee that there was the potential for abuse of the fixed penalty system. I am delighted to say that the Department considered the arguments that the Committee presented, and, following consultation with the Minister, the Department advised the Committee that the Minister would not support the motion that clause 6 stand part of the Bill. The Minister has the support of the Committee for Agriculture and Rural Development for that and for the amendments in the first group.

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle. With your indulgence, Mr Speaker, I pay tribute to the Minister and the Department for their swift actions when faced with animal diseases — for instance, the introduction of measures to prevent bluetongue from spreading to Ireland. New strains of disease will attack the country, and animal disease legislation must be improved to combat that. Officials need laws that are fit for purpose, given the consequences that any disease will have on the agrifood industry. We cannot have a situation in which we are powerless or slow to react to an outbreak of disease. We all remember the devastation that the foot-and-mouth epidemic brought to the agriculture and tourism sectors.

I will now turn to the main aspects of the Bill, particularly amendment No 1, which relates to clause 4. There is a need to ensure that, during an outbreak of disease, inspectors can get onto farms quickly to carry out any essential investigations and that powers are available to deal with any stumbling blocks. Currently, the system involves seeking a court injunction, which is a time-consuming process when facing an outbreak of disease. Legislation is needed to combat serious diseases that have the potential to destroy the farming industry. We all hope that the new measures will give the Department extra powers to eradicate disease, particularly brucellosis.

2.00 pm

Farmers' human rights must also be respected. There was much anger about how the alpha-nortestosterone situation was handled. I hope that lessons have been learnt and that safeguards have been put in place to ensure that such events never happen again.

I welcome the Minister's comments that additional operational and administrative protocols will reinforce safeguards in the Bill. The Committee sought extra safeguards with regard to search and entry

powers; for example, that it was essential to set up a code of practice to which inspectors must adhere rigidly. I ask the Minister to inform the House when such a code of practice for entry to premises will be made available for Committee scrutiny. Although she touched on that issue in her remarks, the House needs further information.

Another important qualification is that powers will not extend to dwelling houses unless the occupier is given 24 hours' notice of intended entry. I ask the Minister to expand on that. Can she also explain how search liaison officers will be appointed? She said that they would be totally independent from DARD, so what sector is she looking at in that regard? Can the Minister also clarify that raids on the farming community will not increase simply because it seems easy to obtain warrants from lay magistrates?

Sinn Féin will oppose the question that clause 6, on fixed penalties for certain offences, stand part of the Bill. It is another clause that required much work to be carried out by the Committee. It is not surprising that stakeholders were not jumping with joy about it.

I concur with the Minister that any breaches in disease control measures are deplored by, and cause considerable annoyance to, farmers and the rural community in general. It must be remembered that those breaches cost the community greatly. That money could be directed to rural development and initiatives to improve farming areas.

During Committee Stage, fears were expressed that farmers could be hounded about minor offences by overzealous officials. Consensus could not be reached on that issue. The Committee suggested a possible compromise; the introduction of an appeals mechanism for farmers. However, the Minister explained that she did not believe that the Department could legally proceed with an appeals system for fixed penalties.

Every Committee member wanted a measure to safeguard farmers from legal miscarriages by accepting fixed penalties. Members felt that farmers might be forced to pay fines even when insufficient evidence is presented. It was proposed that fixed penalties would be introduced to speed up streamlining of minor offences in order for them to be processed more quickly and, therefore, reduce bureaucracy.

As the Committee considered the matter further, we decided that even if it were legally possible to introduce an appeals system, it would not reduce bureaucracy and, indeed, would probably increase it. Therefore, there would be no point in introducing a clause to that effect. As the Minister described, motor vehicle fixed penalties provide my office with an ever-increasing workload. I could certainly do without adding to it.

At the end of the day, everyone wants to achieve compliance. It is in everyone's interests that that be carried out without fixed penalties or court cases. However, the Assembly cannot allow a minority of rogue farmers to jeopardise the well-being of our proud agriculture industry. I am sure that all Members agree on that.

Law-abiding farmers would have nothing to fear from fixed penalties. However, as I pointed out earlier, the Committee felt strongly that an appeals system could have increased bureaucracy instead of reducing it.

Amendment No 2 to clause 5 relates to the failure to give a name and address for fixed penalties as set out in clause 6, which, as I have mentioned, my party will oppose. Has an inspector got power to ask for the name and address of any person in connection with enforcement of animal health legislation? That is an essential requirement in investigating the outbreak of diseases, such as foot-and-mouth disease and bluetongue. Speed is of the essence to combat those diseases and to protect the rural community. Go raibh maith agat.

Mr Savage: As someone who has been involved in farming for all of my life, I declare an interest in the debate and the Bill. It is important to note that the Bill's primary purpose is to update and strengthen the Department of Agriculture and Rural Development's powers that are contained in the Diseases of Animals (Northern Ireland) Order 1981.

The Bill will strengthen the Department's powers to enter farms for the purposes of surveillance, vaccination, serology and slaughter. That said; there must be greater consultation between farmers and the Department, especially when problems arise. Sometimes, the Department washes its hands of the whole problem and farmers get the blame, even when the Department is perhaps at fault. Greater trust must be built between farmers and the Department. Amendment No 1 provides the necessary framework for the production of a code of practice that departmental inspectors will have to abide by. I trust that the Department will work closely with the Committee for Agriculture and Rural Development to ensure that there is a code of practice that everyone inside and outside the industry can sign up to.

When an incident occurs on a farm, that does not mean that an official from the Department of Agriculture and Rural Development can enter that farm, pressurise farmers, and do whatever he wants just because he arrives at the farm wearing a badge of identification round his neck. I will oppose such practices at every available opportunity. Farmers and the Department must work more closely together. If the Department respects farmers, farmers will respect the Department. That bond and co-operation must exist. I will be indebted to the Minister if she gives me a commitment today that the clause in question will have

that effect. I will support farmers in every way that is humanly possible.

Mr Burns: I oppose clause 6, which will provide the Department with the power to impose a fixed penalty notice to anyone believed to have committed an offence. It is my understanding that the offences being considered are those involving disease control measures; for example, the movement of restricted animals, especially during times of crisis. However, the offences are not stated in the Bill; therefore, we could be talking about any number of other offences that may be created under the legislation in future. As far as I understand the clause, people who are given such notices would not be liable for conviction if they pay the fine within 21 days, and there would be no right of appeal. Most people will be familiar with the format of the notices, especially if they have been given a ticket for a road traffic offence.

The Committee was extremely concerned about the introduction of on-the-spot fines and the possibility of errors being made. There was some suggestion that the system may even be open to abuse. Some people who gave evidence were also very worried about the amount of red tape that the system would create.

My main concern and that of the Committee was that innocent farmers would have to accept unfair fines and would not mount legal challenges because going to court would result in high costs and a lot of embarrassment. That was also the view of the Department's most senior officials, and it was certainly the view of the Ulster Farmers' Union. Its representatives actually informed the Committee that there would be very little support for those measures from the farmers themselves. I do not support the fixed penalty system.

Dr W McCrea: I join with other Members in welcoming the Diseases of Animals Bill, because it will provide important assistance to the agriculture industry. The Chairperson of the Committee rightly said that we want to protect the industry, as it is still the primary industry in Northern Ireland, and rightly so.

It is true that the Committee extensively scrutinised the Bill. Anyone who reads the Minutes of Evidence will find that there were robust exchanges between the Committee and the Minister and her officials about the Bill. It was right that that should happen, because genuine concerns were expressed, and the Bill is better as a result of those robust exchanges.

As was said, it is vitally important to have a bond of trust between the farming industry and the Department. However, we also must remember that the Department is the Department and the farming industry is the farming industry. Therefore, there will be times when there are differences of opinions and of emphasis on particular issues. Nevertheless, it is vital that we

discuss those issues in depth in the Committee and the Chamber.

As the Committee Chairperson pointed out, the Committee is right to demand that the Department takes a more proactive approach to eradicating TB. The expenditure of £25 million every year is totally unacceptable and, as far as I am concerned, the present policy has failed. An intolerable burden exists, and the Committee will not fail in its efforts to keep that issue on the front burner. We are frustrated by and, at times, angry at the Department's failure to take more action on the matter, which will continue to be a bone of contention until it is resolved. We are still looking to the Department to take that forward.

I wish to draw Members' attention to two issues, the first of which is powers of entry. During the Committee's deliberations on the clause relating to powers of entry, it acknowledged that there are circumstances when departmental officials will require access under warrant to farm businesses and, in very exceptional cases, to farm dwellings. However, access to farm dwellings, and that invasion of privacy in a person's home, should happen only in exceptional circumstances when there is evidence that an offence has occurred. We have learnt from past experiences that concerns about that have been warranted.

The Committee felt that the Bill, as first presented, was imbalanced and leaned in favour of the Department, and the Committee was concerned that farm businesses and farm families were not sufficiently protected. However, after some toing and froing among the Minister, the Department and the Committee, we came to a sensible resolution of the matter.

There will now be a code of practice for searches of farm premises under warrant. The Committee and stakeholder groups must scrutinise that code of practice carefully. I am delighted that there will also be a search liaison officer who is totally independent of the Department. I think that those are helpful solutions. Farmers will also have the right to have a witness present during searches, and that is a protection not only for the farmer but for the search officer, because it removes the risk of accusations being made. I think that that is a step in the right direction and will build trust between the Department and the farming industry.

The second issue that I want to raise is that of fixed penalties, which the Committee was keenly exercised about. The Committee believes that some people who are mistakenly accused of an offence may accept the offer a fixed penalty even though they are totally innocent. Some people may question why such a person would accept a fixed penalty if they are innocent, but there is a number of reasons for that.

First, if a farmer does not accept the penalty, he faces getting a criminal conviction, because no one

knows what will happen in court and nothing is guaranteed. Some strange and even foolish decisions have been made in the courts.

Second, there is the issue of a court appearance. A farmer who has never been in a court in his life and who has never been on the wrong side of the law would probably prefer to accept a fixed penalty than go to court and experience the perceived shame that that would bring on his family.

Thirdly, we must consider the cost of any legal proceedings. Although the cost of the Department's legal fees would be paid for out of its budget and taxpayer's money — in fact, the farmer as a taxpayer would also be paying for that — the farmer would have to pay for his own legal fees in what may be costly proceedings.

That is why the Committee strenuously opposes that clause. That protects against miscarriages of justice. Therefore, as is recorded in the Committee's summary of considerations and agreed amendments, the Minister rightly proposes to oppose the Question that clause 6 stand part of the Bill, which would have the effect of removing the fixed penalty system from the Bill. That is a very helpful solution and one which shows the importance of the Committee's scrutiny.

I thank the Department and the Minister for listening to what the Committee had to say on the important issues that affect the farming community.

2.15 pm

Mr Molloy: Go raibh maith agat, a Cheann Comhairle. The Diseases of Animals Bill is an important piece of legislation, and the Agriculture Committee had an important role to play in the scrutiny of the proposals and amendments. As has been said, there was some banter between departmental officials and others about the issues. However, it is important that we have a clear understanding from the Department about, perhaps not the mistrust of roles, but the separation of roles, which has not always been clear.

The Department needs to look on the Bill as a new opportunity to build a better relationship with farmers. We all want to see the eradication of disease, in particular, brucellosis, and the enforcement of policies as strictly as possible. However, the way in which those policies are enforced is important, and vets and departmental officials have an important role to play in implementing them.

Last night, I read the Bill again, and I wondered why some of the clauses were included. In some senses, certain clauses come across as severe and draconian and could raise concerns. Therefore, it is important that the Department does not abuse the legislation when it comes into effect and that it uses it sensitively. The Department must respond to the needs

of farmers and take into account that their role, as full-time working men and women, is to farm and to try to produce.

At times, the paperwork can be problematic to say the least. The way in which the Department implements legislation and communicates can sometimes be restrictive. Therefore, how the Bill is implemented is important, as are the implementation of biosecurity structures and the building of a relationship of trust and encouragement between the Department and the farmers. The Bill provides a new opportunity to build that trust, and the Department has a role to play in that. The public want to see diseases eradicated and the policies on brucellosis and other diseases implemented as quickly as possible. It is very important that enforcement issues are dealt with sensitively.

In relation to fixed penalties, we have reached the best solution from among our proposals. People now have an opportunity to go through the process to see whether there are particular issues that they want to deal with. Cases may eventually go through the courts. However, we often find that, as in other circumstances, people will accept the fixed penalty because that is the easiest option, which may leave them in a difficult situation. We now, at least, have a structure in place to deal with that.

The Diseases of Animals Bill is a very important piece of legislation. Other arguments will crop up later in the debate in relation to the amendments and biosecurity. However, at this stage, it is very important to welcome the Bill and the co-operation that there has been in the Committee and with the departmental officials in trying to get the best piece of legislation, not just the first or quickest piece. The legislation will ensure the protection of farmers and of the vets and departmental officials who will implement it.

Mr Irwin: At the outset, I declare an interest as a farmer.

The issue of disease in animals is one that fills every farmer with dread. To have one animal in a herd affected means that the entire herd is restricted, and it can take a considerable time to resolve that situation. A number of tests may be involved, as well as a lot of inconvenience for the farmer concerned.

With the inconvenience and cost to the Department and farmers in mind, the overriding theme of the Bill, and the collective efforts of the Department and those who are involved in the farming industry, must always remain focused on the eradication of diseases, such as brucellosis and TB in cattle. In the early 1990s, for example, it was thought that brucellosis had been almost eradicated. Its eradication is within the Department's grasp.

I welcome the Bill and the Department's efforts to update it to make it more applicable to today's industry

by referring to the issues that surround powers of entry and the various questions that they present. Obviously, when the deliberate infection of cattle is suspected, the Department must do all in its remit to ensure that the person responsible is made amenable for the crime. The deliberate infection of cattle is a serious issue; the unscrupulous farmer responsible not only affects his herd, but puts at risk the livelihood of neighbouring farmers who are trying hard to make a living in the current economic climate.

The Department's approach to such incidents, and the wider issue of powers of entry, must be handled in a cautious manner. Although we all want unscrupulous operators to feel the full weight of the law, there is obvious concern for the genuine farmer who is guilty of no wrongdoing. We need no reminder of the farm swoops that were carried out by the Department during the alpha-nortestosterone affair. A constituent of mine, who was in his 70s, was the victim of such a swoop by the Department and the PSNI despite having done no wrong. That is an example of why the legislation must be balanced.

On other occasions, the approach of departmental officials when visiting farms was totally unsuitable. The families affected were concerned by the attitudes of those officials. The code of practice for entry is the most welcome addition to the Bill and, going by the reports that I have received from various farmers who were suspected of wrongdoing and were subject to visits from the Department, the need for a measured yet efficient approach is crucial. Many of my concerns about the powers of entry relate to reports that I have received about the attitude of inspectorate staff and the way in which farmers were left feeling like criminals when they had done no wrong.

I understand that a balance must be struck between the realities of an investigation into a deliberate infection, which is a deeply irresponsible crime, and the need to uphold the rights of a farmer who, by law, is innocent until proven guilty.

The Minister of Agriculture and Rural

Development: Go raibh míle maith agat, a Cheann Comhairle. I will take the opportunity to respond to the Chairperson of the Committee's comments on bovine TB before addressing the substantive elements of this afternoon's debate.

Although the Bill provides additional powers for dealing with animal disease, it is not specifically related to bovine TB, as the Assembly accepted when it ordered clause 1 to stand part of the Bill. I accept that the Committee for Agriculture and Rural Development is not content with my policy approach to the eradication of bovine tuberculosis, and it has committed to undertaking a formal inquiry with a view to bringing forward new legislation on an enhanced

and compulsory bovine tuberculosis eradication programme. I reiterate that I welcome such an inquiry and that I and my officials will work with the Committee on that. Given the scope of the inquiry, I hope that its terms of reference will be made as wide as possible to take into account all the available evidence on badgers and bovine TB and to include the views of all interested stakeholders and Departments, because it is a cross-cutting issue. As there could be significant financial implications for the public purse, I hope that the Committee will provide clear evidence in its report on the cost effectiveness of any measures that could become mandatory.

However, I want to make it absolutely clear that progress has been made on bovine TB here. Ten years ago, the rate of bovine TB in the North of Ireland was rising, with levels peaking in 2002. We have since made considerable progress; the rate has fallen from 9.93% in 2002 to 5.48% today.

Moreover, the TB programme that we have been implementing in recent years has been successful in supporting our export trade in live cattle and products. In light of the programme, about 90% of herds here are able to participate fully in export markets, which are valued at over £900 million. That said, I do not want the Consideration Stage to become a debate on the policy for the eradication of TB. That is a separate and distinct issue and has little relation to the Bill. I am happy to discuss the matter further with the Chairperson and the Committee at another time.

I will address some issues that were raised during the debate. One of the Chairman's first comments related to powers of entry. Powers of entry are likely to be used during a disease outbreak for the purposes of the testing, vaccination, identification or slaughter of animals. If those powers are not available, it could jeopardise our ability to deal effectively with a disease outbreak. The new powers will enable inspectors to enter premises to identify animals, using methods such as DNA sampling or retinal imaging. For example, a TB or brucellosis reactor that is identified by one of those methods will ensure that the correct animal is removed from the farm for slaughter.

Several Members mentioned the alpha-nortestosterone issue and how it has been handled. The investigations that were carried out in 2007 on alpha-nortestosterone related to food safety concerns, and the powers of entry were exercised under the Food Safety Order 1991, not the diseases of animals legislation. Nevertheless, I fully accept that valuable lessons have been learned from the alpha-nortestosterone issue.

The powers in clause 4 will enable the Department to respond quickly to a disease situation while respecting the privacy rights of farmers and farm businesses. I hope that the safeguards that are provided

by the restrictions on entry to private dwelling houses, the strict conditions under which a warrant may be issued, the new code of practice for entry to premises that are under warrant, the role of the independent search liaison officer and the right of occupiers to have a witness present will offer protection and reassurance to everyone.

Several Members asked when the code of practice will be available. It is essential to have a code of practice in place that everyone can support. Therefore, officials have consulted informally with the Committee for Agriculture and Rural Development, the UFU and NIAPA on the terms of a draft code. No significant changes were required to the initial draft code, but officials were able to clarify some issues. The draft code will be issued for formal consultation with the Committee for Agriculture and Rural Development and stakeholders when the Bill becomes law early next year. The code will be clear and unambiguous, and a copy will be issued to every farmer in the North and placed on the Department's website. As I said, the occupier will also be given a copy at the time of a search. We will follow the same procedure of consulting the Committee and stakeholders before making any revisions to the code.

George Savage and others mentioned the issue of creating trust between farmers and the Department. I hope that the code of practice shows that trust is being built, and I hope that the industry and others feel that I have spent the past two and a half years building that trust and building partnerships. The word "partnership" has been mentioned several times today; partnership is extremely important and has featured heavily in every public utterance that I have made. Partnership will enable the industry and the Department to move forward together with the help and support of the Committee for Agriculture and Rural Development. I am keen to establish trust and build on it, so that we reach a stage at which it is unquestioned.

Willie Clarke mentioned the ability to enter a private dwelling house. Under the new powers, a lay magistrate may issue a warrant to enter a dwelling house. However, entry to a private dwelling house for purposes connected with the new Order would be highly unusual. The main purpose of the legislation is to inspect, test and take samples of animals or poultry, and none of those key enforcement functions require entry to a dwelling house. For disease control purposes, inspectors normally require entry to farm buildings only. However, if it were considered necessary to search a dwelling house, 24 hours' notice must be given to the occupier or the entry must be exercised under the authority of a warrant from a lay magistrate. The warrant is subject to strict conditions, and the magistrate must be satisfied that there are

reasonable grounds for the inspector to require entry to the premises.

2.30 pm

Willie Clarke also asked whether there will be more searches. Again, strict conditions must be satisfied before a warrant for the inspection of a dwelling-house can be issued without notice. First, the magistrate must be fully satisfied that there are reasonable grounds for an inspector to require entry to premises: the magistrate must also be made aware of any representations from the occupier of the premises in connection with the application for a warrant and must consider those matters in every case in order to decide whether a warrant should be granted.

Dr McCrea raised the issue of the search liaison officer. I assure Members that the search liaison officer will not be a DARD official, nor will he or she have any connection with DARD. It is important that that person is completely independent from the Department; and we will be guided by OFMDFM's public appointments unit on the procedures required to appoint a panel of search liaison officers who can be called on to undertake the role as and when required.

Francie Molloy spoke about protecting the majority of law-abiding farmers from the illegal or inappropriate actions of others. There is no doubt that breaches of disease control measures cause considerable resentment among law-abiding farmers and the general public alike. The powers in the Bill will increase DARD's effectiveness to take action against the small minority of offenders.

New powers involving the issue of warrants by a lay magistrate will be available to deal with any delay or obstruction in getting on to farm premises quickly to carry out investigations. The fixed penalty scheme will act as a deterrent to those who are involved in the illegal movement of animals — I am sorry; I am seeking to remove the provision for fixed penalties from the Bill. We want to emphasise that the Bill protects the majority of law-abiding farmers, and it is important that people are reassured about the intentions behind it. I was also asked whether DARD can request names and addresses in connection with disease investigations. Clause 4 makes it a legal requirement to provide a name and address in connection with an investigation under the Diseases of Animals Order 1981.

Dr McCrea and Francie Molloy talked about the robust exchanges that took place between me, my officials and the Committee. They were robust at times; Francie Molloy said that there was banter, but sometimes it was more robust than banter. However, we must recognise that we have a big job of work to do and that this legislation is important, as are the other pieces of legislation that are coming up. We will need

that forthrightness, trust and honesty on both sides to enable us to move on other areas of legislation. I appreciate the time and effort that the Committee put into this matter; and it is important to recognise that when we work well together we can get an awful lot done.

I am conscious that I did not refer in the main to the comments made by William Irwin and Thomas Burns. Mr Burns talked about clause 6, which I am seeking to remove from the Bill. Mr Irwin mentioned brucellosis, and if he is content, I will deal with the issues that he raised when we debate the second group of amendments. I am content: much work was put into the Bill, and I believe that it is a good piece of legislation. I am pleased with the co-operation that my Department has had in bringing it forward. Go raibh mile maith agat, a Cheann Comhairle.

Amendment No 1 agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5 (Failure to give name and address)

Amendment No 2 made: In page 5, line 30, leave out from “or” to “4A” in line 31. — [*The Minister of Agriculture and Rural Development (Ms Gildernew).*]

Amendment No 3 made: In page 5, line 33, leave out “or that sub-paragraph”. — [*The Minister of Agriculture and Rural Development (Ms Gildernew).*]

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6 (Fixed penalties for certain offences)

Mr Speaker: The Minister's opposition to clause 6 has already been debated. I remind Members that if they do not want clause 6 to stand part of the Bill, they should vote no, and if they want clause 6 to stand part of the Bill, they should vote aye.

Question, That the clause stand part of the Bill, put and negated.

Clause 6 disagreed to.

Clause 7 ordered to stand part of the Bill.

Clause 8 (Biosecurity guidance)

Mr Speaker: We now come to the second group of amendments for debate. With amendment No 4, it will be convenient to debate amendment Nos 5 and 11. The amendments deal with the removal of the part of the Bill that links non-compliance with biosecurity guidance to withholding of compensation and also provides for the making of a disease-specific Order on withholding compensation.

Members will wish to note that amendment Nos 4 and 5 are interconnected. In addition, amendment No 11 is consequential to amendment No 4. Therefore, if amendment No 4 is not made, I will not call amendment No 11.

The Minister of Agriculture and Rural

Development: I beg to move amendment No 4: In page 8, line 43, at end insert

“(3) The Department may by order prescribe the circumstances in which it may withhold, either wholly or partly, compensation or any other payment in respect of an animal slaughtered under this Order where—

- (a) the slaughter has been necessitated by brucellosis;
- (b) guidance relating to brucellosis has been published under Article 4A(3) and has not been withdrawn; and
- (c) the owner or person having charge of the animal has failed to comply with that guidance.”

The following amendments stood on the Marshalled List:

No 5: In page 9, leave out lines 1 to 7. — *[The Minister of Agriculture and Rural Development (Ms Gildernew).]*

No 11: In clause 21, page 14, line 20, after “4A(1),” insert “4B(3),”. — *[The Minister of Agriculture and Rural Development (Ms Gildernew).]*

The Minister of Agriculture and Rural

Development: Go raibh maith agat, a Cheann Comhairle. Clause 8 of the Bill will enable the Department to prepare and publish statutory biosecurity guidance for dealing with specific diseases. That guidance will include practical measure that farmers can take to prevent the introduction of disease to their premises.

The importance of having a common set of biosecurity standards that everyone will have to comply with is vital, particularly during disease outbreaks. Breaches of biosecurity practice can lead to the spread of disease, not only on the affected farm but to neighbouring farms and further afield. I am aware that the majority of farmers already operate high standards of biosecurity. However, there is, unfortunately, a minority who jeopardise those efforts and put the entire industry at unnecessary risk.

The guidance for specific diseases will be clear and unambiguous and will set standards with which everyone will be able to comply. When that guidance is drawn up, a copy will be issued to every herd-keeper in the North of Ireland. Once it has been issued, my officials will be on hand to offer the necessary support and advice.

Clause 8 provides that it will not be an offence, in itself, to fail to comply with the guidance; however, evidence of failure will be admissible in court proceedings for an offence under the Diseases of Animals Order 1981. The clause also enables consideration to be given to the withholding of all or part of compensation when there is a link between disease outbreak and the need to slaughter animals as well as non-compliance with the statutory guidance for that particular disease.

Amendment No 5 gives effect to an agreement that I made during the Committee Stage of the Bill to remove the compensation link. I advise the Agriculture and Rural Development Committee that, although I recognised and accepted their legitimate concerns about the compensation link, I made it clear that I would return to that issue in future legislation if a particular disease situation warrants it.

In light of information that I subsequently received from my veterinary advisers about brucellosis, I entered into discussions with the Committee about the steps needed to eradicate that costly disease. It is significant that this is one of the few places left in Europe, and the only part of these islands, where brucellosis is still present. We have made good progress over the past couple of years to reduce disease levels, and there is now a real possibility of pushing for brucellosis freedom for the North of Ireland.

As brucellosis is a highly infectious and clustered disease, poor biosecurity can be a serious risk to the individual farmer, to herds around his or hers and to the entire industry. Improving biosecurity will be essential in pushing toward the eradication of the disease.

A link between serious non-compliance with the most important elements of the biosecurity guidance and withholding compensation for the slaughter of diseased animals will provide an important additional tool to intensify our efforts to push for brucellosis freedom for the North of Ireland. I am pleased that, after intensive discussions, I have secured the Committee’s agreement to a further amendment, which will make a link between compliance with new statutory biosecurity guidance on brucellosis and payment of compensation for the slaughter of animals that are infected with the disease.

Amendment No 4 will enable an Order to be drawn up to specify the key areas that will trigger consideration of the partial or whole withholding of compensation because of serious failure to comply with biosecurity guidance on brucellosis. My officials will work closely with the Committee and the industry to draw up the guidance and the Order to specify the key areas that will trigger consideration. I have already established a brucellosis working group with officials and industry and veterinary representatives, and it has been tasked with drawing up the biosecurity guidance and identifying the key areas that may trigger consideration of a reduction in compensation.

I thank the Committee and industry representatives for their engagement on this important matter. I recognise fully that it is an extremely difficult issue for everyone. I place on the record that I am not introducing the amendment as a way to withhold money from conscientious farmers who, regrettably, have a disease breakdown in their herd. That is not on my agenda at

all. I also make it clear, because there may be some misunderstanding, that the amendment is not intended to be a means of reducing compensation costs and delivering efficiency savings. However, a reduction in the level of disease, whether as a result of there being a greater focus on biosecurity or any other reason, will help to reduce costs and contribute to efficiency savings.

In common with all Departments, DARD will be required to achieve efficiency savings, but that is a totally separate issue from clause 8. The purpose of amendment No 4 is to encourage and achieve compliance with biosecurity guidance to reduce, and eventually eradicate, outbreaks of brucellosis. That will benefit everyone in the livestock industry. Consideration will only be given to withholding compensation in the most serious cases, where a herd-keeper's blatant or negligent disregard of biosecurity guidance has put his or her own herd, surrounding herds or, indeed, the entire industry at risk.

We must remain focused on the end prize. The actions that I propose will help us to move more quickly towards eradicating brucellosis and thereby reducing the costs of controlling the disease, the subsequent burden on taxpayers and the costs to the industry. William Irwin is not in his place, but, when I talk about costs, I am referring to the human costs as well as the financial costs. Anyone who has had an outbreak will recognise the difficulties that brucellosis causes. Ultimately, if we achieve brucellosis-free status, we will be able to step down the requirements for annual testing and pre-movement testing. That is good news, and it will benefit everyone in the agrifood industry. Amendment No 11 provides that the Order that prescribes the circumstances in which brucellosis compensation may be reduced shall be subject to negative resolution in the Assembly.

The Chairperson of the Committee for Agriculture and Rural Development: I thank the Minister and her departmental Bill team for being available to the Committee. I also thank the Committee's staff and members for making the Bill better legislation than it was when it first came before us. That is the purpose of Assembly Committees, and our Committee has proved that point.

Opposing evidence on clause 8 was presented to the Committee. VetNI welcomed the proposed compulsory biosecurity guidance, but the Ulster Farmers' Union did not want the existing voluntary code to be made compulsory. The Ulster Farmers' Union also indicated its concern about the guidance's being used as a means of limiting compensation for non-compliance. The Committee remains opposed to linking compliance with the code to compensation payments, but, importantly, we welcome the explanation and clarification that the Minister placed on the record today. Although

the Committee expressed its concerns regarding the move from the voluntary to the compulsory code, it is assured by the Department that the code will be applied in conjunction with the industry and that the application of the guidance will be achieved through subordinate legislation that must be brought before the Committee for its consideration and approval.

2.45 pm

The Committee accepted that the Department wished to have a deterrent for non-compliance with the guidance in the Bill. However, the Committee's view was that admissibility of non-compliance in the courts was a sufficient deterrent and that the link with compensation payments was extreme. The Department considered the Committee's arguments and agreed to remove the Bill's link between non-compliance and a reduction in compensation.

However, the Minister and the Department did a volte-face in respect of the agreed position late on the Friday before Consideration Stage was to be moved. The Minister and her senior staff came to the Committee on Monday 1 June and said that they wished to reintroduce the link as it would help to eradicate brucellosis. The Committee for Agriculture and Rural Development congratulates the Department and the industry on their joint efforts to reduce this disease to its current low levels. We, like them, want this disease and others to be eradicated in Northern Ireland. However, we want actions to be taken that are based on substantiated evidence, not upon hearsay. We want the industry and the Department to work together, as they have been doing, to eradicate this and other diseases, not the Department taking on powers that set it up as judge, jury and executioner. The Department does not need to be in such a position, nor should it want to be.

Let us be honest: the reason why non-compliance with the biosecurity guidance is not an offence is because the burden of proof would be on the Department, and it is too difficult to prove. The Department unilaterally deciding that compensation should be reduced or removed would not have the same burden of proof. In the Committee's view, it was an easy option that benefited the Department and penalised farmers.

It would not have ended there. It would not have stopped just with brucellosis; it could have been used against diseases such as TB. Although the Committee noted and accepted the assurances of the Minister and the Department that the power to reduce compensation was not being introduced for any reason other than to eradicate brucellosis, we could not and would not allow such a general, but powerful, power to be introduced without checks and balances. We took the Department at its word.

At a meeting in Enniskillen with the Minister and her senior officials, I put forward the suggestion that the Department specify brucellosis in the Bill. The Department resisted that suggestion and responded by restating that the subordinate legislation would be specific to brucellosis and that that would continue to be scrutinised and approved by the Committee. However, that would leave the power to reduce compensation in other circumstances in the primary legislation and would not allay the fears that the Committee, and, most important, the industry, had voiced.

In order to support the eradication of brucellosis, while at the same time addressing the concerns that were expressed about this matter by members, the Committee sought legal advice about whether the clause could be amended to include a specific reference to brucellosis. The substance of the advice was that there was no legal impediment to specifying brucellosis in the clause. Having considered that advice, the Committee recommended, on 8 September, that the Department should specifically refer to brucellosis in the clause. That was further emphasised by the Deputy Chairman of the Committee and me at a meeting with the permanent secretary and senior officials on 14 September. The Minister attended our meeting on 15 September and advised that the Department would happily accept our recommendation to specify brucellosis in clause 8. I welcome that agreement.

The Committee remains concerned that the Department's priority in this matter has changed, particularly as reductions in compensation payments for brucellosis-infected animals where there is evidence of poor biosecurity has appeared in the departmental efficiency delivery plans. The Committee assures the House and farm businesses that it will continue to scrutinise those plans to ensure that any efficiencies that are achieved are the result of a successful pursuance of the eradication of brucellosis, and not a targeted attack on farm biosecurity to save money. That would be a travesty.

The Committee's priority in negotiating amendment No 4 was to eradicate brucellosis while protecting the industry. The Committee will require regular updates from the Department on progress against that priority, and it looks forward earnestly to the industry being brucellosis-free in a couple of years' time. The Committee for Agriculture and Rural Development, therefore, supports the second group of amendments.

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle. In supporting amendment Nos 4, 5 and 11, I reiterate that the vast majority of farmers have very high standards of biosecurity. The Bill is not about burdening those farmers; it targets farmers who jeopardise our whole industry. That cannot be allowed to continue, particularly given the need to eradicate brucellosis.

The guidance will be disease-specific. It will provide farmers with the clear, precise advice that they need to prevent disease. There is a constant need to develop relationships between farmers and the Department, and there are concerns about how the Department carried out raids in response to disease outbreaks in the past, as has already been touched on. In my opinion, the guidance will robustly defend farmers' rights. I ask the Department to include lessons learned from the past in the biosecurity guidance and to train officials, particularly those who will be involved in investigations and raids.

I welcome the guidance that will be provided to every herd holder. Will the Minister clarify whether officers will be allowed as much time as needed to explain the guidance and to offer support? As my colleague Francie Molloy said, we need a pragmatic approach, because sometimes these things can be bureaucratic, and farmers fail to understand it. We need that support and guidance, because the last thing that we want to do is create fear in the farming community. Will the guidance also be placed on the DARD website?

The Minister was advised by her officials that the tightening up of biosecurity provided the North with a good opportunity to eradicate brucellosis, hence making Ireland brucellosis-free. Brucellosis is very infectious, and good biosecurity is essential to controlling it. Poor biosecurity jeopardises neighbouring farms and poses a significant risk to our whole farming industry. Furthermore, the disease imposes a cost on all taxpayers. Brucellosis is not just a rural issue; it is everyone's, because large sums of money are paid in compensation. We must end that by eradicating brucellosis, and the guidance will provide us with another tool to achieve that aim.

Amendment No 5 has already been outlined. It deals with withholding all or part of the compensation, depending on how seriously the guidance has been breached. What safeguards have been put in place to ensure that ordinary farmers who have a biosecurity breakdown will not be unfairly penalised? Will new training be given to the officials who investigate breaches in biosecurity guidelines? Go raibh maith agat.

Mr Speaker: Before I call Mr Ford, I remind the House that Question Time for the Minister for Social Development is at 3.00 pm, so I may have to interrupt the Member and allow him to finish his speech after Question Time.

Mr Ford: Thank you, Mr Speaker. I take the hint. I trust that an interruption will not be necessary.

I first declare my interest or, technically, that of my wife in a family farm. As one who did not speak in the first part of the debate, I think that this section corresponds with what I heard earlier. The Minister has listened to the views of the industry. The Committee has reflected

those views and engaged in discussions that were, perhaps, robust, but that may have been the kind of discussion that was required. We probably have a good Bill now, and I shall support the three amendments in group 2.

Although there was a hint that it might be necessary to look further afield, I welcome the fact that the Minister specified that the amendments, at this stage, cover brucellosis as a single disease. That is the right thing to do, given that outbreaks of that disease have been decreasing for a considerable time. We hope that we are approaching its eradication, but as the Minister said, this is the only region in these islands in which the disease has not been eradicated. Therefore, in the light of the seriousness of brucellosis and the problems that it has created over the years for many decent farmers, any suggestion that some people should not comply with the guidance and be treated differently from those who are honest victims of a breakout is not right. The vast majority of farmers seek to comply as best they can with biosecurity, and they must not be subjected to the potentially disastrous actions of a small minority.

On a couple of occasions, the Minister referred to what she described as “serious non-compliance” with the biosecurity guidance. Indeed, she went further when she later referred to “blatant or negligent disregard”. Given that she has been able to inform the House about the timetable for the guidance’s publication and that it has largely been agreed informally, it would be important if she could give us more information about how she will consider the prescription of those circumstances that the proposed amendments cover.

There are clearly concerns, which Willie Clarke expressed, about how ordinary farmers might suffer. Therefore, in the same way that the guidance was consulted on in advance, there is a need for the Minister to detail the prescription of those circumstances. As she makes her winding-up speech for this part of the debate, I trust that she will give us some information. In the coming months, as that protocol develops, perhaps she will ensure that the Department continues to inform farmers so that they are fully aware of what is proposed.

The debate stood suspended.

3.00 pm

Oral Answers to Questions

SOCIAL DEVELOPMENT

Mr Speaker: Question 1 has been withdrawn.

Shared Future: Public Meetings

2. **Dr McDonnell** asked the Minister for Social Development to provide an update on her recent public meetings on ‘A Shared Future’. (AQO 392/10)

The Minister for Social Development (Ms Ritchie): Working towards a shared future has been at the forefront of my agenda since I became Minister for Social Development. Our divided society deepens poverty as well as prejudice. Therefore, I have begun work in my Department to tackle that division. For example, I have taken steps to ensure that shared housing is at the heart of my newbuild social programme and other programmes within existing estates and communities. I have also ensured that my urban regeneration master plans and public realm schemes have the core objective to make public space attractive for people to relax in and to live together in peace.

However, those developments alone are not enough. The successful achievement of the vision for a shared future, based on equality and mutual respect, requires actions not only to tackle the scourge of sectarianism but to challenge and address division and separation on other grounds, such as disability, race or culture. It requires strong political leadership and agreed policy and programme action by government. It must be a priority for all of us, if we are not to jeopardise all the progress of the past 15 years.

It is important, therefore, to develop a broader strategic approach to this important issue and over the past three months or so, I have held public meetings in Ballymena, Newry, Bangor, Enniskillen, Omagh, Belfast, Craigavon, Downpatrick, Derry, Lisburn, Strabane and Cookstown. Their primary purpose was to listen to what people have to say about a shared future and to hear their suggestions for possible ways forward. The meetings have been attended by more than 1,000 people, reflecting an appetite and a strong desire to take forward the shared future agenda. A wide range of opinion was expressed, covering areas such as political leadership, poverty and inequality, housing, planning, flags and emblems, public service delivery, the voluntary and community sector, education and

employment. I intend to develop proposals based on, among other things, the ideas and suggestions generated at those meetings, and I will bring my findings and proposals to Executive colleagues early next year.

Dr McDonnell: I thank the Minister for her answer. Can she suggest in what areas further progress can be made on the shared future agenda? For instance, are there any specific ideas to tackle the naked sectarianism that exists in some pockets of our communities?

The Minister for Social Development: I am well aware of the importance of the Member's question and the issue of naked sectarianism. People live in divided communities, in spite of the fact that 80% of the people in Northern Ireland have indicated that they want to live together rather than apart.

In my Department, the shared future agenda can be best addressed through housing, urban regeneration and community development. In particular, my Department can support shared housing initiatives, such as the Shared Neighbourhood programme, and develop the housing selection scheme to provide those who want to live in mixed neighbourhoods the opportunity to do so. In regeneration and community development, my Department can support those voluntary and community groups that promote the vision of 'A Shared Future' and actively work towards ending sectarianism and division. We will continue to plan and develop our city and town centres in ways that ensure that all the community has access to them as shared spaces for work and leisure.

However, as was demonstrated at our public meetings, there are other policy areas, such as education, planning and employment, in which a shared future agenda could be progressed. Those areas cut across the responsibilities of a number of Departments and highlight the fact that we can only move forward if an agreed policy and programme of action is undertaken by government as a whole.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. With regard to the recent public meeting in Newry, can the Minister confirm that the issues raised by two families from Armagh have been dealt with?

The Minister for Social Development: I am aware that the two issues are being addressed. I have written to Mr and Mrs McClelland with a satisfactory resolution, and I will look at the other issue and come back to the Member.

Mr B McCrea: Does the Minister agree that the money that has been spent so far in developing a shared future strategy has been wasted, as we have not had the benefit of such a strategy? Will the Minister inform the House of what discussions have taken place in the Executive regarding the costs of developing the strategy? Is she in a position to inform the House of what those costs are?

The Minister for Social Development: The document that was being prepared by the First Minister and deputy First Minister has not been brought to the Executive for consideration, debate or agreement. A few Executive meetings ago, I offered to prepare a paper on how to develop a normal and shared society. That paper would be based on expertise that has been gained through research. The deputy First Minister said that he and the First Minister would reflect on it. I returned to the issue at the next Executive meeting, and they are still reflecting on it.

Suffice it to say, we have to develop policies and programmes that encourage and promote a normal society, because I am of the firm opinion that people want to live together, rather than to live apart. That is the impression that I have got from meetings that I have attended. Separate but equal is no substitute for a shared future, and it is simply not good enough.

Local Government: Social Deprivation

3. **Mr A Maskey** asked the Minister for Social Development if she can provide an assurance that the budget transferred with neighbourhood renewal functions to local government as part of the review of public administration will be sufficient to allow councils to tackle social deprivation. (AQO 393/10)

The Minister for Social Development: I have given such an assurance already, but I will repeat it. Local government will receive the full resources that are associated with the operational delivery of neighbourhood renewal. That will happen when that function transfers from my Department, and will include the available programme and staffing resources.

Tackling social deprivation is the responsibility of all Departments, not only the Department for Social Development (DSD). It is an issue that concerns every Department, and every Department is required to do its bit. Neighbourhood renewal is the Executive's main programme for tackling social deprivation in our most disadvantaged areas, and, as such, it requires the support of all Departments. The neighbourhood renewal implementation fund makes an important contribution to tackling deprivation, but it is not sufficient by itself.

I can stand by my record as Minister and by the contribution that I have made in addressing disadvantage in our most deprived areas. In the current comprehensive spending review (CSR) period, I have allocated £60 million revenue funding for neighbourhood renewal areas, and I will be doing all that I can to secure resources in the next comprehensive spending review to enable councils to continue that important work. However, I am concerned about the financial outlook,

and I hope that other Departments will do likewise to secure resources.

Mr A Maskey: I thank the Minister for her response. I accept that the Executive have overall responsibility for the area, but, given the bailiwick of the Minister's Department, can she provide further information or detail about what training or oversight her Department may give when the function is transferred?

The Minister for Social Development: Those issues are under consideration. I accept that there is a clear need for training, because the civil servants, who will be going with the functions and the budgets, have an expertise in this area. No doubt they will be able to deploy such expertise to whatever councils they are employed in. Suffice it to say, local government is the best place for neighbourhood renewal, because it is about locally based regeneration. Who better to deliver that than councils and councillors?

Mr Shannon: I thank the Minister for her response. As a result of the review of public administration (RPA), it is obvious that some areas will experience greater social deprivation than others. The Minister will be aware that my area will be among those of greater social deprivation. Money has been allocated to those areas, but some has been taken away. Can the Minister ensure that the money goes to the areas in which it is needed, rather than to other areas where the need is not so great?

The Minister for Social Development: Mr Shannon is referring to the Small Pockets of Deprivation (SPOD) programme and the Areas at Risk programme, with particular reference to Newtownards and Bowtown. Funding for the SPOD programme will continue until the end of March 2010, and funding of £640,000 has been allocated for the current financial year. An independent evaluation report of the first three years of that programme, up to March 2009, has been received by my Department and is under consideration. Having visited some of those programmes, I am well aware of the impact that they have in minimising deprivation and in getting people involved in the development of programmes.

I will be making the decision on the future of the SPOD programme before the end of 2009, with particular reference to the Areas at Risk programme. That pilot programme has allowed my Department to respond to emerging difficulties and deprivation that is outside the remit of the established programmes. That programme will also be formally evaluated later this year and, because of its temporary nature, it is not appropriate to include it in the list of departmental functions. However, I will consider the evaluations of both programmes to decide on the way forward.

Mr Shannon has raised this issue with me in various questions for written answer, and in other items of correspondence, and I will respond to him.

Mr Dallat: If the Minister were to gaze into a crystal ball, what would she see as the greatest challenge facing her Department in transferring functions to local government?

The Minister for Social Development: Mr Dallat has presented a challenge to me.

One of the greatest challenges to my Department in transferring functions is the uncertainty over the overall Budget. However, there is another political issue to be faced, namely the uncertainty over the legislation, which is still with the centre, and on which no decision has been made. The problem with RPA is like so many other matters: the parties at the centre, the DUP and Sinn Féin, seem incapable of getting anything over the line.

Mr Armstrong: Will the Minister outline what her Department's role will be in neighbourhood renewal after RPA has been completed?

The Minister for Social Development: The Department's role will be at a strategic policy level; it will make the policy and form the strategies. The local councils will be the operational arm; they will deal with the delivery.

Warm Homes Scheme: Fuel Poverty

4. **Rev Dr Robert Coulter** asked the Minister for Social Development for her assessment of the effectiveness of the warm homes strategy in tackling fuel poverty. (AQO 394/10)

The Minister for Social Development: Fuel poverty is affected by three factors: household energy efficiency, energy prices and household incomes. To date, improving energy efficiency has been at the heart of the Government's fuel poverty strategy in Northern Ireland. Energy efficiency in the context of fuel poverty has two elements: household behaviour in energy consumption, and the energy performance of homes.

Although energy efficiency improvements delivered by my Department's warm homes scheme have made a significant contribution to alleviating fuel poverty, the rises in energy prices in 2008 placed more households in fuel poverty. Increases in energy prices have been the largest factor in the rise in fuel poverty numbers in recent years. The extent of rising prices has also made it particularly difficult for those on the lowest incomes to meet their household bills. Notwithstanding those challenges, the warm homes scheme has been hugely popular and very successful since its introduction in 2001. More than £118 million has been spent making in excess of 71,000 homes warmer. The warm homes scheme has been hugely successful and has helped

many people. However, fuel poverty has become an increasingly hard nut to crack. If we have an ambition to eliminate it, more must be done.

My officials have commenced a review of the Ending Fuel Poverty strategy that was launched by the Department in 2004, and I expect a public consultation document to be issued early in the new year for wider discussion about how to tackle fuel poverty in the future.

3.15 pm

Rev Dr Robert Coulter: I thank the Minister for her answer. What impact has the change in the eligibility criteria for the scheme had on uptake and on tackling fuel poverty across all sections of society?

The Minister for Social Development: It is still very early to undertake an evaluation of the new system or to give the Member an accurate assessment. That will be done after a year of the scheme's implementation. At this stage, however, there has been a healthy uptake and interest in the scheme, and its purpose is to focus on those who are most in need, namely people in receipt of low income. We wanted to address need. The Member will, therefore, be aware of the Public Accounts Committee report on the warm homes scheme, and the Department for Social Development's response, which was to widen the remit for eligibility.

Dr W McCrea: As we face the long, dark winter months, I am sure that the Minister will agree that fuel poverty is still a sad reality in Northern Ireland, and that many are fearful as they face the winter and what it might hold for them.

Although I welcome the thrust of the warm homes strategy, how is it progressing in my South Antrim constituency? Will the Minister commend groups such as the one that meets in the Antrim Borough Council offices for their efforts to place fuel poverty at the top of the local agenda?

The Minister for Social Development: I am confident that the warm homes scheme, under its new guise, continues to address fuel poverty. I am particularly conscious of a report on energy prices, which was issued this morning. I recognise that there is a problem, and any increases in energy prices should be justified. However, that is, primarily, a matter for the energy regulator and the Department of Enterprise, Trade and Investment.

I am aware of the work that Antrim Borough Council has been doing because the Member and my colleague Mr Burns alerted me to the work of that group. I believe that I have met the group, and I am due to meet it again in the not-too-distant future, when I will hear more about that project and how it has effectively targeted fuel poverty in that area. I encourage the Member, Mr Burns and the other

members of Antrim Borough Council in that difficult task, because the Department is always seeking wider partners to help to address need where it is most acute, including fuel poverty. The bottom line is that we want to keep people warm this winter.

Mr Molloy: What percentage of applicants have been refused assistance as a result of the change in the eligibility criteria of the warm homes scheme?

The Minister for Social Development: The Department, through the two scheme managers, is undertaking work on various assessments that were carried over from Egan. It is not possible at this stage to conclude from that work and the new applications how many applicants were approved, are awaiting consideration or were refused. We hope to complete that work by the end of the month, when I will be happy to write to the Member.

Housing Budget

5. **Mr Burns** asked the Minister for Social Development what steps she is taking to ensure optimal use of the housing budget. (AQO 395/10)

The Minister for Social Development: As the housing budget has been decimated by the collapse in capital receipts, it is even more important to make the best use of the budget that is left. When I launched the new housing agenda in February 2008, I made it clear that officials would seek to bring forward greater levels of private finance to complement the resources already committed from the public purse. Officials are continuing to explore a number of innovative options to fund the housing agenda, some of which have been successfully implemented.

I commissioned Savills to undertake a stock condition survey to determine the ongoing investment required for the Northern Ireland Housing Executive's stock. That survey will assist the Housing Executive and officials in the Department's housing division to target the limited resources that have been allocated to where they are most needed. The subsidy to housing associations has been reduced by approximately 10%, in effect requiring them to contribute even greater levels of private finance in the delivery of new social homes, which will make our money go further.

The grant funding of £15 million that the Department provided to the Northern Ireland Co-ownership Housing Association has, for the first time, enabled it to attract its own significant private investment of £48 million to deliver affordable housing, and the Ulster Bank has agreed to work with the Co-ownership Housing Association in making mortgages without deposits available to applicants. Officials in DSD are working closely with the Housing Executive to develop the social housing development programme to

build, increasingly, on land already in public ownership, which will reduce the land-cost element of the newbuild programme and allow us to build more homes with the same amount of money.

We have been extremely innovative financially in the purchase of ex-military houses, particularly at Pond Park in Lisburn, where we have achieved tremendous value for the taxpayer. In addition, my officials continue to work closely with the Strategic Investment Board to identify new opportunities to complement the delivery of the programme.

Mr Burns: Will the Minister explain what innovations she has introduced in the area of housing policy and delivery?

The Minister for Social Development: When I launched the new housing agenda, I made it clear that I was introducing a radical and energetic agenda for housing that had not been seen for a generation. That has included the creation of more shared future housing; the launch of our shared neighbourhood programme; bringing back into use former military housing; developing a new procurement strategy to deliver more efficiently than ever before; and more private finance from the European Investment Bank.

We have delivered 1,750 new homes this year, which is our biggest number for a decade. I could also highlight our more energy-efficient and better-quality housing that will complement our wider work in alleviating fuel poverty, in that all new houses built since April 2008 must confirm to code level 4 for sustainability.

We also have some exciting plans for getting major refurbishments done at little cost to the taxpayer, and we are innovating daily to squeeze the maximum possible outputs from our greatly reduced budgets.

Mr McCarthy: In view of the Minister's stretched and restricted budget, will she offer any consolation to the many people, particularly those who are disabled, who are waiting for extensions of any sort, including minor extensions, to their properties?

The Minister for Social Development: Mr McCarthy knows full well about that issue, as he has written to me and asked me questions about in the Assembly. Internal adaptations to an existing property will be done automatically. Extensions fall into a different category.

I go back to the principal issue of the housing budget. Unlike other Departments, DSD's budget is predicated on income from land sales and house sales. As a result of the economic downturn, much of that disappeared. Therefore, I was left with an £80 million shortfall last year, a £100 million shortfall this year, and a £100 million shortfall for next year.

I am sure that the Member will agree that there is an onus on every Member to get housing on a sound financial footing, and Mr McCarthy and his party have supported me in that. However, we need to continue with that. I will continue to bid in future monitoring rounds for money for adaptations for the homes of disabled people, because there is a need to address that situation. Suffice it to say that I need the support of all my ministerial colleagues to put housing on a sound financial footing and to look at all the innovative ways of financing housing, because a house is the most fundamental thing to anybody, no matter what guise it may take.

Mr G Robinson: Does the Minister agree that the Hospital Lane area of Limavady in my constituency, which she visited last year, should be a priority for house repair to optimise home provision in the Limavady area?

The Minister for Social Development: As the Member will appreciate, I receive many requests for prioritisation of planned maintenance schemes. I am happy to consider that area, in conjunction with the Housing Executive. I recall my visit to that estate, when, with the Member, I met some residents. I will look at that and come back to the Member. I ask him to ask the Minister of Finance and Personnel, who, I understand, is his party colleague, with all his other party ministerial colleagues, to ensure that housing is put on a sound financial footing once and for all and that we make that major change between the situation under the direct rule Administration and under devolution.

Mr K Robinson: The Minister has given us a full resume of her budget. How hopeful is she of any additional funding from the Minister of Finance and Personnel in the December monitoring round? Will that have any impact on the social housing scheme in Monkstown in my East Antrim constituency?

The Minister for Social Development: Mr Robinson asked me about Monkstown during my previous Question Time, and I gave him an assurance that we will be happy to examine it. He is asking me to do what Mr Dallat asked me to do: look into my crystal ball. I am afraid that I am not in my tent today, but I can say that I need the support of everybody, including all my ministerial colleagues.

Mr Kennedy: Mystic Margaret. *[Laughter.]*

The Minister for Social Development: I need their support to put housing on a sound financial footing. I can rely on certain ministerial colleagues for that, and I hope that I can rely on the remainder to ensure that that happens. Some housing issues, whether relating to planned maintenance, capital improvements, grants, newbuild schemes, warm homes or supported housing, are, with health and education, the most fundamental requirements to all our daily lives.

Social Housing: Rent Arrears

6. **Miss McIlveen** asked the Minister for Social Development what action she intends to take to address the growing problem of rent arrears in the social housing sector. (AQO 396/10)

The Minister for Social Development: As the Member knows, a Public Accounts Committee report on the management of social housing rent collection and arrears was issued some weeks ago, and a detailed memorandum of reply is being prepared that will set out the considered response to the issues that were raised in the report.

I must gently correct the Member: although the level of rent arrears is a significant challenge, it has been coming down in recent years. I will outline those areas in which it has been coming down, which I hope that Members will find helpful: overall debt levels, write-off levels and the number of large debts continue to fall.

Only yesterday, I met the chief executive of the Housing Executive and some of his senior officials to impress on him that I want further evidence of that reduction. That is important, notwithstanding the fact that many people in the social housing sector face enormous difficulties with rents. I appreciate that some of those people are on housing benefit. People find themselves in arrears because of requirements on their limited income. I ask that people be a little sensitive on the issue. The present economic downturn makes for a challenging environment for rent arrears. I am sure that the Member will not disagree with that.

Miss McIlveen: I note the Minister's response. However, she will be aware that one criticism of the Public Accounts Committee report is that targets could be subject to manipulation. In fact, in one year, the target was reached only by writing off a substantial amount of the debt. Will the Minister ensure that, in future, targets are robust and respected?

The Minister for Social Development: I do not accept the assertion that targets are manipulated. In the past financial year, the Northern Ireland Housing Executive collected 97% of the rent due, and that was in a recession. All Members should welcome that.

3.30 pm

Ms Ní Chuilín: On a point of order, a Cheann Comhairle. As a member of the Business Committee, I have concerns that any time that a motion on health is put forward for debate the Minister of Health, Social Services and Public Safety is not available. Can the Ceann Comhairle use his influence on that matter? The Health Department receives half the Budget, yet the Minister has not been available recently. That is not fair to people who want us to represent their views.

Mr Speaker: I have to say that —

Mr Kennedy: Further to that point of order —

Mr Speaker: Allow me to answer the point of order. The matter has been raised with the Business Committee, and that Committee's business should not be discussed on the Floor of the House. However, I take the Member's point. It is a matter for the Executive, but it is also a matter for me as Speaker. I have tried to address it in the past, and I hope to be able to address it in the future.

Mr Kennedy: Further to that point of order, Mr Speaker, all Members will be aware of the considerable pressure that the Minister of Health finds himself under in dealing with the issue of swine flu. Some consideration ought to be given to that when Members make such statements.

Mr Speaker: Those are not really points of order, and, as usual, I have been generous in taking them. Members should be careful not to raise points of order that are not really points of order. I hear what the Members have said, but it is for the Executive to address the issue.

EXECUTIVE COMMITTEE BUSINESS

Diseases of Animals Bill

Consideration Stage

Debate resumed on amendment Nos 4, 5 and 11, which amendments were:

No 4: In page 8, line 43, at end insert

“(3) The Department may by order prescribe the circumstances in which it may withhold, either wholly or partly, compensation or any other payment in respect of an animal slaughtered under this Order where—

- (a) the slaughter has been necessitated by brucellosis;
- (b) guidance relating to brucellosis has been published under Article 4A(3) and has not been withdrawn; and
- (c) the owner or person having charge of the animal has failed to comply with that guidance.” — [*The Minister of Agriculture and Rural Development (Ms Gildernew).*]

No 5: In page 9, leave out lines 1 to 7. — [*The Minister of Agriculture and Rural Development (Ms Gildernew).*]

No 11: In clause 21, page 14, line 20, after “4A(1),” insert “4B(3),”. — [*The Minister of Agriculture and Rural Development (Ms Gildernew).*]

Mr Molloy: I return to the second group of amendments, amendment Nos 4, 5 and 11. I support those amendments, based on what is required, particularly the eradication of brucellosis.

I welcome the commitment from the Minister and the Department to the specific issue of brucellosis, which is mentioned in amendment No 4. We must recognise the importance of eradicating brucellosis and the effect that that would have on the farming community, which is subjected to livestock tests at least yearly and to the closure of herds around the country because of their infection by brucellosis. The eradication of brucellosis would be an important step forward. As I said before, the Department’s interpretation and implementation of the legislation to do that is important.

Training, correspondence and consultation on biosecurity would be important and of benefit to the farming community and the Department. Departmental officials and vets regularly use the word “biosecurity”, and they know exactly what it means. However, the farming and rural community has different interpretations of it, and more definition is needed. The correspondence to farmers will contain an explanation, but more must be done with training and with advertisements in the press, on television and in farming journals on what biosecurity means, how people can enhance it and how they can take precautions to prevent disease from spreading accidentally.

It is important that the issue of removing compensation for those who deliberately cause infection be dealt with. The full force of the law must be used to stop the practice of deliberate infection. The view exists that that is one reason why brucellosis continues to infect cattle here when the disease has been eradicated in other countries. If the North were to achieve eradication, in line with the Twenty-six Counties, which is free of brucellosis, the island would be clear of the disease. That is an important challenge to be met.

One way in which to try to deal with brucellosis and to ensure that eradication happens quickly is through training and correspondence. Good co-operation on the issue should be encouraged through having departmental officials and vets hold meetings with the farming community, trade unions and others throughout the countryside. The Department must try to talk farmers through the process and advise them on how eradication can best be achieved and how they can take precautions to ensure that the disease is not spread accidentally.

Therefore, as we deal with those issues, it is important that this legislation be recognised for the benefits that it will bring. It is to be hoped that the resulting legislation will be better than that which was originally proposed. Go raibh maith agat, a Cheann Comhairle.

Mr Savage: As the Committee report states, opposing evidence was presented on biosecurity. That should be noted. Amendment No 4 provides adequate clarification on a point that the Committee raised. Amendment No 5 removes reference to the Diseases of Animals (Northern Ireland) Order 1981, which will be amended by the Bill if it is passed. I welcome the fact that the Department has listened to the Committee’s views on biosecurity guidance and compliance and that it has removed the Bill’s link between non-compliance and a reduction in compensation.

Farmers have had to spend a substantial amount of money on their farms so that they meet current requirements. The last thing that any farmer wants is disease on his farm. That is true right across the board, albeit with, possibly, one or two exceptions: I am sure that the Minister understands what I mean by that. I welcome the fact that the Minister wants to modernise the legislation and bring it into the twenty-first century. In order to move forward, that legislation is needed.

Most importantly, the message from farmers is that we want to work with the Department and that we will do everything in our power to eliminate disease.

The Minister of Agriculture and Rural Development: Go raibh maith agat, a Cheann Comhairle. Again, I want to acknowledge the volume of work that has been done on this part of the Bill. The Chairman of the Committee for Agriculture and

Rural Development explained the timeline. I was exhausted just listening to him. We can often forget the time and effort that goes into such matters. It is good to be reminded that much deliberation and discussion was had on the Bill, and the result is a good piece of legislation. I thank Committee members for the time, patience and effort that they put into scrutinising the Bill, together with the Department and me.

Prevention of disease through the practice of good biosecurity is an essential component of promoting a competitive industry, protecting animal and public health and safeguarding everyone's interests. Depending on the disease's circumstances, it might be appropriate for biosecurity guidance to be voluntary or statutory or for statutory biosecurity guidance to be linked to compensation.

I consider statutory biosecurity guidance and making a link to compensation to be an important additional tool with which to push towards the eradication of brucellosis. It is the right thing to do. We have almost eradicated the disease, but we must step up efforts to achieve full eradication as early as possible.

The current code is voluntary. Farmers whose biosecurity practices are not up to standard put at risk the responsible majority and the wider rural community. Clearly, it is unfair to responsible herd-keepers who maintain a high level of biosecurity that measures are not in place to acknowledge their efforts and to protect their holdings by placing penalties on farmers who do not maintain appropriate biosecurity standards. Responsible farmers will benefit from the higher standards and lower risk of disease that the proposed arrangements would encourage.

I was asked about amendment No 4 to clause 8. The amendment to clause 8 was proposed after detailed discussions with the Committee for Agriculture and Rural Development. It was agreed that, although the power to draw up statutory biosecurity guidance for all diseases should exist, the power to link biosecurity guidance to the withholding of compensation should be limited to brucellosis. Again, I appreciate the efforts of the Chairperson and the Deputy Chairperson of the Committee on that matter.

Given the nature of brucellosis, the focus on it and the link to compensation are key elements in helping to promote better biosecurity in the push towards achieving brucellosis-free status. That would bring us into line with the South of Ireland, which has been officially recognised as being brucellosis-free, and with Britain. The latest statistics to the end of September 2009 demonstrate that the incidence of brucellosis has decreased here by more than 60% since September 2008. That is extremely encouraging, and we hope to continue to build on that reduction. I reiterate that clause 8 is not designed as a means to

reduce compensation costs; rather, it is designed as a tool to promote better biosecurity and to push towards achieving brucellosis-free status.

A question was asked about how we will enforce biosecurity guidance on the ground. Currently, veterinary officers visit herds that have brucellosis and other herds in the immediate vicinity that are considered to be at high risk. During such visits, any significant breaches of biosecurity will be noted, and farmers will be advised of the appropriate steps that they need to take to protect their herds. Those steps will be consistent with the guidance. I assure the Assembly that officials and vets will be on hand to provide advice and support on a wide range of biosecurity issues. We want to work with the industry to ensure that it understands what it needs to do.

In the event of a brucellosis outbreak, veterinary officers will carry out an investigation of the circumstances of the outbreak. If the investigation identifies that there has been blatant or negligent disregard that results in a serious breach of the statutory biosecurity guidance, consideration will be given to withholding compensation for animals that are slaughtered.

I reiterate that biosecurity will not eradicate disease, but it is one of a range of important components in the eradication scheme for brucellosis. — *[Interruption.]*

I am very sorry. I thought that my phone was switched off; it is now.

Mr Paisley Jnr: I think that we should withhold compensation.

The Minister of Agriculture and Rural Development: I think that the caller was phoning to tell me to shut up.

An improvement in farm biosecurity across the North and, in particular, in brucellosis risk areas will undoubtedly make a major contribution to our attempt to eradicate the disease. That is a globally acknowledged fact. If people follow biosecurity guidance, that will certainly greatly reduce the risk of acquiring brucellosis. Additional elements in our efforts will significantly increase our chances of success in the eradication of brucellosis from the North.

The present brucellosis-free status of the South and the encouraging recent downward trend in the North provide us with the opportunity to press forward on the eradication of the disease. I do not want the negligence or irresponsibility of a few people to put all the industry at risk and undo much good work.

Willie Clarke asked who would be involved in the consideration of the biosecurity guidance. It is important to say that we want consensus on the guidance. It has been drawn up, and it will be supported not only by the Committee for Agriculture

and Rural Development but the Ulster Farmers' Union, NIAPA, the National Beef Association and private veterinary representatives. It is important to have that scope of support for the biosecurity guidance.

Willie also asked about safeguards for conscientious farmers. My proposal seeks a change in mindset to secure recognition by all farmers that there are practical steps that they can take to minimise disease risk on their farms. Many herdkeepers already apply the procedures that are laid down in the voluntary code. We are not seeking to apply the deterrent of withholding compensation widely, but a small minority of irresponsible farmers is prepared to put others at risk. It is, therefore, aimed at farmers who are prepared, through negligent or blatant disregard of the code, to put their neighbours' livelihoods at risk. The proposal to withhold compensation focuses on that. In fact, if we never had to use it, I would be a happy woman, because it would mean that the provisions in the Bill are a deterrent to farmers who would enable their herds or those of their neighbours to acquire brucellosis. In that way, the Bill alone will help.

3.45 pm

David Ford asked how "blatant or negligent disregard" will be interpreted in practice. First, I wish to say that I appreciate Mr Ford's interest. We have discussed that matter, and, although he is not a member of the Committee for Agriculture and Rural Development, he is committed to addressing issues of that nature. Therefore, I will ensure that he receives a copy of the guidance and is kept up to date.

The reasonable and practical measures that a herdkeeper can and should take will be defined in the biosecurity guidance that will be drawn up in partnership with the stakeholders whom I mentioned. In fact, we are already working on that guidance in partnership with the brucellosis stakeholder working group. The accompanying subordinate Order will specify the key areas of biosecurity that will trigger a reduction in or the withholding of compensation. The steps that herdkeepers should take will be communicated to them through specific veterinary advice and the guidance. If a herdkeeper shows a blatant or negligent disregard for those key areas of biosecurity, consideration will be given to reducing or withholding compensation.

I reinforce the point that the phrase "blatant or negligent disregard" is intended to convey that withholding compensation will be considered only in the most serious and extreme cases, as the circumstances proscribed in the Order will reflect. Breaches of biosecurity include not disposing of foetuses and afterbirth properly, because there is evidence that that contributes greatly to the spread of diseases; sharing a bull among farms; sharing

equipment and feed in a high-risk area; spreading slurry from other farms, because that can also increase the risk of disease; not isolating pregnant purchased female cattle until after calving, which may spread disease; and mixing herds that DARD understands to be separate.

Biosecurity advice will be categorised to reflect general good practice, and additional advice will be applicable to at-risk and restricted herds. Farmers will need to take cognisance of the situation at different stages.

Francie Molloy asked what my Department does to encourage greater biosecurity on farms. My Department has a long-term commitment to promoting biosecurity messages in a timely manner and in response to the heightened risk of disease. That promotion takes the form of leaflets, advertising, press releases, posters, updates on the DARD website and meetings with farmers and private veterinary practitioners. I reiterate the point that my Department works in partnership with others to address the risks.

Other initiatives include courses at Greenmount that contain instruction on biosecurity for the next generation of farmers. A biosecurity module is also included in the lifelong learning programme for farmers. The Committee and Members are keen to encourage new blood into the industry, and we want to give those farmers the skills to farm in a profitable and sustainable way.

The focus farm scheme, which is funded under the rural development programme, promotes good practice and provides biosecurity training. Each focus farm is required to prepare a biosecurity plan to protect stock, and that information is cascaded to farmers who take part in the scheme. Focus farmers provide protective clothing and footwear, as well as disinfectant dips for cars and footwear.

Biosecurity also includes the prudent sourcing of stock and associated on-farm quarantine. I have repeatedly stressed that message and urged the farming community to enforce a voluntary ban on the import of animals from bluetongue-affected areas.

I hope that my statement gives some flavour of the steps that we are taking to improve biosecurity and that it helps farmers to understand what they are required to do. We must all work together to improve the health of herds, our appeal to export markets and the viability of farming in the North of Ireland.

Amendment No 4 agreed to.

Amendment No 5 made: In page 9, leave out lines 1 to 7. — [*The Minister of Agriculture and Rural Development (Ms Gildernew).*]

Clause 8, as amended, ordered to stand part of the Bill.

Clauses 9 and 10 ordered to stand part of the Bill.

Clause 11 (Deliberate infection)

Mr Speaker: We now come to the third group of amendments for debate. With amendment No 6, it will be convenient to debate amendment Nos 7, 8 and 9. The amendments deal with increasing penalties for a second offence of deliberate infection and related issues.

Members should note that amendment Nos 7 and 8 are consequential to amendment No 6. Therefore, if amendment No 6 is not made, I will not proceed to call amendment Nos 7 and 8.

The Minister of Agriculture and Rural

Development: I beg to move amendment No 6: In page 9, line 36, at end insert

“() If a person is convicted of an offence under Article 5A and, at any time after the date of that conviction, that person is convicted of a further offence under that Article, the court shall by order disqualify that person, for such period as it thinks fit, from keeping or dealing in—

(a) any animals or poultry, or

(b) any animals or poultry of a specified kind.”

The following amendments stood on the Marshalled List:

No 7: In page 9, line 37, leave out “the order” and insert

“an order made under paragraph (1) or (2)”. — [*The Minister of Agriculture and Rural Development (Ms Gildernew).*]

No 8: In page 10, line 2, leave out “(1)” and insert “(1) or (2)”. — [*The Minister of Agriculture and Rural Development (Ms Gildernew).*]

No 9: In page 10, line 24, leave out “or control” and insert “, control or possession”. — [*The Minister of Agriculture and Rural Development (Ms Gildernew).*]

Amendment No 6 will insert a new penalty provision into clause 11. There has been widespread support for clause 11, which makes it an offence to infect an animal with disease deliberately. As I said at Second Stage, that vile act affects the welfare of the animal and causes the spread of disease, and I will not tolerate it. The purpose of deliberately infecting an animal is to gain compensation for diseased animals that have to be slaughtered. Therefore, there is clearly an element of fraud involved.

I am thankful that there is no evidence to suggest that deliberate infection is a widespread practice. However, DARD must operate a zero tolerance policy and deal decisively with anyone who engages in that practice. The penalties for such an offence are imprisonment for up to two years, an unlimited fine or both. In addition, the court may order that the person be disqualified from keeping animals for a specified period. During the scrutiny of the Bill, the Committee asked me to consider stronger penalties for repeat

offenders. I endorse the Committee’s view that repeat offenders must be dealt with vigorously.

The issue of fines and penalties is a reserved matter. I consulted the Minister of State at the NIO, and I am pleased to say that he supports the introduction of stronger penalties for repeat offenders. Therefore, I propose amendment No 6, which, in the case of a second or subsequent offence of deliberate infection, provides that the court must disqualify the person from keeping animals for a specified period.

Amendment Nos 7 and 8 are minor technical amendments to clause 11.

We also want to ensure that any disqualification is not circumvented by transferring animals to another person in name only, while retaining responsibility for their day-to-day management. I have taken legal advice on the matter and propose to extend the meaning of “keeping or dealing in animals” to include having custody, control or possession of an animal. That is provided for in amendment No 9.

The Chairperson of the Committee for Agriculture and Rural Development: The

Committee for Agriculture and Rural Development supports the amendments as explained and amplified by the Minister. The Committee and the Department are united in their condemnation of the few individuals in the sector that would risk the agriculture industry and the Northern Ireland economy by deliberately infecting their animals to secure personal financial gain.

The Committee sought to have repeat offenders disqualified from “keeping or dealing in” animals, and, following consultation between the Department and the Minister of State for Northern Ireland, that has been achieved. The Committee congratulates the Department and the Minister on securing that important deterrent.

The Committee sought to introduce mandatory custodial sentences for repeat offenders. However, the Minister of State felt that it was for the judiciary to decide on the level and extent of sentences; no doubt we will come back to that.

I repeat the message that the Committee sent out loud and clear to those who have no regard for the industry or no concern for the welfare of animals: the Committee for Agriculture and Rural Development will encourage and support the Department in ensuring that people who deliberately infect animals for financial gain will face the severest possible penalties.

Mr Ford: In its discussion with the NIO, did the Committee give any consideration to the level of penalties, which are further described in subsection (2), and whether it was appropriate to set a higher threshold of punishment for a repeat offence instead of maintaining the same threshold and solely increasing

the focus on the issue of whether or not livestock could be kept?

The Chairperson of the Committee for Agriculture and Rural Development: I thank the Member for his question. However, I want to make it clear that the Committee was not negotiating on those issues. As I stated, we made our position clear. I repeat: the Committee sought to introduce mandatory custodial sentences for repeat offenders. However, the Minister of State felt that that decision was one for the judiciary.

It is important that we repeat the message loudly and clearly: the Department has the blessing of the House to come down like a ton of bricks on people who deliberately infect their animals and destroy an industry. We must send that message loudly and clearly from the House. Therefore, the Committee supports the amendments.

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle. I, too, support the amendments.

Deliberate infection of animals is a very sensitive subject, and there is no evidence that the practice is commonplace. As the Committee Chairperson outlined, during meetings between the Committee and the Department and stakeholders, it was felt that extra penalties should be available for use against repeat offenders. However, as has been said, the issue of fines and extra penalties is a reserved matter. The Committee was united in its view that repeat offenders should face stern penalties.

It is very serious to imply that there has been deliberate infection of animals. On the other hand, there have been allegations from an array of sources that infection, primarily brucellosis, is being intentionally introduced to cause the enforced slaughter of the herds and payment of considerable compensation. What is to stop a person who is disqualified from keeping animals from transferring ownership of them to family members and friends?

Blameless farmers are having their herds restricted due to the unprincipled actions of others. The Department requires the compulsory legal powers to take disciplinary action that will deter possible offenders and look after responsible farmers.

Mr Elliott: I declare an interest as a farmer. It may come as a surprise to many Members to hear that I have supported the Department in getting tougher in amendment No 6. In that sense, history is being made. The amendment is good. The Committee was determined to ensure that the Bill recognised the difference between those who deliberately flout the law and are guilty of offences and innocent farmers who often get caught out on a very minor technicality. I want to see innocent farmers being protected and the guilty being made to pay.

I am all too aware of the history of DARD, and there is some suspicion about that. However, I assure Members that we have acted in the best interests of the entire farming community.

I am also pleased that the words “keeping or dealing” were inserted in amendment No 6. The issue of keeping or dealing in livestock or animals was debated in the Committee. The insertion of the word “dealing” was critical, because a departmental official — I think that he was the legal adviser — said to the Committee:

I would have thought that “keeping” would be the act of, perhaps, engaging in a personal farm business, whereas “dealing” would be those who may say that they are not farmers but commercial dealers, and that they do not hold animals — the animals come in the back of the farm and go out the front door.

The Committee was very keen that those who engage in “dealing” would also be subject to the regulation, simply because we did not want to leave any gap in the regulation or the legislation that would allow them to get off when they may have deliberately infected not just one herd but several herds.

My party and I support the amendments. I thank the Committee and the departmental officials who returned to the Committee on several occasions to discuss the issue.

4.00 pm

Mr Ford: I want to reiterate the point that I made in my intervention during the Chairperson’s speech. In its current form, clause 11(2) outlines that the penalties, including potential imprisonment, that would be imposed for a repeat offence are the same as those for a first offence even though the Committee has sought to introduce mandatory disqualification from keeping livestock to enhance penalties in that area. Tom Elliott and Willie Clarke talked about supporting the Department in dealing seriously with any repeat offenders to defend the interests of ordinary farmers. There seems to be a question about whether the Minister should seek the Minister of State’s agreement to an enhanced penalty in that area.

I note Willie Clarke’s point that it is remarkably easy to change the name of the keeper of livestock. If another family member, friend or neighbour became the official keeper of the livestock in question, the penalty might be no greater. Therefore, although significant progress has been made, it might be possible to make further progress through an amendment at Further Consideration Stage.

Dr W McCrea: As a member of the Committee, I join with the Chairperson and thank the Department for working with us on this sensitive issue.

The Committee’s report states that the Department and the Committee are:

“united in their condemnation of those few individuals that would risk the agricultural industry and the Northern Ireland economy”.

Does the Minister have any statistics on the percentage of individuals who have been found guilty of such an offence? That is important.

When the Bill came to the Committee, the Minister stressed the legislation’s importance in dealing with diseases of animals. We totally agree. As I said earlier, members had varying views on the issues in the Bill. However, there was absolutely no disagreement between the Department and the Committee about anyone who deliberately seeks to infect their animals for financial gain. Such action would destroy the industry. We want to protect innocent farmers from penalties and ensure that guilty offenders are prosecuted.

Mr Ford mentioned penalties. The Committee did not have the opportunity to deal with that issue, because it is not a devolved matter. The courts are the responsibility of the Minister of State. Therefore, we left it to the Department and the Minister to deal with the Minister of State on that issue, and the Minister of Agriculture and Rural Development took the advice she was given on the matter. If there is a way to strengthen the legislation, we should take it. The Committee was unanimous in its view that people who deliberately infect their animals should not escape prosecution and should be removed from the farming industry completely. Such action has threatened and brought destruction to the Northern Ireland economy and the whole industry.

Any unscrupulous operator or rogue should be dealt with in that way, because the industry in Northern Ireland has a reputation worldwide, and, therefore, we are not willing to allow anyone to threaten that reputation for simple financial gain. Therefore, it will be interesting to see whether the Minister can reconsider ways to strengthen the legislation and whether she will return to the Minister of State to determine whether some matters can be enhanced. It is correct to point out that we want to ensure that there is no way around legislation. As other Members have mentioned, we must ensure that family members cannot become keepers and divert —

Mr Elliott: I recall that issue being debated in the Committee as a matter of human rights. We discussed whether it was right that, if a son had played no part in the deliberate infection of animals or other rogue activity, as Dr McCrea described, he or any other family member should be held liable and not be allowed to keep other animals on the farm just because of the father’s, or any other family member’s, wrongdoing. We must be careful about that; I recall that we discussed that issue at length.

Dr W McCrea: I agree that no son or other family member should be penalised if they are totally innocent. However, we must also be careful that we do not allow some people to escape the full rigours of the law. We must ensure that the industry is protected and that farmers in general — 99·99% of the farming community — are not threatened by an unscrupulous dealer or a rogue who tries, for his own ends, to get around regulations and the law. I support the amendments.

Mr Shannon: I support Minister Gildernew’s amendments. As a member of the Committee for Agriculture and Rural Development, I have been observing the progress of the Bill closely on behalf of constituents who have made me aware of the issues. My constituency is a mix of rural and urban areas, and, as someone who lives in the rural part of Strangford, it is startlingly clear to me that the vast majority of farmers are hardworking men and women who strive to making their living within the confines of the law.

That being the marker, it is also clear to me that, after years of harsh enforcement and seemingly useless and sometimes expensive EU legislation, there is a deep-seated distrust between farmers and the Department of Agriculture and Rural Development, which is supposed to be there to help farmers: that is a fact. As I sat on the Committee I could see why that relationship is so tenuous, and I sought to consider the Bill as if I were a farmer myself, in need of the protection and guidance of the legislation.

The Bill and its proposed amendments have achieved something. Time does not permit me to explore every aspect of the Bill; I am only going to speak about the amendments to clause 11, which deals with the deliberate infection of animals and its prevention in the Province. Clause 11 will insert new articles 5A and 5B into the Diseases of Animals (Northern Ireland) Order 1981 and, according to the explanatory and financial memorandum that accompanies the Bill:

“creates an offence of deliberately causing an animal or bird to be infected with disease or knowingly acquiring or taking possession of such an animal or bird.”

The mair at hits a hannlin thair ir a wee wheen o’ fowk at wud dae oniething tae turn a pun, amang thae things acceptin’ a baste knawin hit tae bae seek at gaes oan tae spread the seekness. Thon’s hoo seeknesses ir spread an hits needfu’ at thair bes laa agin thon practice wi’ fair controls an’ punishments brocht in.

It is unfortunate that there is a tiny minority of people who are willing to do anything to turn a profit, including knowingly accepting an animal that is diseased and which spreads the disease further. The way in which such diseases are spread makes it essential that such practices are legislated against with fair controls and punishments put in place.

When I speak to farmers in my area, they express their disgust at the few who could give them a bad reputation, and, worse than that, a bad relationship with DARD and other farmers. The Ulster Farmers' Union has agreed that the controls must be in place for those who blatantly and negligently disregard safety procedures for their own ends.

The Chairperson of the Committee for Agriculture and Rural Development: The level and extent of illegal practices has been mentioned. Evidence was brought to the Committee by departmental officials that referred to a PhD study, which, although it was not conclusive, indicated that the levels of deliberately infected animals varied but could stand at 13% at their highest. It is important that Members have that in mind when they discuss the issues. Everyone who has contributed to the debate has said that we are talking about a few unscrupulous people who do not care about the industry.

Mr Shannon: I thank the Member for his comments. Having examined the statistics that Mr Paisley Jnr mentioned, it is clear that there are some people who, oblivious to the betterment of the industry, are intent on doing their own thing for their own ends.

Clause 11 is essential to the Bill. Those who have knowingly taken on board an infected animal must know that they are doing wrong. That must be specifically addressed, and that is what the Bill will do. The Bill will allow the courts to disqualify those people from keeping or dealing in any animals or poultry after conviction of such an offence.

That clause is not particular to Northern Ireland. The Animal Health and Welfare (Scotland) Act 2006 has similar provisions that go further through a series of post-conviction orders. Although that Act includes disqualification from owning or keeping animals, it also prohibits transporting, working with, using, riding or driving animals. The controls in that Act are very strict.

Unlike the Scottish legislation, the Bill does not indicate whether the Department has powers of seizure should a person disqualified from keeping or dealing with animals breach that disqualification. However, it provides an avenue for appeals against orders. That is essential for those who have been duped and were not aware of the full facts about the animal, because there are cases when that could happen.

The Bill is not a mechanism for a witch-hunt of anyone possessing a diseased animal; it is a mechanism for ensuring that those who knowingly cause the spread of disease can be convicted and appropriate punishment meted out. The Bill will deprive anyone convicted of an offence of compensation for the loss of animals to which the offence relates. That does not mean that anyone with an infected animal will automatically have compensation withdrawn. It means that those

who have knowingly and purposely spread the disease will not be entitled to compensation. That is a basic legal principle; people must come to the table with clean hands.

We are aware of the cost of animal diseases to DARD and farmers. Brucellosis, as other Members have said, costs some £7 million a year. It is in everyone's interest — the farmers, the Department and Members — to ensure that the disease is eradicated. That is the thrust of the Bill: to protect the genuine farmers, who work from morning to night to eke out a living. The only people who will not be the winners in this case are the tiny minority of people who are involved in actions that harm the rest of the farming community.

We have changed aspects of the Bill, and the Committee has objected to elements that we felt were not in the best interests of farmers. We have ensured, to the best of our ability, that the Bill will not be used as a way for the Department to cut the costs of compensation for those who deserve it. We have worked with the Ulster Farmers' Union and other bodies, and have spoken to individual farmers. We believe that the proposed amendments are essential protective components.

I ask the Assembly to support amendment Nos 6, 7, 8 and 9 to ensure that the deliberate infection of animals is recorded as what it is: a crime against the farming community as a whole. It is something that can hurt everyone. We must ensure that the Bill contains the right safeguards and punishments. The legislation will protect farmers who need protection, in some cases against the Department, although I hope that that will not be the case. I support the Bill and the amendments, and I urge Members to do the same.

The Minister of Agriculture and Rural Development: Go raibh maith agat, a Cheann Comhairle. The debate has been a good reflection of what is contained in the legislation. There has been a lot of interest in what we can do to punish people who deliberately infect animals.

The penalty for the offence of the deliberate infection of animals is imprisonment for a period of up to two years or an unlimited fine, or both. The courts can hand down a custodial sentence even for a first offence. It is important to reiterate that. In the case of a first offence, the court will have the discretion to impose an additional penalty of disqualification from keeping animals. The court will take into account the circumstances of the case, and the evidence presented by both the prosecution and defence. It is right that the courts should determine that matter.

In the case of a repeat offender, a more robust approach is needed. Amendment No 6 will make it compulsory for the court to impose a period of

disqualification. I hope that that delivers a clear message that anyone found guilty of deliberately infecting an animal with disease will suffer heavy penalties. I realise that that is an issue in which Dr McCrea, the Chairperson of the Committee, Mr Ford and others have been very interested. I will revisit the issue and discuss with officials whether there is a need to impose further penalties.

4.15 pm

I recognise that the Department and I cannot prevent a person who is prohibited from keeping animals from transferring their animals to a family member, friend or business associate. That disqualified person will have to do something with the animals, perhaps transfer them or sell them, but I understand the point. We have addressed that problem by extending what is covered by the prohibition from keeping or dealing with animals. That will now include having custody, control or possession of an animal or bird, or being concerned in the management or control of a body whose activities include keeping or dealing in animals or poultry. Powers are in place to ensure that it will be very difficult for anyone to get around the rules that we are bringing in through the legislation.

Questions were asked about the extent of the problem. There is no evidence to suggest that it is a widespread problem, but even a single case of deliberate infection of an animal is completely unacceptable on grounds of both welfare and disease control. I am particularly concerned about allegations of the deliberate infection of animals with brucellosis to obtain compensation. If that is happening, it must be stamped out. I am determined to take action when there is sufficient evidence to warrant prosecution. I hope that such action will not be necessary and that the new robust powers will deter anyone who may be thinking of deliberately infecting an animal.

Our success in trying to eradicate brucellosis is indicated by the fact that one or two isolated incidents account for 13% of all brucellosis cases, as outlined in the PhD study to which the Chairperson referred. We have almost got to the nub of the problem, and deliberate infection can skew our figures out of all proportion. It is important that offenders will face a custodial sentence and that we send out a strong message. People who are involved in deliberate infection know who they are. The House has shown unanimous support for the legislation, and, indeed, all parties have been exercised about the deliberate infection of animals.

Deliberately infecting animals to get compensation flies in the face of the work of farmers who work hard in all weather and at all hours of the day and night to look after their animals. It flies in the face of what so many people are working so hard to achieve. The

House must send out a strong message today: there will be no hiding place for people involved in deliberate infection. People who are found guilty will find no succour from their elected representatives. We must ensure that people who are involved in such activity, or are thinking about becoming involved, know that they will not be able to hide from their elected representatives.

I am sorry for getting carried away, a Cheann Comhairle. I appreciate the level of maturity that has been displayed in the House; we are clearly all passionate about this matter.

Amendment No 6 agreed to.

Amendment No 7 made: In page 9, line 37, leave out “the order” and insert

“an order made under paragraph (1) or (2)”. — [*The Minister of Agriculture and Rural Development (Ms Gildernew).*]

Amendment No 8 made: In page 10, line 2, leave out “(1)” and insert “(1) or (2)”. — [*The Minister of Agriculture and Rural Development (Ms Gildernew).*]

Amendment No 9 made: In page 10, line 24, leave out “or control” and insert “, control or possession”. — [*The Minister of Agriculture and Rural Development (Ms Gildernew).*]

Clause 11, as amended, ordered to stand part of the Bill.

Clause 12 (Seizure and destruction of things liable to spread disease)

Mr Speaker: We now come to the fourth group of amendments for debate. With amendment No 10, it will be convenient to debate amendment No 13.

The amendments deal with the withdrawal of the part of the Bill that concerns the valuation of items that are seized to prevent the spread of disease. Members should note that amendment No 13 is consequential to amendment No 10. Therefore, if amendment No 10 is not made, I will not call amendment No 13.

The Minister of Agriculture and Rural Development: Go raibh maith agat, a Cheann Comhairle. We are nearly there.

I beg to move amendment No 10: In page 11, leave out lines 1 and 2.

The following amendment stood on the Marshalled List:

No 13: In schedule 3, page 21, line 34, leave out from “In Article 6(3)” to “that time”. — [*The Minister of Agriculture and Rural Development (Ms Gildernew).*]

The Minister of Agriculture and Rural Development: Amendment No 10 will remove clause 12(c) from the Bill. Clause 12 extends the range of items that may be seized to prevent the spread of disease so that it includes anything that is animate or

inanimate. Clause 12(c) provides for compensation for seized items at their value at the time of seizure.

In the case of items that are contaminated with disease, for example, eggs from an infected flock, the resulting compensation may be nil because the eggs have no value. That would be very unfair, and it would make it extremely difficult for farmers to restock following a disease outbreak. In fact, it is very likely to result in a farmer going out of business just because he or she has been unfortunate enough to have a disease outbreak on their premises.

Amendment No 10, which I propose on legal advice that I have received, will mean that the existing arrangements for compensation for seized items will continue to apply. That means that compensation will be calculated as if the seized items were not infected with disease.

Amendment No 13 is a minor consequential amendment to schedule 3, which concerns repeals.

The Chairperson of the Committee for Agriculture and Rural Development: My Committee Clerk gave me a 45 minute speech on this section. However, for the sanity of the House and me, I simply say that clause 12 and schedule 3 should be amended as was agreed by the Committee and the Department. The Committee agrees to the text of the amendment as outlined by the Minister.

Mr Elliott: A precedent has obviously been set, so I will not break it. I have always supported farmers getting a fair value for their product when receiving compensation. The Minister has outlined how that will happen, so I am quite happy to support the amendment.

The Minister of Agriculture and Rural Development: In the spirit of succinctness, I will also keep my comments very brief.

I thank all the Members who contributed to the debate today. It has been a very professional, mature and courteous debate. Business has been carried out in a very helpful manner. Nobody can be in any doubt about the importance that this House places on the agricultural industry and the passion, care and concern that Members have for our farmers. That will be very evident to anybody who looks at the Hansard report. This is a good piece of legislation, and I am very pleased to respond to the debate. I look forward to the Further Consideration Stage with the Committee for Agriculture and Rural Development. Go raibh míle maith agat.

Amendment No 10 agreed to.

Clause 12, as amended, ordered to stand part of the Bill.

Clauses 13 to 20 ordered to stand part of the Bill.

Clause 21 (Procedure for orders)

Amendment No 11 made: In page 14, line 20, after “4A(1),” insert “4B(3),” — [*The Minister of Agriculture and Rural Development (Ms Gildernew).*]

Amendment No 12 made: In page 14, line 24, leave out from “, 50(1)” to the end of line 25 and insert “and 50(1)’.” — [*The Minister of Agriculture and Rural Development (Ms Gildernew).*]

Clause 21, as amended, ordered to stand part of the Bill.

Clauses 22 to 24 ordered to stand part of the Bill.

Schedules 1 and 2 agreed to.

Schedule 3 (Repeals)

Amendment No 13 made: In page 21, line 34, leave out from “In Article 6(3)” to “that time’.” — [*The Minister of Agriculture and Rural Development (Ms Gildernew).*]

Schedule 3, as amended, agreed to.

Long title agreed to.

Mr Speaker: That concludes the Consideration Stage of the Diseases of Animals Bill. The Bill stands referred to the Speaker.

PRIVATE MEMBERS' BUSINESS

Northern Ireland Block Grant

Mr Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes to propose the motion and 10 minutes in which to make a winding-up speech. 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 in which to make a winding-up speech. All other Members who are called will have five minutes in which to speak.

Mr Campbell: I beg to move

That this Assembly opposes any reduction in the Northern Ireland block grant during the next comprehensive spending review.

The motion was tabled because there is considerable public interest and concern about the possibility of significant reductions in the block grant over the lifetime of either a comprehensive spending review (CSR) period or effectively the same thing under a different name. We are coming towards the end of the current CSR period, and the next Government will put something in place.

Efficiencies have been demanded of and met by all our Departments. That situation is fairly clear. Efficiencies have been delivered at a rate of between 2% and 3% a year over the past five or six years. The Chancellor, Alistair Darling, has indicated that approximately £9 billion of cuts must be made in the next financial year. Our share of that is likely to be in the region of £120 million.

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

There have been some minor disparities — but disparities nonetheless — in the outlooks of various political parties that expect to form the next Westminster Government. The Conservative Party has made it clear that it would make reductions in the order of 10%. The Labour Party has equivocated on the matter, but, depending on who one speaks to, it appears that as with the Conservatives, under Labour it will be 8%, 9% or possibly 10%. Therefore, whatever the outcome of the election, there is no doubt that budgetary constraints will be even tighter in the next parliamentary term than they have been in this one.

4.30 pm

I shall now deal briefly with the amendment, which will be moved on behalf of the Ulster Unionist Party by Mr McNarry or Mr Beggs:

“the Northern Ireland block grant could be reduced by up to 10 per cent ... and calls on the Assembly to set up an ad-hoc Budgetary

Review Committee to secure cross-party support on plans to manage such potential reductions in public expenditure.”

Our problem is that the amendment appears to adopt a defeatist attitude. It almost accepts that cuts will happen. If the larger partner in a relationship spells out that there will be 10% cuts, it is very difficult for the smaller partner to disagree. I understand the difficulty in which the UUP finds itself, but the amendment does not address it in any way. In fact, the amendment draws attention to the fact that one party that may well form the Government after May 2010 will make those cuts and, therefore, we will just have to live with them.

The DUP motion does not accept that defeatist attitude. If we are faced with cuts of that magnitude, there will be serious difficulties for front line services. Therefore, the DUP does not accept the premise that cuts are inevitable and that we will then have to try to manage them and decide which Departments have to shoulder the burden. Rather than rationalising cuts, we want to fight the problem at its source.

In the past two years, the Assembly and the Executive have made it clear that the economy is at the heart of the Programme for Government (PFG). Either we maintain and support the PFG, so that, in the long term, we become less dependent on the public sector and the state, or we proceed on a vicious circle whereby, as we cut and cut spending, it will become more difficult to increase the private sector and we will find ourselves in a worse position than the one in which we are at the moment. The DUP's view is that we will only be able to work our way out of the problem by increasing the number of people in work and by endeavouring to ensure that higher-value jobs are created here.

Any incoming Government that indicates that there will be across-the-board cuts of 10% needs to be confronted with the picture of what that will do to our attempts to reduce our dependency on the public purse. Such cuts would set our efforts back by years, if not by a generation. Accepting cuts of that scale would ensure not just that front line services in the public sector would be reduced, but that our investment in the private sector would be severely restricted. Within 12 to 18 months, our difficult and problematic situation would be made even worse.

Any country in which two thirds of the active workforce is directly or indirectly dependent on the state for employment must take action to develop its private sector. If we do not take such action, we will find that as the developed world moves out of recession, we will again be caught in a difficult position. That will be made even more difficult by the cuts, and it will be compounded further by our inability to invest in the private sector and in development and growth therein.

I hope that the motion will command support across the House. We are now in 2009, having emerged from a murder campaign that lasted through the 1970s, 1980s and 1990s. That campaign has now ended. However, given the context that it created, it was always going to be difficult to attract inward investors and to give indigenous entrepreneurs the support that they needed to be more competitive. More than ever, we need to support the private sector and indigenous companies over the next five to 10 years to make them more attractive and competitive so that our ultra-dependency on the public sector diminishes over time. Although no one expects or intends that that will happen within 12 to 18 months, it certainly will not happen within the next 10 to 15 years unless we get to grips with how the block grant will be allocated over the next three years, beyond the current spending review period.

We need to tackle that matter as a united Assembly that can go to an incoming Government. We are speaking to various people at Westminster already, and we need to continue doing that, particularly so when a new Government, whatever its complexion, takes up the reins of office. We must not go to them with a begging bowl; we must outline to them the facts of the position that Northern Ireland has been and is in. We must also make it clear that we can build on the private sector only if there is no further reduction in the block grant.

That is why we have brought the motion before the Assembly. I expect and hope that it will be supported across the Chamber.

Mr McNarry: I beg to move the following amendment: At end insert

“; recognises that after the next Westminster election, whatever the outcome, the Northern Ireland block grant could be reduced by up to 10 per cent; further recognises that the Executive and Assembly must prepare for this potential outcome; and calls on the Assembly to set up an ad-hoc budgetary review Committee to secure cross-party support on plans to manage such potential reductions in public expenditure.”

One wonders whether the DUP motion is positive evidence that, despite division in its partner party, Sinn Féin, and splits in the DUP, both parties are capable of overcoming their difficulties and doing whatever is necessary to keep the Executive in business. They admit that that cannot be done now without deals and money. From a DUP perspective, the sponsors of the motion are seemingly representative of two of the three wings that are operating in the DUP. Therefore, any signs of a temporary ending of the upheaval inside that party are most certainly to be welcomed.

For those reasons and more, the Ulster Unionists tabled the amendment, not to detract from the motion, but to strengthen its message. When I say “more”, I mean that the amendment takes the form of friendly

chastisement, conveying the general opinion that is shared by the House and the public that we are all fed up with the DUP tabling sound bite motions that are more to do with an election manifesto and its own divisions.

Nevertheless, the House and the public can see right through those antics and are well aware of how slow the DUP has been in getting interested in the block grant and the Barnett formula. Can we now expect that it will soon be pressing for a similar motion in that other place where its members engage in double-jobbing practices and where changes to the Barnett formula are most likely to be decided? Will we hear today from the DUP about the outcome of any successful meetings with the Chancellor on keeping Barnett intact? Will we hear about how the DUP intends to protect Northern Ireland from cuts? Will we hear about representations made by the DUP to its other republican chums in Scotland, the Scottish National Party, about a dual approach on Barnett consequential?

The House would be gratefully enlightened to be told just what the DUP has been doing to protect Northern Ireland from detrimental changes to the block grant. In the absence of hearing any answers from the DUP today, I suspect that we will be able to make our own judgements, as will the public, on what the lead party in the Assembly is really doing.

We all know the DUP's intention in moving the motion: its Members plan to say that the cuts to the block grant have nothing to do with them. They will say that they voted against cuts and proposed a motion in order to blame whichever party wins the next general election. Of course, they can say that. However, that surreal version of events is typical of the DUP. Nothing is ever their fault: someone else is always to blame; which, of course, is nonsense. They have been in the driving seat for almost three years and have run the Executive like a closed shop. Inaction and incompetence on a host of issues have been theirs and theirs alone.

Commentators say that, in the present financial climate, there is no way that the Westminster Government can sustain the block grant without cuts. Therefore, we must find a way to do so. However, without putting a compelling case on behalf of Northern Ireland, United Kingdom public opinion will not allow that to happen. No one in the rest of the United Kingdom will be willing to accept the situation in which Northern Ireland is, uniquely, spared the cuts in the national Budget that have been made inevitable by the level of borrowing undertaken by the Labour Government. Similarly, Northern Ireland cannot expect the Westminster —

Mr Campbell: *[Interruption.]*

Mr McNarry: What are you saying from a sedentary position?

Mr Campbell: Is that an invitation to intervene?

Mr Deputy Speaker: I think that the Member is permitting you to speak, Mr Campbell.

Mr Campbell: I was using the word “defeatist” again. Mr McNarry and I were on ‘Stormont Live’. Perhaps, for the benefit of the House, he will repeat the indication and prophecy he made regarding the outcome of the Westminster election.

Mr McNarry: I do not know what ‘Stormont Live’ has got to do with the debate. However, since you have introduced it, may I ask you again how safe your seat is? Sit where you are, and you can answer it later.

Mr Deputy Speaker: Order.

Mr McNarry: I apologise, Mr Deputy Speaker; I know that I am supposed to speak through the Chair.

Mr Deputy Speaker: Order. I encourage the Member to stick to the subject.

Mr McNarry: I think that we have established that the Member’s seat is not all that safe.

The Minister of Finance and Personnel (Mr S Wilson): On a point of order, Mr Deputy Speaker. What have you, as Deputy Speaker, done to the honourable Member to invite him to ask you how safe your seat is? I thought that you had been sitting fairly quietly and not in any way trying to provoke him. Perhaps you will inform the Member of the proper way to address the House, so that, subsequently, he might be more accurate in what he is saying as well.

Mr Deputy Speaker: Please continue, Mr McNarry.

Mr McNarry: I will give way to waffling anytime.

Northern Ireland cannot reasonably expect the Westminster Government to minimise any cuts to the block grant unless there has been demonstrable action by the Northern Ireland Executive to put their own financial house in order first. Our amendment tasks us to do just that. It gives the emphasis required to prepare now to make a forceful case for Northern Ireland.

Does anybody seriously think that the efficiency savings, more properly called cuts, which the Labour Government have announced, will not happen after the 2010 election, regardless of who wins? The Labour Party says that there will be 9·5% cuts and the Conservative Party says that there will be 10%: there is no great difference. The only issue is not when or if there will be cuts in public spending, but how big they will be.

No one wants there to be cuts to the Northern Ireland block grant; no one is going to vote for cuts. That is why the motion is so feeble. The motion takes no account of reality, but the amendment does.

I, above all people, should not be surprised at the pretentiousness of the DUP. Over a year ago, I battered away at them and warned them of the black hole in the Budget, and they would not listen. Denial followed denial. For over a year, there was no action from the DUP as unemployment more than doubled on their watch. That detachment from reality and the in-denial mindset that is portrayed by the DUP motion will come as a surprise to no one.

4.45 pm

Westminster will also take note that it was on the DUP’s watch that the Minister of Finance and Personnel announced £370 million worth of cuts, which play no part in the efficiency savings demanded by Whitehall, but which tell Westminster more about the deficiencies in DFP. We must not blur the edges of that, because that is the stark reality. So too is the £370 million worth of cuts, which will at least double by election time 2010 and which the DUP fears.

The feeble motion proposed by the DUP is another example of that party trying to evade responsibility when it is to blame for the lack of action on budgetary reform for well over a year, during the worst financial crisis that the world has seen since 1929. The House knows it, and the public can see it. The Ulster Unionist Party’s amendment, which we trust will find unanimous support in the Assembly, takes us beyond the beat-your-chest rhetoric that we have heard from the DUP to actually saying that there is a problem with Northern Ireland plc.

Westminster requires money, and it has the power to cut the block grant, which is our lifeline. Northern Ireland is already struggling financially, and that struggle will not disappear after the general election next year; in fact, it will get worse, and its seriousness will be added to by any cut in the block grant. The task is to identify the problem, but some might say that that is the easy part. What is not so easy is determining how to minimise the problem.

To the prospers of the DUP motion I say that their interest in the Barnett formula and their declared opposition to reductions in the block grant are very welcome, if somewhat belated, considering that the DUP has the largest number of members on the Committee for Finance and Personnel. As far back as 2007, that Committee highlighted that the ongoing debate on the options for the funding of devolution in Scotland had the potential to open up the debate on the future of the Barnett formula for Northern Ireland. The Committee recommended that the Executive should assess that, and DFP responded by saying that it would keep it under consideration. However, we now have our third DUP Minister of Finance and Personnel, with little evidence of any movement or action on that issue.

Only a few months ago, on 26 March 2009, not one of the four DUP members of the Finance and Personnel Committee felt it worthwhile to attend a meeting with a Lord's Select Committee —

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

Mr McNarry: Let us have no more talk of going into another crisis —

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

Mr McNarry: I support the amendment.

Mr McLaughlin: Go raibh maith agat, a LeasCheann Comhairle. Sinn Féin supports the motion and opposes the amendment. Gregory Campbell made some pertinent comments about the amendment. However, I would add that the setting up of an ad hoc budgetary review Committee would effectively duplicate the work and impinge on the existing remits of the Assembly's Statutory Committees, not least the Committee for Finance and Personnel with its specific role in examining the Budget proposals.

The fact that the Ulster Unionist Party has found it necessary to table the amendment betrays a considerable lack of confidence in the influence that it would have at the seat of Government, and that is contrary to what their spokespersons have been telling us all for some time. It would appear to indicate that that party really sees no effective outcome in a general election result that would favour their partners, the Conservative Party. It certainly reflects no particular advantage for this region or for the issues that the Assembly is dealing with.

The continued uncertainty about the economic circumstances is already impacting on the proposed budgetary process, and the motion is valuable in assisting the parties to begin to address those issues. The Department of Finance and Personnel initiated a review of the Executive's future Budget process more than a year ago, and I welcome the fact that Minister is present in the Chamber.

The Committee for Finance and Personnel made a substantive submission on that issue, which included the views of the other Statutory Committees that it consulted. Despite the Committee's pressing for an outcome, the Department has not brought forward any proposals.

When I was Chairperson of the Committee for Finance and Personnel, I raised the issue of the reviews of the in-year monitoring process and of the Budget process during the Final Stage of the Budget Bill in June 2009. The Minister of Finance and Personnel at the time, Nigel Dodds, said in response:

"Those will be considered during the summer by my successor, and he aims to provide the reports to the Committee before the next Assembly session." — [*Official Report*, Vol 42, No 6, p369, col 1].

The Committee is still waiting for that response and has heard nothing about the reviews. I hope that the Minister will be able to give the Committee some encouraging indication of when those reviews and outcomes will be made available.

If a firm budgetary process can be established in the Assembly well in advance of the next comprehensive spending review, which is likely to be in the summer or autumn of 2010, that would empower and enable all Statutory Committees to engage with their respective Departments and their plans to manage any potential reductions in public expenditure.

We must also take account of the fact that the House of Lords Barnett Formula Select Committee reported that the Barnett formula is not fit for purpose because of population changes, and it does not reflect needs. That Committee proposes a needs-based process. We must start to consider the implications of that: at Westminster, it is not a complete departure from the Barnett formula, but it might be a substantial amendment with pluses and minuses.

We need the outcome of the reviews on the in-year monitoring and budgetary processes so that we can begin to plan the Budget. However, we must also start to take account of what is likely to be the outcome of the review of the Barnett formula.

Mr O'Loan: I support the motion that the Assembly oppose any reduction in the Northern Ireland block grant. I understand the thinking behind the amendment, but I cannot support it. We would be trying to argue two cases at once, and that would not be solid ground to stand on.

The amendment refers to the possibility of a 10% cut in the block grant. The effects of such a cut on the social and economic life of Northern Ireland would be dramatic, a prospect not to be countenanced. It has not been fully revealed how that would be reflected in the Barnett consequentials. The economist Victor Hewitt was on television last week, and he indicated that a 10% cut in Department for Employment and Learning spending would equal £800 million, although that would be somewhat less according to the Barnett consequentials. A small real increase in spending caused difficulties in the current funding round, so a 10% cut would lead to drastic consequences.

It will be a hard case to make that no cuts should be made to the block grant. Members could imagine the reaction if we were to put the wording of the motion on a postcard and send it to the Treasury. I doubt whether we would receive a postcard back saying that the Treasury thought that that was a fine idea, and it would agree to it at once. If the motion is to go anywhere, it requires substantial work.

However, there is a strong case to be made. There has been a significant shift in thinking in a number of recent

influential reports from the Barnett formula to a more needs-based approach. The Barnett formula has its ups and downs: it is simple, crude and effective; it has many weaknesses; it is not needs-based or transparent; and it leaves the Treasury with too much control.

I will refer to three pieces of evidence that concern the shift to a needs-based approach. First, in Scotland, the Calman Commission examined Scottish devolution in general, but with particular reference to financial issues. Its radical report refers to devolved taxation and the UK and Scottish Parliaments' achieving that through sharing the yield of income tax.

It mentions various other taxes, such as stamp duty, landfill tax and air passenger duty being devolved and allowing the Scottish Parliament to introduce specified new taxes to Scotland. That is a radical approach. We many not have done the analysis here to know whether we are ready for such a stance. The report goes on to state:

“Until such times as a proper assessment of relative spending need across the UK is carried out, the Barnett formula, should continue”.

The report's authors are referencing the need for a proper assessment of relative spending.

Similarly in Wales, an independent commission also makes recommendations for improving the flexibility of the existing system, but says, importantly:

“In the medium term the funding arrangements for Wales should be based on relative needs.”

The House of Lords Select Committee on the Barnett formula stated:

“on the basis of our initial analysis, we believe that Scotland now has markedly lower overall need than Wales and Northern Ireland in comparison to England. The current allocation of spending does not properly reflect this basic pattern”.

Of course, the whole report is predicated on the need to move from a Barnett formula mechanism to a mechanism that is needs based. Both Scotland and Wales have done substantial work in that arena, and we have not.

The current thinking is moving towards a needs-based approach, and that case must be developed. Previously in the House, the SDLP advocated the setting up of a Committee to reprofile the existing Budget. We still urge the Minister to do that, but ask him to give it the extra task of building up the needs case for Northern Ireland. There is time to do that work —

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

Mr O'Loan: Only by creating that substantial case, based on the evidence that the House of Lords was aware of —

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

Mr O'Loan: That has been referred to frequently in the Chamber. Only through such an approach can we advance that cause with the Treasury.

Dr Farry: The Alliance Party is happy to support the motion. Like other parties, we have concerns about the amendment; we are all opposed to cuts in the Northern Ireland block grant. Stating our opposition does not mean that we are, necessarily, in denial of the realities of the challenge before us, but it is a fight worth fighting, and one that we cannot duck.

It is worth reflecting that there is a range of options facing the British Government with regard to the approach that they have taken and, no doubt, that discussion will colour much of the general election campaign. The Conservative Party, in the form of its sister party, the Ulster Unionist, has talked of 10% cuts. The Labour Party has not talked about 9% cuts; it has talked about £9 billion in cuts, and it is important that we make distinctions between absolutes and percentages; there is a world of difference. No doubt, any future Labour Government would face similar challenges.

We must accept that debt is a reality for Governments around the world. The notion that a debt must be removed in one fell swoop is a fallacy. There are issues about the balance between cuts in spending versus increases in taxation, and the increased policy focus on economic growth, which in itself brings in increased tax revenues. There are options open to Governments. There is also the issue of timing and how quickly one chooses to try to remove one's fiscal stimulus. Clearly, there is a lesson to be learned from the Great Depression, when the United States came out of the initial new deal far too quickly and went back into recession. Much discussion needs to take place at a national level about what should happen.

On the consequences here, I want to reflect on the Ulster Unionist Party's approach, given that it has tied itself so clearly to the approach of cuts, and only cuts, as the way to address the situation. One gets the impression that the Ulster Unionist Party is luxuriating in the prospect of cuts.

Mr Beggs: Is the Member advocating tax increases?

Dr Farry: My party is quite happy to consider a range of options, which would include looking at taxation issues — absolutely. There is a balance to be struck, especially if the issue of cuts is considered. The Ulster Unionist Party is not even aware of the level of the block grant. On 'Stormont Live', Mr McNarry referred to a £4 billion block grant.

It is actually twice that. I think that the George Osborne factor is taking hold in the Ulster Unionist Party, as its Members do not even know the basic economic facts.

5.00 pm

Secondly, all that the Ulster Unionists have suggested today is the establishment of a Committee to look at the issue. They have damned every other party in the Chamber for inaction, and said that they are the only ones focused on the issue. Their sole focus on the issue is a Committee to discuss it. Is that what we are going to speak to the Treasury about? Do not worry, lads, we are in control of the situation — we have established a Committee. We do not need a Committee; we need changes in policy and approaches.

There are a number of different ideas floating around the Chamber. The DUP has expressed its policy in relation to the institutions. I am personally sceptical about how far that will go, but it is a start. The SDLP has put forward its own paper, Sinn Féin has its ideas, and the Alliance Party is talking about trying to tackle the costs of division. We are also becoming more realistic about the inevitability of water charges. We are prepared to see changes in policies and practices. I have heard nothing of that kind whatsoever from the Ulster Unionists. All they talk about is the size of the alleged black hole, and the fact that we need a Committee to sort the problem out. Where are the actual ideas? Where is their credibility on what they are talking about?

Mr McNarry spoke about the importance of engaging with the Barnett review. The Alliance Party was the only party that tabled a response to that. He then went on to attack the DUP for not attending the meeting with the House of Lords Select Committee. I think it is worth stating, given that Mr McNarry brought the issue up, that his performance on that evening was less than impressive. I will not go into the details, in case I embarrass him, but he did not exactly cover himself in glory with the approach that he took, let us put it that way.

It is fair to say that there is a challenge for us in Northern Ireland if we are serious about negotiating with the Treasury and putting forward a number of arguments. First, we need to highlight the severe risk of a double-dip recession in Northern Ireland. That may occur here but not in other parts of the UK. That is linked to the large public sector share of our economy. If there are cuts in public spending, it could tip us into recession while others do not go into recession. That is one argument.

Secondly, if we are given some grace in relation to the potential cuts, that must be seen as an opportunity for us to restructure our economy and to do things differently. We cannot simply bank that and keep doing things in the same way. That means coming to terms with the size of the public sector share of our economy. It means that we have to address new ways of

encouraging indigenous growth in Northern Ireland. It means things like promoting a green new deal. A lot of those ideas are things that the Executive have not yet come to terms with themselves. I certainly think that our credibility would be enhanced if we are seeking to do things differently.

I will make a final point about the Ulster Unionists. I forgot about the one proposal that they have made, which is to ring-fence the health sector from any cuts. That in itself would be a further counterproductive argument.

Mr Deputy Speaker: Bring your remarks to a close, please.

Dr Farry: The consequence of doing that would not be a 10% cut but a 20% cut in every other aspect of government spending, including slashing any investment in improving our economy for the better.

Mr Deputy Speaker: Your time is up.

Dr Farry: It would be utterly counterproductive.

Mr G Robinson: I wish to highlight the very real dangers that exist for Northern Ireland if our block grant is cut. Last week we read and heard in the media that the level of child poverty in Northern Ireland is extremely high. We in the Assembly must ask ourselves whether we should accept that or fight to reduce it. The level of unemployment, although stabilising, is a concern that the Assembly must address. Do we accept that or fight to reduce it? If our block grant is reduced in any way, both those vital areas will be affected, as the Assembly will be greatly handicapped in its ability to tackle them.

The Westminster Government must be reminded that Northern Ireland is in a unique situation within the Union. We are moving forward after a campaign of terrorism that saw millions of pounds spent on compensation and security instead of being put into the infrastructure that Northern Ireland desperately needed, and still needs. Of all areas of the UK, Northern Ireland is the one that will be damaged most by a reduced block grant.

All Executive Ministers agreed to the Budget, and all Ministers wish to have more money at their disposal for projects as diverse as planning reform, new water mains, new roads, more health screening, greater assistance for young people in training places, more newbuild homes for the Housing Executive, and the ability to fund improvement grants.

However, we must deal with reality and not live in a fantasy world. The block grant is not sufficient at present, so a reduction is out of the question. Northern Ireland needs an increase in the block grant. An increase in real terms could allow us to start to address the problem of unemployment, and more money could be made available to the Minister of Enterprise, Trade

and Investment to assist new businesses or to help to attract foreign investors to Northern Ireland. That would help the Assembly to reduce the current level of unemployment.

More capital expenditure on infrastructure could be approved, which would result in better roads, more modern water and sewerage networks, more places on vocational courses for young people, greater spending on targeted projects in the Health Service and more newbuild homes for the public sector. All of that would benefit the construction industry. New homes with grant-aided home improvements will give families twenty-first century homes to live in, which is an indicator in working out child poverty figures.

The retail sector will grow as a result of employment in other sectors, creating more jobs and aiding households to live, not just to exist from day to day. Getting people into work will tackle the problem of child poverty.

I support the motion, as I believe that the amendment overlooks the fact that what it proposes is, *de facto*, already taking place. Therefore, the amendment is pointless, and it is only there to allow Members to continue to whinge, rather than take the affirmative action that is necessary.

Mr F McCann: Go raibh maith agat. I support the motion. Any reduction in the block grant would prove to be disastrous for many in our communities. The Assembly must do whatever it can to ensure that that does not happen. We need to put the case that, in this society, we pay more for fuel, food, insurance and housing. Equally importantly, we live in a low-pay economy, and any reduction in the block grant will add serious stress to people's lives.

In the North of Ireland, home repossessions have increased by 64%, while they have increased by 4% in England and Wales, which have been helped greatly by an effective mortgage relief scheme that has not been available here. A gloomy picture is painted when it is taken into consideration that low-income families will receive only 38p a week extra in child tax benefit and no increase at all in pensions.

Recent funding opportunities that were given to the community and voluntary sector in Britain have not been offered here, and we need to point continually to the years of underinvestment and the fact that we are coming out of conflict. It was my understanding that we would be able to retain both the efficiency savings for 2010-11 and the windfall tax of £40 million that came to the North as a result of the fuel price increase last year to deal with front line services, but all efficiency savings will now go directly to the British Treasury instead of being distributed here. That points to the need for the Assembly to have greater fiscal powers. Previously, Sinn Féin tabled a motion on that

issue, and it was supported by all parties, except the unionist parties.

In the past, I have heard a number of Members call for a bit of creativity in dealing with the block grant, but that has not been taken on board. My colleague Mitchel McLaughlin is one who has constantly argued that we need to look at different ways of distributing the resources that are available.

We also need to look at the economy on an all-island basis. It does not make sense that there are two health services and two education services.

Mr Beggs: Will the Member give way?

Mr F McCann: No, I will not.

There is duplication throughout this island, which impacts on efficiency levels and the economy as a whole. Investment companies must be looked at on an all-island basis that focuses on need, and not in a competitive North/South way, as is currently the case. We need to locate businesses in areas of high unemployment and social and economic disadvantage.

Although foreign investment is welcome given the recession, we need to secure jobs that are already here and grow and develop local businesses. Those are the ones that stay, while larger foreign businesses will leave if they get cheaper labour elsewhere. Visteon is one of plenty of examples of that.

Over two thirds of all businesses on the island have stated that there should be more cross-border co-operation. It is clear that that would have a positive impact on business when one considers that over €6 billion is spent each year on public procurement of works, services and goods, and most of it goes to overseas companies.

By incorporating social clauses into procurement contracts, the Assembly can ensure that businesses are compelled to employ the long-term unemployed; to create quality apprenticeships for young people, especially those who have underachieved at school; and to locate in areas of social and economic disadvantage.

It does not make sense for this island's small population to have two totally different economic systems. As for the amendment, it is a bit of a nonsense to set up a subcommittee that would be in direct conflict with the Finance Committee, which, after all, scrutinises all aspects of work that is brought forward, including the Budget. I support the motion.

Mr Buchanan: I commend my two party colleagues for proposing this important motion. Members will come to their own conclusions about the purpose behind the Ulster Unionist Party's amendment. I am sure that being tied to a party at Westminster that will introduce drastic spending cuts leaves the Ulster Unionists feeling a bit uncomfortable in the House. On

the one hand, they accept that the Assembly should oppose any reduction while, on the other hand, they bring out a white flag and admit defeat.

I am glad that the amendment's proposers are not negotiating with the Treasury. Members are aware of the Ulster Unionist Party's track record in negotiating. In general, it does not fill us with great confidence. I cannot see the point in the establishment of any more Committees. Perfectly adequate arrangements are already in place in the Executive and the Assembly.

In proposing the motion, the DUP is only too aware that the nation and the Province face unprecedented challenges. There is no doubt that since the Executive agreed their three-year Budget in autumn 2007, the economic and financial climate has changed almost beyond recognition. The developed world faces pressures on a challenging scale. Difficult decisions will have to be made after the general election; there will be no running away from them. Challenging times demand strong and courageous leadership. I have no doubt that the Finance Minister, in common with his predecessors, possesses those qualities in abundance.

Notwithstanding the pressures that I have described, I remain convinced that the Programme for Government and the Budget that underpins it are the best foundation on which to build, despite what the doom-and-gloom merchants in the House would have Members believe. Indeed, the leader of the Ulster Unionist Party is on public record as having accepted that to be the case.

Yes, there are serious pressures, some of which were predicted and others totally unforeseen. However, unlike what happened recently in Cromac Street, there is no hole. That is because Northern Ireland's finances have been carefully controlled throughout the deteriorating economic climate, not only by the Finance Minister but by the Executive through their quarterly monitoring process.

As the then Finance Minister, Nigel Dodds, said in April:

"the Executive will need to have an even greater focus on ensuring that every pound spent on public services delivers maximum value for money".

Demanding efficiency targets have been set for all Departments. However, more can and must be done, because Northern Ireland depends too heavily on the public sector. The Assembly needs to reduce government by cutting the number of Departments and quangos. The cost of government administration and bureaucracy is far too high. The Assembly needs to create wealth by pursuing its economic agenda and by encouraging innovation and productivity.

The required shift away from the public sector to the private sector will not happen overnight. In the medium term, and possibly for longer, Northern

Ireland will continue to suffer from poverty, unemployment and economic deprivation.

When devolved arrangements were restored in May 2007, Members knew that much work needed to be done. The economy and society in general had suffered many years of direct rule neglect and the impact of decades of terrorism, which tore the very heart out of Northern Ireland's economy and destroyed its infrastructure. Prior to devolution, the former First Minister Dr Paisley pointed out that the train could not leave the station unless it was properly fuelled.

We left the station two years ago, and we are on our journey. If we are not to be derailed or to grind to a halt, it is imperative that we are properly fuelled, and we must do everything possible to ensure that Northern Ireland's share of the block grant is not cut. It will be a tough battle, and highwaymen who are lurking in the shadows are determined to rob the train at some point. Some are dressed in the red of Labour, and they will bide their time. Others, even more vicious, are dressed in the Tory blue, and they are poised to strike. Let us face it, if the Conservative Party — the bosom buddies of the Ulster Unionist Party — win the next general election, we will not only be robbed, we will be lynched by its proposed cuts. Then there will be a black hole, which, in reality, will be more like a bottomless pit that will spell disaster for Northern Ireland.

5.15pm

Mr Deputy Speaker: Bring your remarks to a close, please.

Mr Buchanan: That is why the House needs to support the motion and oppose the amendment.

Mr McCallister: The Minister of Finance and Personnel has said:

"we know that after the next Westminster election whatever the outcome, our budget could be reduced by up to 10%. We must prepare for that by looking at what spending changes can be made, and what needs to be done to implement them."

Therefore, unlike his colleague Tom Buchanan, who thinks that there is going to be a lynching and that people are poised to strike and take away all the money, the Minister obviously accepts that our share will be cut, whatever the outcome of the general election. When the train that Mr Buchanan spoke about left, it was not properly fuelled. That has been one of the Assembly's problems from the outset.

Interestingly, when speaking to the Institute of Bankers about the need for Executive action in the face of the fiscal crisis, the First Minister, the Rt Hon Peter Robinson, said:

"There are leaders who believe they will be better thought of if they never ask people to do anything hard even if every enquiry to logic leads to the need for such a call to be made. Politicians often underestimate the public's willingness to do the right thing when it

clear what the right thing is and what its benefits are and what the true cost of the alternatives really is."

The motion is the lowest form of cheap electioneering that I have seen for quite some time, and I am surprised that the powers within the DUP allowed it to be tabled. The motion is dangerous because it says to the people of Northern Ireland that there is a way of opting out of the Labour Government's mess and that we can be excluded.

I am sorry, but that is the type of irresponsible message that I expect to hear from Sinn Féin or perhaps from the DUP's friends in the Scottish National Party, but not from fellow unionists. As a unionist, I believe in the UK, and I believe that we should be at the heart of the Union. For more than 200 years, we have reaped the benefits of being in the Union, and we cannot shirk our responsibilities now.

In the same speech that I quoted from, Peter Robinson correctly stated that, internationally, the approach that Governments have taken has been to stimulate demand with higher public expenditure. Public expenditure in the UK has been based almost exclusively on public debt. As the leader of the Opposition pointed out in today's 'The Times', next year, Britain is expected to borrow almost 14% of its national income, and that is twice as much as it borrowed when it almost went bust in the 1970s.

That is why Sammy Wilson and Peter Robinson recognise, like every other political party in the UK and every economic expert, that we must reduce public spending to secure our long-term future. It is wrong to say that this is a case of parties of cuts versus parties of investment. It is a case of harsh reality, which has been brought on by the Labour Government's mismanagement of the nation's public finances.

Is it only Simon Hamilton and the DUP outcast Gregory Campbell who do not recognise that reality? They may have to join Jeffrey Donaldson on the party's naughty step this week. They should grab the amendment with both hands and use it as a way out of the original motion.

Leaving the DUP's schoolroom politics aside, the amendment also gives us a real opportunity to prepare for the next CSR period. For too long, DUP Finance Ministers have refused to recognise the home-grown black hole in the public finances, which now means that we must find £370 million worth of cuts by Christmas. We cannot let that happen again.

Across the UK, devolved Governments and local authorities are reprioritising in preparation for the circumstances that have been created by Gordon Brown's mismanagement. We must do the same, and the unique nature of our political system means that we need as much time as possible to get the necessary agreement. An ad hoc budgetary review Committee is

one of the best options to get that agreement, and I hope that the amendment will be supported by all parties in the Assembly.

The First Minister is right.

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

Mr McCallister: The public are not stupid, but unfortunately the DUP have treated them with contempt, and that is regrettable.

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

Mr Durkan: Like Declan O'Loan, I support the motion. I accept that it is probably the lowest common denominator on the issue, as some of the Ulster Unionist members said, but it is an important common denominator if we are to declare our opposition to any reduction in the Northern Ireland block grant during the next CSR period, or whatever it might be called.

The SDLP has a problem with the Ulster Unionist Party's amendment because, as other Members pointed out, a motion that begins by saying that the Assembly is opposed to any reduction in the block grant and then says that the Assembly should prepare for a 10% reduction and plan how best to manage that is not a robust declaration.

Just because Sammy Wilson says something in an interview in the 'Belfast Telegraph' does not necessarily qualify that to be the stuff of a solemn Assembly resolution on an issue as serious as public expenditure, which underpins important public services and which will, hopefully, underpin economic growth. Every Sammy Wilson quotation is not chapter and verse on an issue, and I do not think that that is justification for the text of the amendment. As other Members indicated, the Ulster Unionist Party clearly has a difficulty because of its relationship with the Tory Party, which has said that there will be 10% cuts; and that is, essentially, where that figure has come from.

Mr Beggs: Does the Member acknowledge that the SDLP has asked for a budgetary review Committee to examine the difficulties that currently exist, never mind those that may exist in the future? Does he also acknowledge that the amendment simply says that the Assembly should make preparations for cuts of up to 10%? We are not accepting any particular figure; we simply wish to be prepared for the options.

Mr Durkan: First, I happily acknowledge that the SDLP has advocated a budgetary review Committee and still does, as Mr O'Loan indicated earlier. We had tabled an amendment to that effect, but we proposed a budgetary review Committee to deal with the serious pressures on budgets, public expenditure and public services. The Assembly should not wait until the next comprehensive spending review to address those issues. It should be addressing them now.

We specified that a budgetary review Committee would look at absorbing future cuts and protecting front line services. We suggested that budget lines need to be recast in order to identify those that are wholly or mainly front line services and those that are administrative and bureaucratic overheads. By doing so, non-front line services could be targeted for efficiency savings and investment could be made in front line services to improve performance, effectiveness and delivery in those areas. That is what we want a budgetary review Committee do.

We also want to identify the most important spending areas in order to support key sectors of the economy and growth during the period of recovery that we hope will come, and to better manage the key strategic investment that is being planned for the next few years. That will ensure that we not only have a quality infrastructure and public service estate but that we trap the multiplier and grow businesses here that can sell their expertise and talent elsewhere.

We want a budgetary review Committee. Our amendment was not accepted, but we will come back to that issue to give all parties an opportunity to vote for a budgetary review Committee that sets out priorities and which re-proofs and re-profiles the Budget in that way will lay the groundwork to absorb whatever emerges in the next comprehensive spending review. Whether we end up with more money, the same money, or less money, the work of a budgetary review Committee would inform how best we plan for and use those moneys.

Frankly, one reason why we want a budgetary review Committee is because it is not within the competence of the Committee for Finance and Personnel to review the Budget in that way. That is partly because even the Department of Finance and Personnel does not do a full job in comprehensively and actively — certainly not proactively — reviewing and re-proofing the Budget. That is something that we, as an Assembly, need to do. It is not right for us simply to dump that at the door of the Finance Minister or on the table of the Executive.

As we know, the Executive sometimes find it difficult to handle Budget issues. In 2008, there was a Budget vote in the House, but there was no Budget process last year because the Executive found it difficult and wanted to avoid the Chamber. We do not know what will happen in the next financial year: will we have a Budget statement or will we not?

Those are issues that we need to grapple with. If we want to be taken seriously as a regional legislature, we need to be on top of those issues. All parties have to play their part.

The SDLP wants to play its part. We do not want to dump budgetary issues on other parties and say that it is up to them and that everything is their fault.

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

Mr Durkan: We want to play our part in making responsible choices and in carving out clear strategic priorities in as positive a way as possible. To that end, we support the motion and oppose the amendment.

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

Mr Durkan: We will come back with our own proposals.

Mr Deputy Speaker: I call Mr Alex Attwood. He has three minutes only. *[Laughter.]*

Mr Attwood: I have three points to make, and I will make them very quickly.

Gregory Campbell said that, over the next five to 10 years, he wanted support for indigenous businesses and the indigenous economy. He is right.

Recently, I spoke to somebody who plays a strategic role in an economic development agency in the North; I will share the name of that person privately with the Minister after the debate. He said something that surprised me. He said that we have only 10 years to get the economic relationship between Dublin and Belfast and the island strategy right, and that if we do not get it right within the next 10 years, Dublin and Belfast will lose out, with Belfast losing out the most.

If we are to address our future Budgets and our future budgetary needs, the Minister must heed and hear what that senior strategic economic thinker is saying about how little time we have to get things joined up.

When it comes to the Minister, I do not think that I am necessarily knocking on a closed door. When it comes to his relationships in Dublin around NAMA, and his conversation with the Finance Minister in the South, the Minister has indicated a level of independence and has shown a little bit of fresh thinking that goes beyond the political orthodoxy that normally prevails in the Chamber and between the political parties in the North.

To avoid the North and the South losing out, I encourage the Minister to speak to that economic thinker — whose name I will give him after the debate — to understand why he says that time is so short.

I welcome Mitchel McLaughlin's rather independent speech, which, again, was outside the usual political orthodoxy that prevails in the Chamber. He said that we need to put in place a firm budgetary process, well in advance of the 2010 CSR, in the summer or autumn of next year.

The Member then, for want of a better term, rounded on the DFP for not coming forward to the Assembly in respect of commitments made by the former Finance Minister on the review of the in-year monitoring round process, the budgetary process, and in anticipation of the consequences of the House of Lords recent needs-based approach.

5.30 pm

Given that that was an independent approach that I have not seen from its ranks in recent times, Sinn Féin should adopt the position of Mr Durkan and Mr O'Loan in the debate. Instead of the narrow-fit approach outlined in the UUP amendment, Sinn Féin should adopt the much more rounded review approach that the SDLP previously outlined on how we should deal with our budgetary processes.

Time is short, and need is great. We need to cut through what has passed for economic debate in the Chamber —

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

Mr Attwood: That should be done by adopting the SDLP approach to the detailed working through of budgetary needs.

The Minister of Finance and Personnel: The debate has been useful and has, for the most part, been injected with an air of realism about the economic situation in which we find ourselves. I want to make it very clear that my remarks are not to be interpreted as those of someone who wants to behave like a fiscal King Canute who will deny where the tide of public finance is coming from and going to.

We know about the difficult economic situation in which the United Kingdom finds itself. We know about the economic situation in which the Irish Republic finds itself, which has an impact on our economy, as mentioned by Mr Attwood. We also know about the global economic situation. There are certain realities that we must face.

I want to spell out the economic situation — the reality, as I see it. Having said that, I urge the Assembly to examine the defeatist attitude of the party that tabled the amendment, the totally inaccurate picture that it painted and the weakness of the solution that it suggests.

We know that there are difficult economic times ahead. These are difficult economic times. Many of the Budget assumptions on which we were working for the next three years have been affected by the recession. Many people said that there should have been a review of the Budget. We have reviewed the Budget. We have reviewed it constantly through monitoring rounds. I refer to some of our actions on rates; the speed with which we have brought forward some public-spending projects; our front-loading of some investment; and the

type of investment projects that we have afforded greater priority. We have done all of that within the limits available to us.

Going forward, we know that there are levels of debt in the United Kingdom that will have to be addressed and that borrowing as a percentage of GDP is far too high. The issue is how quickly we try to reduce that debt and the borrowing requirement. We also know that there are revenue consequences from the current economic situation, such as higher interest payments and higher payments to support the unemployed. Those are a drain on the available money.

That is the background against which we have to view the current situation. However, I know that we will not address that issue through a motion. Some Members have suggested that the amendment is an attempt by the party that proposed it, which has allied itself to the Conservatives, to support cuts because the Conservatives have said that there will be fairly draconian cuts in the future.

The party that tabled the amendment produced a 10- or 12-page document on the current recession. I read that document meticulously, and one would have thought that there would be five or six ideas in its 10 pages. However, the only idea was to set up another committee. That is that party's brilliant answer to the current situation. Of course, that party has got it wrong in many other ways. It claims that the DUP is engaging in political opportunism and says that we need to think seriously about the matter, stop beating our chests — I think that that was the term that was used — stop the rhetoric and get on with the job. That message has not reached the Health Minister, who is not in the Chamber. At the first whiff of potentially difficult decisions, the Irish Congress of Trade Unions held a protest. Who doffed his cloth cap, put his socialist mantle around his shoulders and attended that rally?

Mr Hamilton: Comrade McGimpsey.

The Minister of Finance and Personnel: That is right: none other than Comrade McGimpsey. Before the party that proposed the amendment talks about chest beating, rhetoric and the need to address these issues seriously, it should perhaps put that message across to one of its most senior members, who will have to make some difficult decisions in the Executive. Ultimately, a budget review committee or the Committee for Finance and Personnel will not make those decisions: they will be made in the Executive and will come to the Assembly for approval.

The party that proposed the amendment outlined the size of the problem. Its Members asked how we can possibly manage a situation down the line if we cannot manage the current situation. They talked about the size of the block grant, and Mr Farry from North Down said that there will be big problems when the £4

billion block grant is cut. One would imagine that, when Members were carrying out research for the motion, they would have got the size of the block grant right. It is not £4 billion; it is £9.8 billion, and half of it goes to the Minister of Health, who says that he cannot and will not cut a penny. He will march down the street with the red flag rather than consider structural reforms in a budget that takes up half of our allocated money.

The party at the end of the Chamber talked about black holes. I was surprised that Mr McNarry took so long to mention black holes during his speech. We are always subject to such exaggeration and ignorant comments. There is a pressure of £370 million, not as a result of mismanagement, but as a result of the decisions that the two Ministers from the Ulster Unionist Party made collectively in the Executive on water charges, help for small businesses and so on. Those decisions carry a price tag that we must now address. There may be a pothole, but there is no black hole. That pothole was caused by decisions that we, as adults, took, and we knew what the consequences of those decisions were. What needs to be done? I do not want to dwell too much on what I believe to be a face-saving exercise on the part of the Ulster Unionist Party, which is under some pressure from its Conservative masters not to be seen to be identified too closely with the intent of the motion.

First, from experience, it is clear that, when we have faced pressures, we have been able to negotiate successfully. That means, of course, that we had to have prepared a case. I have no difficulty with the collective work of the Assembly, the Executive and departmental officials in preparing such a case. However, let us examine the successes so far. Much of what has been achieved in the Assembly was delivered by the cash that was received in the devolution settlement. We used much of that £1,000 million to do many of the good things that we have been able to do.

We knew that pressures were coming, such as the equal pay claim. I hope to resolve that issue fairly quickly, and I am sure that that will please the Member for North Antrim Mr O'Loan, who pestered me about it on several occasions. When that issue arose, we successfully negotiated flexibility from the Assembly to deal with that and other pressures. Only recently, against a backdrop of huge financial constraints, has it been possible to negotiate a considerable amount of additional money for the devolution of policing and justice powers.

I hope that my introductory remarks showed that I am realistic about the situation, but I want to emphasise that we should never throw in the towel. If we had done that on policing and justice — there were Members on the opposite Benches who would have had us conclude the discussions much earlier than we did — we would have lost out on substantial additional funding. The

Government have made commitments to provide £18 billion over 10 years for the investment strategy. We must make the case again that that money should not be touched because it was part of the devolution settlement.

Some Members talked about making a case to the Treasury. In the light of the negotiations that I am having with Ministers and the decisions that the Executive will have to make eventually, the case that we make to the Treasury for holding to the amount of money that comes to Northern Ireland must show that we can use the available funding effectively. That is why the outcome of the negotiations on the efficiencies that we have to consider for next year — £370 million or whatever the amount turns out to be — is important. We must show that we can deal responsibly with that pressure.

The Member for North Down Dr Farry made a good point: if we are to examine our public spending, we must ensure that, first, it is spent efficiently and effectively and is designed to change the structure of our economy so that it becomes more sustainable. Secondly, we must be able to say that the money is needed to change our economy, and, when we are given it for that purpose, we must use it for that purpose. Otherwise, it becomes much more difficult to negotiate with the Treasury. Thirdly, the debate about the Programme for Government and the structure of the Budget is important. That is why, in the longer term, we must look to elements of spending that lead to structural change in our economy and make us less dependent on public funding. As long as we depend on the whim of a Government for the vast majority of our GDP, we will be vulnerable, because Governments face various difficulties as political waves come and go. That is one reason why we need structural change.

5.45 pm

I appreciate the points that Members made in the debate. There has been an air of realism and recognition that we must not approach the debate lying down, waving a white flag and saying that we doubt that we can succeed. We must at least make our case.

Mr Deputy Speaker: I ask the Minister to draw his remarks to a close.

The Minister of Finance and Personnel: We have to be realistic about the circumstances that we face. The Assembly must ensure that it makes the best use of money by spending it responsibly.

Mr Beggs: My colleague David McNarry rightly posed the question of how double-jobbing MLAs and Ministers will protect Northern Ireland from potential cuts in the block grant. Double-jobbing restricts their time in and influence on Westminster, and that is where the decisions are made. It is much easier simply to wait for results before taking a step back and criticising the

Government, whether it is new Labour or Conservative, and they appear to be following that practice.

Given the unprecedented borrowing by the Labour Government, significant reductions in public spending in the UK are inevitable. The UK's national debt is at its highest level since the Second World War. Some nationalist colleagues think that we can get more money from Westminster. They should consider what happened down South, where the situation is even worse. In dealing with a household or government budget, all borrowed money must be repaid with interest. Those basic principles should be followed.

It is regrettable that the Labour Government, who have a track record of financial failures, were propped up by DUP MPs when they could have collapsed. It has placed a burden on future generations and Administrations to spend more on interest repayments than on their entire education budgets. The DUP failed to advise us how that borrowing is to be repaid.

Last week, Mr Weir and I visited Scotland with the Northern Ireland Local Government Association (NILGA). We visited councils in Renfrewshire and North Lanarkshire. Although both are in areas of need, the councils told us of their plans to reduce costs by at least 10% over the next four to five years. We cannot realistically expect such cuts in expenditure to be imposed on areas in Scotland, England and Wales while Northern Ireland remains completely unaffected. Some of the required efficiencies will fall to us. We will fight to minimise any cuts in expenditure and their effect on our constituents, but it is unrealistic to say that there will be no change. As my colleague rightly pointed out, the change is already happening.

The Conservatives, using the Labour Government's figures, illustrated that 10% cuts were on the way, yet Gordon Brown failed to acknowledge that for some time; in fact, he appeared to deny it. The Liberal Democrats' Treasury spokesman, Vince Cable, told the BBC:

"I think we all realised, who have studied government documents, that cuts were on the way".

He went on to say that it is only a matter of "when, how and where".

Sammy Wilson, our Minister of Finance and Personnel, wrote in the 'News Letter' on 12 October:

"we know that after the next Westminster election — whatever the outcome — our budget could be reduced by up to 10 per cent."

My question to Gregory Campbell — I note that he is not in his place — is whether he thinks that his Minister is defeatist. I ask the DUP to reflect on the language of our amendment, because it is exactly the same as that used by its Minister of Finance and Personnel. A point that some in the DUP missed is that, by attacking us, they are also attacking their Minister.

The leader of the DUP, Peter Robinson, addressing the Institute of Bankers' annual dinner in Belfast, said:

"we could have significant challenges ahead as UK public expenditure cuts come after the next General Election. This will be a reality whatever the outcome of the election and we must be prepared for it."

I ask Gregory Campbell and his DUP colleagues, "Is your First Minister defeatist?". You are denying what he and the Finance Minister have clearly expressed and what we have expressed in the amendment. Conservative, Labour and Liberal Democrat representatives and indeed the DUP Finance Minister and the DUP First Minister have acknowledged that financial difficulties lie ahead. It is unrealistic to think that nothing will fall on Northern Ireland.

Other parties have made suggestions. However, Sinn Féin supports its DUP partners, keeps its head in the sand and gets more money from Westminster. It is not even prepared to go to Westminster to argue its case. Declan O'Loan suggested that the Barnett formula be reviewed, but many needy parts of Scotland also face difficulty. The Barnett formula may help us or it may not, but there is no guarantee that it will be our salvation. Stephen Farry of the Alliance Party seems willing to accept tax increases as a solution. However, we must remember that increasing tax too much destroys jobs. We must take care.

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

Mr Beggs: I urge Members to take the step now. Support the amendment, rather than face last-minute firefighting and, potentially, wasting limited public resources.

Mr Hamilton: I thank everyone for their contributions to the debate, which has been valuable. The motion tabled by Mr Campbell and me is a simple and straightforward attempt to seek the Assembly's support in stating our opposition to any cuts in the block grant in the next CSR or whatever it is called at that time. The reasons why one would oppose a cut in the block grant are so obvious that it would be easy to rest the case there, but I accept the Finance Minister's point that we must state our case further. We need to say why Northern Ireland should not face the savage 10% cuts that it is mooted will be made by a Labour or Tory Administration.

It is worth pointing out that the Assembly and the Executive have made cases with some success in recent times. Indeed, even before devolution, the case for a financial package was made successfully. That package has allowed us to make a substantial investment in Northern Ireland in the past two years. The Finance Minister pointed out how £100 million of borrowings can be accessed to help with the equal pay claim and other pressures. Some £800 million was

secured in respect of the non-cash impacts of water charges. In recent weeks and months, the case has been well made for a proper financial package for policing and justice, if and when those are devolved.

We must begin to construct our case as to why Northern Ireland should not face the savage cuts that are being talked about, and we can put forward several arguments. The first is one that does not come naturally to me; indeed, I am not always comfortable with putting it forward. I refer to the special case argument. Northern Ireland is seen by some as always making a special plea. However, the fact is that we are different to every other region of the United Kingdom, not least because of the 35-plus years of civil strife from which we are still struggling to emerge. The special case argument has been made before and, indeed, was an aspect of the cases I have mentioned. I made the special case argument for the reduction in corporation tax, which everyone supported. Other parties, including the Ulster Unionist Party, have sought to make the special case argument in the proposal for an enterprise zone for Northern Ireland, for example. We are not unaccustomed to making the special case argument. The 35 years of the Troubles have had a very negative impact on many things in Northern Ireland, including our social and economic fabric.

Consideration of all sorts of headline indicators and socio-economic measures shows the distinct difference between Northern Ireland and the rest of the United Kingdom and how we will remain a special case for the foreseeable future. Take the figures on child poverty or fuel poverty, for example. It is estimated that 34% of people in Northern Ireland live in fuel poverty compared to around 12% in England. A report published by the Joseph Rowntree Foundation last week indicated that, in many areas of Northern Ireland, poverty is double that in the rest of the United Kingdom. We have a higher dependence on benefits. Our income levels are lower.

The Health Minister talks about health inequalities when he regularly complains about his resources. He uses the argument that health inequalities are worse in Northern Ireland than they are in the rest of the United Kingdom. If one accepts that, and I do not think that exemptions can be made for any budget, how much more moaning will Michael McGimpsey do if we face cuts of 10% that could be administered by his new political masters in the Tory Party?

Economically, Northern Ireland has faced many distinct disadvantages compared to the rest of the United Kingdom. Those are principally a result of 35 years of civil strife, during which inward investment was negatively impacted. We had an underdeveloped tourist potential and lower investment in research and development. There was underinvestment in our infrastructure, which can be seen most clearly in the

likes of our water and sewerage infrastructure. As a balance to that, we have had the problem of the dominance of the public sector in our economy. That is not to mention the more recent economic impacts and the current slowdown. Places like Dungannon, Cookstown and Magherafelt have experienced some of the highest increases in unemployment in the whole of the United Kingdom.

We are trying to get to grips with all those problems. We should all be able to see very clearly the negative impact that cuts of 10% or more would have on our ability to get to grips with those issues. There is much talk of a double-dip or W-shaped recession. Despite all the efforts that we have made to weather the storm in Northern Ireland — efforts that have been made by the private sector, the public sector and the third sector to position ourselves for an upturn — we could be plunged into a longer and deeper recession if there are 10% cuts because of the dominance of and our reliance on the public sector.

It is our desire to see Northern Ireland become more self-reliant. It is our desire to see an end to the dominance of the public sector and growth of the private sector. Is that aim helped or hindered by a 10% cut in the block grant? We argue that some help, assistance and understanding now will help Northern Ireland to be in a better position to better pay its way and make a bigger contribution in the future. Taking that amount of investment out of our economy now could have a serious detrimental effect and set us back years, if not generations. There is also an argument about the stability of devolution, which is very much dependent on having in place a financial package. There is much talk about this place foundering on issues such as policing and justice. Given the system that we have, whenever there are pressures on budgets, there is greater risk to the stability of devolution than there would be on account of anything else. Overall cuts of 10% would represent a very severe pressure on our Budget.

It is not that we are oblivious to the need for greater efficiencies. We should all strive for those as a matter of course. It is about looking at dismantling the ugly scaffolding at Stormont and looking at different ways of doing the same things. I am currently very interested in the likes of alternative methods of financing for social housing, for example, and leveraging in greater private finance. There is a real need to look at all our policies and priorities to see whether programmes are achieving their aims or whether they are achieving anything at all.

Caving in does not help our argument at all. The amendment seems to accept rather than oppose any cut in the block grant. We should not offer support for that either implicitly or explicitly, and we certainly should

not acquiesce. We should, plainly and simply, oppose any cut in the block grant.

I suppose that I should not be bewildered by the position of the Ulster Unionist Party. I would have thought that it must know that a 10% cut in the block grant would have a devastating impact on our economy, people and public services. The defeatism that it has exhibited today in its Members' speeches and its amendment is something that we have all come to expect over the years. That is reflective of where the power lies in the political alliance between the Ulster Unionist Party and the Conservative Party.

I do not know, and I do not think that anybody here knows, what the value of the block grant will be in the next comprehensive spending review (CSR) period. However, it is clear that, if a consequence of the alliance between the UUP and the Conservative Party is that we have to roll over and acquiesce in accepting a 10% cut in our block grant, that alliance is of no value to the people of Northern Ireland.

6.00 pm

It is curious, to say the least, to hear people on the Ulster Unionist Benches describe the motion as "dangerous". It is strange to adopt the position that it is dangerous to oppose savage cuts in our block grant. My DUP colleagues and I will unashamedly stand up for Northern Ireland. We will unashamedly stand up for the interests of our people, economy and public services. The people of Northern Ireland should remember long and well those who equivocate on cuts to our block grant and are tethered at the hip to those who would administer those cuts.

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

Main Question put and agreed to.

Resolved:

That this Assembly opposes any reduction in the Northern Ireland block grant during the next comprehensive spending review.

PRIVATE MEMBERS' BUSINESS

Rural Schools

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

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. 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 speakers will have five minutes in which to speak.

Mr D Bradley: I beg to move

That this Assembly notes that many of our smaller schools are under the viability quota proposed in the Department of Education sustainable schools policy; and calls on the Minister of Education to enact suitable pilot projects to develop ways of maintaining the viability of our smaller schools.

Tá an-áthas orm an rún seo a mholadh. I am delighted to move the motion. Of all the civic institutions that we have in the countryside, the school serves the youngest constituency. The capacity to maintain a school is a continuing indicator of a community's future well-being. Many rural schools are not only the social hub of their community; they contribute to their community's sense of survival. It is timely that we examine the issue of rural schools before we embark on the area-based planning process.

As well as being seats of learning, schools are places for community activity: sports, drama, music and other civic events. The local school is the place where generations come together and where community identity and lifelong friendships are forged. To close a rural school is to destroy an institution that holds the rural community together; to deal a body blow to communities with the least resources in the smallest and most isolated areas. Closure also damages the social and economic well-being of a community. There is a fierce pride in the local school, and communities are loath to lose them. A community will fight tooth and nail for its school's survival.

I want to focus on small rural primary schools. My colleagues will deal with the issue of post-primary rural schools. Just under half of the North's primary schools have fewer pupils than the minimum enrolment required under the sustainable schools policy for small rural schools.

Many smaller schools, whether controlled, maintained or other management types, face huge challenges and major changes. The statistics illustrate the magnitude of the problem. In the controlled sector,

130 primary schools out of 340 have fewer than 105 pupils, and in the maintained sector, 153 out of 341 primary schools have fewer than 105 pupils. All in all, 304 out of 735 primary schools are below the quota.

The Department of Education tells us that existing small schools may work together to meet need. One way to do so is through federation, which is an arrangement whereby small schools on separate sites come together to form a single school. In the context of maintaining smaller schools, federation is worth exploring. It may be a viable solution in defined areas. Federation involves two or more primary schools working together under a single board of governors and principal, and it is one way of helping to ensure the future viability of small schools. I think that it makes good sense.

The most attractive form of federation can help to keep pupils enrolled and taught in their home school, and that is preferable to running a split-site model with Key Stage 1 pupils on one site and Key Stage 2 pupils on the other. Rather than smaller schools having to compete with each other for survival, federation offers two or more smaller schools in an area the opportunity to avoid closure through coexistence and co-operation, and combined enrolments offer the chance to realise the prospect of accessing future capital funding.

I welcome the fact that federation has been tried in some areas and that it may offer a solution in other areas. In the North, it is a relatively new concept, but it has worked successfully in other parts of Britain for some years. I realise that if federation is to work it must first address the education issues, which means having at least three teachers in each school, due to the three stages of primary education. In addition, it must be economically efficient. In many cases, federation can help two or more smaller schools to meet the sustainability criteria that are outlined in the sustainable schools policy: a quality educational experience; stable enrolment trends; a sound financial position; strong leadership and management; accessibility; and strong links with the community.

Rather than rushing to amalgamation or closure as a means of managing the schools estate, is it not better, in order to ensure that every possible opportunity is given to smaller schools to survive, to fully explore the federation option? In the past five years, only two proposals for federation have been considered by the Department, which is hardly surprising given that the concept is relatively new here and that little work has been done to support its development.

I believe that the time is right to explore the possibilities of federation for sustaining small schools. A pilot scheme is needed to explore what, if any, additional resources would be required to run federations and whether or not that could be balanced

against a range of other issues, including the cost of travel time to children. For example, through federation, senior management can be reduced: one principal for two or three schools, with vice-principals or senior teachers managing individual sites. An additional resource could be generated by each school's retaining its small school allowance.

I am glad to see the Minister here, and I ask her to seriously consider providing the resources that are necessary to run a number of pilot schemes to fully explore the possibilities of federation, so that we might develop a robust model to act as a template for education providers as they consider the primary school estate in the context of area-based planning.

I turn to the Alliance Party's amendment. It is not necessary to amend the motion, which is broad and wide enough to encompass what the Alliance amendment proposes. Our motion does not preclude cross-sectoral projects involving combinations of integrated, maintained, controlled or Irish-medium schools, although such combinations would depend on local circumstances. For that reason, we are happy to support the Alliance amendment.

This issue affects Members' constituencies, especially for those who represent rural areas. Almost every MLA from a rural constituency will be confronted by this problem. It is time that we address this problem in a way that protects the rural communities. I propose not that schools which do not meet the educational criteria for sustainability should be allowed to continue, but that schools that can work together in viable federations should be allowed the opportunity to do so.

Go raibh míle maith agat.

Mr Lunn: I beg to move the following amendment:
At end insert

“; and in particular to fully explore the potential for integrated schools or other versions of shared education as the most realistic means to preserve local education in many rural communities.”

We have no problem with the SDLP motion, which we consider timely and relevant. We hope that the Minister will take note of the call to develop ways of ensuring the viability of our rural school network. Like Dominic Bradley, I am mainly concerned about the situation of primary schools.

The purpose of my party's amendment is to highlight one of the more obvious solutions, which is to consider integrated education in certain situations and the broad principle of shared education in general. The sustainable schools policy document is fair and realistic. There is no dispute about the statistical data cited or the demographic trends. The problem is how to deal with the situation which arises when the enrolment numbers decline below the minimum level and with the contrasting demands of financial

sustainability, the quality and breadth of the education provided and the upkeep cost of the school estate, as against the contribution of the school to community cohesion and historical and emotional links to that community, which Dominic Bradley has so ably and eloquently stressed.

The policy makes various references that appear to counter the argument that only enrolment numbers are relevant. For instance, it highlights the need to:

“uphold an education system that plays a powerful and positive role in the normalising of society, helping to make it sustainable and vibrant, with greater sharing amongst communities.”

I will return to that quotation.

The policy also encourages schools to become more integrated into the wider community, including by providing informal education opportunities beyond the school. Again, that is to do with the role of the school as the hub of the community, which Dominic referred to.

That vision statement leads me to the amendment, which seeks to ask the Minister to include the potential of shared education across the traditional sectors and the integration of schools in areas where it is the most viable option. The provision of a new integrated school may in some situations be appropriate, but I prefer the coming together in a single institution of controlled and maintained schools, and the sharing of facilities, staff, premises and anything else to ensure the viability of local schooling arrangements.

Many rural schools are recognised as essential components in the life of their areas. We have to recognise that, in some situations, closure is unavoidable. In Lagan Valley, in recent years, we have had the painful experience of watching five small primary schools, all within a mile or two of each other, close down, at Drumbeg, Hilden, Drumbo, Hillhall and Lambeg. It is unfortunate, but as is the case with banks, post offices and the local shop, some schools simply do not have enough customers.

Our amendment emphasises the point made in the motion: although the viability quota is extremely important, it need not be the point on which a school falls, and every available option, however radical, should be explored in a local situation to preserve a valued local resource.

6.15 pm

I refer again to the vision statement and the powerful and positive role that a small school can play in the normalising of society and in encouraging greater sharing among communities. What could be more normal or play a greater part in normalisation than the bringing together of our children in schools for their education? We can talk about integrated or shared education, or we can call it whatever we want, but we have 50,000 empty desks, and that number is

increasing. Small schools across the Province are making contributions to their local communities, but they are threatened with closure.

If the various authorities can bring some fresh thinking to the problem, I believe that it can be solved. I know that the Minister keeps an open mind about the establishment of new integrated schools, and, as the policy develops and attitudes soften, I hope that she will engage positively with the terms of the motion to install pilot projects and, as proposed in our amendment, explore the potential solutions offered by the integrated movement and other shared education models. I urge Members to support the motion as amended.

The Chairperson of the Committee for Education

(Mr Storey): First, I will speak in my capacity as Chairperson of the Committee for Education. In July 2008, the Committee provided the Department of Education with a substantive response to the Department's policy paper on sustainable schools. Some of the issues and concerns that were raised by the Committee, which the Minister of Education responded to in December 2008 — before publishing her sustainable schools policy in January 2009 — related to the viability of smaller schools. The point was made that minimum enrolments are too high, and the final policy document was strengthened in various parts. For instance, paragraph 1.11 of the sustainable schools policy now reads:

“The set of criteria set out in this document is much broader than enrolment thresholds and are intended to provide a framework for earlier consideration and action as necessary so that options can be considered which best meet the educational needs of the local community.”

It was suggested that the viability criteria for rural primary schools be lowered to around 80 pupils, as opposed to 105. The response highlighted that primary schools with a register of 80 pupils can be sustained for the future, based on the needs of the local area, and a school accessibility criterion has been included for rural schools.

The Committee raised the point about two or more schools working in federation, and Members will note that paragraph 6.13 of the policy document includes federation in the list of main forms of working together to address the need for sustainable schools. However, the policy document is silent on how those would work in practice. For instance, how would school funding arrangements work? That, and other practical arrangements, needs to be set out by the Department so that small schools know exactly what they can do to be sustainable and continue to benefit their local community.

I will also make some comments as a Member. We welcome the opportunity to raise the issue of the future viability of rural schools, but there is an elephant in the room, as there always is when it comes to this issue. I challenge every Member, from any of the parties

present, to face up to a reality: there are too many schools. Here is another reality: very few of us have the political courage to say that particular schools must be closed. Although it is good for Dominic Bradley to say that we value our rural schools, some sectors in the education system are all about the preservation of their own sector at all costs, without any reference to anybody else. That is the reason why we have the situation in which controlled primary schools have been closing at a greater rate than maintained primary schools. That is no way to deal with the situation.

It worries me that the Department has a guru, Mr Weist. He is a man of wisdom; he is one of the wise men — I am not sure whether he comes from the west or the east. However, he comes from the United States and has visited the Department on several occasions over the past number of years. What has Mr Weist told us? He has told us that we have 900 schools, whereas Montgomery County in Maryland, where there is roughly the same number of pupils, has 125 schools. I was no whizz-kid at school, but I know that Mr Weist is telling us that we have too many schools, or as he described it to me when I met him, there are too many cattle on one patch of ground. We must face that reality, but we should face it with the caveat and bottom line that no sector should get an advantage.

The Minister made a statement to the House yesterday on area planning in education. We must ensure that sectors are protected but that no sector has an advantage.

In conclusion, a pilot scheme of school federations was run in the Western Board area. However, several problems were identified. The board indicated clearly that there were problems with the cost of running the scheme, with agreeing location, with boards of governors and with administration. Given that, I think that —

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

Mr Storey: Although the aspiration behind that scheme was admirable, we must give serious consideration to the practical outworkings of such a proposal. Our rural schools are at the heart of our rural communities, and they must be protected.

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. I support the motion.

Given that I also represent a rural constituency, I am only too aware of the significance that a rural school has for those who attend it and for the wider community. As Dominic Bradley pointed out correctly, the rural school is often the hub of the community. Rural schools are not just the place where children are educated; they are often used as a meeting point and a venue for community events. The closure of such

schools has an impact not only on the educational experience of the child, but on the community as a whole.

The wording of the motion emphasises the numbers element of the sustainable schools policy. However, we cannot look at the issue as a simple numbers game. The Department's policy sets out several other criteria that must be considered when making decisions on a school's sustainability. We should examine them. They are concerned with the quality of the educational experience that is provided, and we obviously want our children to have the best possible start and the best possible facilities to enable them to learn. Those criteria also cover: stable enrolment trends; the sound financial position of the school; strong leadership and management; and accessibility.

When the Assembly discussed rural schools previously, many Members were aware of the fact that children are often bussed past their local schools to go to schools outside their area. We must take a stand and encourage people to send their children to local schools. The sixth criterion in the Department's policy is the need for strong links with the community. As I said, rural schools are at the heart of our communities.

Those criteria were developed after consultation with the Department of Agriculture and Rural Development (DARD) and the Rural Development Council, and I very much welcome the approach that the Department took. I also commend the Department on all the decisions that it has made that affect rural communities.

However, the reality is that there are smaller schools that fear for their future and that feel very vulnerable at this time. We must use this debate to send a clear message to the Executive that the Assembly is committed to developing sustainable rural communities.

As I said earlier, this is not just a numbers game. The sustainable schools policy also refers clearly to providing a framework for the early identification of emerging problems, with the possibility of taking remedial action. That framework would not be used in a mechanistic fashion to close schools; it is merely about tackling problems before schools reach the irreversible position when rationalisation becomes the only answer. We must tackle the problem before schools get to that stage.

As the Chairperson of the Committee for Education said, there is no getting away from the fact that in a time of budgetary restrictions, we must be realistic and deal with the fact that our school population is declining. After all, we have 50,000 empty school desks. We must also be more creative in our consideration of the long-term way forward.

The motion refers to using pilot schemes to explore the way forward, and it is my understanding that the

various school sectors are implementing such pilot schemes already.

A Council for Catholic Maintained Schools (CCMS) review of primary school provision in my area of Clonoe had a positive outcome, and people were happy with that. We need to encourage more of that sort of work, and we need to continue to be innovative and creative and to put the interests of the child at the heart of all decisions. Dominic Bradley referred to federation schools, and we need to examine such schools. They are a new concept, but anything that protects smaller rural schools must be seriously considered.

Mr McCallister: I thank the Members who tabled the motion for doing so. The Ulster Unionist Party has consistently urged caution on the rationalisation of rural schools. Local schools in rural areas play a vital role at the heart of local communities, and to dismantle a local school is often to dismantle that local community.

The Rural Development Council's submission to the independent strategic review of education stated that:

"The support role of a school in rural areas, particularly its capacity to contribute to social and community well-being and broader social and economic goals...means that there should not be a substantial time/distance gap between a school and households or communities within its overall required catchment area."

The important fact to keep in mind is the disproportionate impact that rural school closures will have on children from a more disadvantaged background. That is precisely the conclusion of the Rural Development Council, when it goes on to say:

"Children from poorer backgrounds are disproportionately affected by travel problems within rural areas. Such children are more likely to be dependent upon the school bus for travel to and from school, and therefore have difficulty in accessing both informal and formal after-school hours activities."

The Ulster Unionist Party raised its concerns about the Minister's sustainable schools strategy when it was launched. Almost a year into the strategy, that caution seems to have been warranted. The motion correctly highlights that rural schools are at risk, and that is especially true of rural primary schools. The motion correctly suggests that pilot projects be used to develop options to save those schools.

Rural schools offer real benefits. Smaller class sizes equals more attentive teachers, and being closer to home helps children to be happier, secure and better behaved. That is why we must be innovative. The Ulster Unionist Party has not been shy in making suggestions. My colleague David McNarry still has on the back burner a private Member's Bill on community use of schools and is waiting for the Minister to report back to him with her proposals. We also tabled an amendment to the Education Bill to allow schools to come together to form joint management schemes, giving them the potential to share facilities and services to remain viable. I hope that the Minister

supports the amendment, because it is the type of thinking that we need and that has been lacking in the Minister.

I noted the Minister's announcement on school entitlement. The Minister claimed that that would now form part of her overall strategy. However, I fail to see the consistency in the Minister's approach. On the one hand, she is centralising education delivery in Northern Ireland by creating the largest quango in Europe. She is also talking about choice and flexibility and claims that every pupil must go to the nearest school. On the other hand, however, she creates policies that will mean the closure of the nearest school for many in rural localities. We will be able to make the sort of progress that all Members want to see only when the Minister gives head teachers and boards of governors genuine freedom to find local solutions to the real problems in rural schools and elsewhere.

I am somewhat sympathetic to the Alliance Party's amendment. However, the party is wrong to prescribe a particular solution to the problems of rural schools. Integrated education may not suit many communities, and, with its reduced thresholds, it can often lead to extra pressures on local schools.

6.30 pm

Mr Lunn: I thank the Member for giving way. In what way does he think that the Alliance Party is prescribing one solution, when its amendment calls on the Minister

"to fully explore the potential ... or other versions of shared education"?

What is specific about that?

Mr Deputy Speaker: The Member has an extra minute.

Mr McCallister: Why then did the Alliance Party not word its amendment to read "in other sectors"? The amendment is too narrow and too prescriptive; that is why the Ulster Unionist Party has issues with it.

We must give schools and communities the freedom to come up with their own solution, and that is our argument for maintaining the viability of our smaller schools. We will, of course, support the motion.

Mr Ross: I congratulate the Members who tabled the motion. Northern Ireland has a large rural population, and that must be borne in mind when making policies. On some of the Committees that I have sat on, Members, particularly those opposite, talk continually about rural-proofing policies, whether public transport or gritting the roads. In the Committee for the Environment, we hear about the situation in rural communities and how conditions affect them. There are differences in how policies will play out in urban and rural areas.

Nevertheless, the closure of schools, whether urban or rural, is an emotive issue, and people automatically oppose such closures. However, there is little doubt that the effect of closures is much greater in rural areas. As has been said, the closure of schools can rip the heart out of rural communities and oblige children to travel greater distances to find an alternative school. The schools are more than just somewhere where children go to learn; they are often the heart of a rural community, and many community groups hold events in them. People in rural areas can come together in schools, particularly in areas where there are isolated minority communities. It is important that we recognise the role that schools play in rural areas.

The viability of small schools must be judged on more than enrolment figures. I know that Members have referred to that fact, but it is important to mention it again. We must look at the role that schools play in an area. However, as the Chairperson of the Committee said, we must face the fact that it is not viable to have small schools all around the country when there are so many empty desks. We must all face the fact that sometimes we must take the tough decision to close a school. Nevertheless, just as it is not sustainable to have empty desks, it is not sustainable to close down all schools that do not meet the viability criteria; we must judge all schools on their individual merits. The closure of more than 300 primary schools across the country is something that no Member wants.

Innovative ideas are required and, to coin a phrase, we need to think outside the box. The Member who proposed the motion was not explicit about what he was talking about. My party discussed the federation system in the past, and a system of having one principal over several schools is worth examining. At the same time, I am aware that there were problems when federation was piloted in the Western Board area.

The Chairperson referred to the difficulties with costs, locations, boards of governors and timetabling. However, that should not put us off the idea, although it highlights some of the difficulties that need to be ironed out. Nonetheless, if the Assembly believes that federation could safeguard some rural schools, it is worth considering, and it is a principle that I endorse. That is not to say that rural schools should not close; some closures are necessary. However, if federation can save schools, we should support it.

Mr Storey: I have always been sceptical of fanciful terms such as sustainable schools, federations and area planning; they are a cop-out when dealing with the number of schools.

Does the Member agree that one of the fundamental issues that must be dealt with is the need for genuine collaboration among rural schools? Does he agree that they should not be allowed to have an advantage either

in their administrative arrangements or in the policies that they implement that gives them an extra place at the table? There should be genuine collaboration in rural communities, irrespective of the sector to which a school belongs.

Mr Ross: That is absolutely right. As the Member mentioned earlier, in many cases, unfortunately, there is a certain degree of self-preservation on such issues. The Member is right to say that we need to have genuine collaboration among rural schools.

To conclude, I will talk about the Alliance Party's amendment. I note what the party is saying. When schools can work together, that should be encouraged. However, specifically to propose integrated education as a solution misses the point that there are empty desks in schools right across the country. The proposal that the Alliance Party has made consistently over the years, which is that we should have an additional sector — the integrated sector — is ludicrous. If there are empty desks in state-controlled schools, those desks should be filled, rather than have the Alliance Party harp on about having an additional sector, which would compound the problem rather than solve it.

Although I am content to support the original motion, I do not think that I will support the amendment.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. A common theme is running through the majority of contributions thus far, and that is that we need to support and enhance our rural schools network. Some of the contributors to the debate may have slightly different points of view as to how we go about that, but, if we can agree on the broad theme, that is a good start.

The sustainable schools policy is not simply a numbers game. It does what it says on the tin: creates a sustainable schools network for rural and urban communities. There is a differential, even in the numbers, for rural communities, recognising the unique pressures that rural communities face and the uniqueness of rural community life.

What is important about the sustainable schools policy is that it offers informed early intervention in schools that may have falling enrolment numbers and prevents them reaching a stage at which the first attention that anybody pays to them is when rumours circulate about their closure. That in itself is a death knell to many schools, because parents, often rightly so, believe that their children's education is going to be affected by a school that has falling enrolment numbers and may close within a specific period.

The sustainable schools policy is about offering support to schools in urban and rural communities — in this case, rural communities — and ensuring that early intervention allows schools to maintain their numbers, to consider alternatives, such as federated

projects, which has been mentioned today, and to look at how they can collaborate with their local community to ensure that the school remains open. However, as has been mentioned, there will be cases in which, despite the best efforts of all concerned — whether that be the board, the CCMS or the Department — schools will close. That is the reality of the situation, but it should not be the first option, and, in my opinion, it will not be the first option under the sustainable schools policy.

The proposer of the motion said — I will paraphrase — that a rural school reflects the viability of the rural community. That is an accurate statement, and it also opens the debate wider, because, if rural schools are to be viable, rural communities have to be viable. After all, it is the community that will supply the school with pupils. For that to happen, there must be a cross-departmental support network for the rural communities.

I note and welcome the DARD rural White Paper, which considers community life in rural communities — childcare facilities in particular — to ensure that rural families can maintain a network in their community. Support for community infrastructure in rural communities is also needed. DSD or the social services arm of DHSSPS could provide that support, but money and resources need to be brought to bear on those networks. Jobs must be available in rural communities if communities are to be viable, not just in the agriculture industry but in others, such as the light engineering industry, which thrives and develops in rural communities. Industry needs support from DETI and others to ensure that it can start up in rural communities, because, without jobs and community infrastructure, there will be no schools in rural communities. That is the simple fact. There must be a cross-departmental approach to supporting rural schools and rural communities.

Mr Storey: Will the Member accept that the converse is also the case? If there is no local community and no local school, there will be no young people to take jobs and sustain the economy. It is not a case of having either jobs or schools; a combination of both is needed.

Mr Deputy Speaker: The Member will have an extra minute.

Mr O'Dowd: I certainly agree with that. It is a circle of life in that sense; one cannot exist without the other. The only reason that a school will close is if its enrolments fall. One way or another, parents make that decision. The location of the school may no longer suit their needs, and they may move out of the area because of a lack of jobs, investment and community infrastructure. Parents who live in rural areas are not always first- or second-generation members of rural communities, and they may naturally go back to urban centres to school their children, because that is where

their family support network is for babysitting. Those factors must be taken into account.

I will not lengthen the debate by repeating what has been said. Sinn Féin supports the motion and is relaxed about the amendment. The amendment offers opportunities — the Alliance Party is not just offering a single option with it — and we support it.

Lord Morrow: The DUP came to the Chamber today with the idea of supporting the SDLP motion, but, regrettably, the SDLP has incorporated the amendment into its motion, which rules out our support. We intend to test the opinion of the House on the issue, as we cannot support the amendment. The Member from the Alliance Party who proposed the amendment said that he did not have a problem with the motion, so it is a bit confusing to see an amendment on the Order Paper. If the Alliance Party has no problem with the motion, why does it want to amend it?

Mr Lunn: Does the Member not understand the difference between an amendment and an addition? The amendment adds to the motion; it does not simply amend it.

Lord Morrow: The Member must have a different Order Paper to me. His amendment is listed clearly on the Marshalled List of amendments, and it is listed as “Amendment 1”. Perhaps, he will take another look and conclude that is not me who is confused but someone else, but that is a side issue.

The debate can be useful, although I am not sure that it will come to any great conclusions. As Members have said, it is good to focus on rural schools and their future. Rural schools are the heartbeat of a rural community. Sadly, in the past few years, there has been a real decline in the number of rural schools. The number of rural schools that have closed is frightening. Eventually, that impacts on rural communities.

I do not wish to misquote the Minister. She feels that she has been misquoted at times, so I will try not to do that. She said:

“We need to put children’s needs at the centre – it is our duty, our responsibility and we must rise to the challenge.”

Those are her words, not mine.

As Mr Storey said, the Minister, the Committee for Education and the Assembly face the challenge of how we see the shape of rural schools in the future. Are we merely paying lip service to rural schools? Do we feel that “rural schools” is a good phrase to use that clicks with certain people and might attract a few votes one day? I hope that no party and no Member will get caught in that scenario. We must declare either that we are sincere about the future of rural schools or that we see them in a different light. My party and I are sincere; we want the future of rural schools to be

maintained and kept. That can be achieved only through having a firm strategy. The Assembly looks to the Department of Education and its Minister to introduce that strategy. To date, we have not been convinced. We still could be, however. We implore the Department and its Minister to think rural and to think long and hard before they go down a road that will disadvantage rural children. Those children must not be disadvantaged simply because they live in rural communities.

6.45 pm

We cannot become urbanised, urban-thinking people on every matter. There has been much talk about transport and how it must be extended to rural communities. That is good, and the Assembly must do it. However, by the same token, does the Assembly not need to ensure that rural schools are viable and have a future? How should that be done? Surely criteria must be established that differ from those that apply in urban areas.

The numbers game is played continually. Rural education — indeed, all education — is measured in pounds and pence. That is how its future is decided. Sometimes I believe that that is the wrong road to go down. Rural education and the future of rural schools cannot be measured simply in pounds and pence. More fundamental, deep and lasting concerns must be considered.

We say to the Minister that she has an opportunity to show transparently that she has the needs of rural communities at heart. We want her to apply most of her energy in that direction in order to ensure that small rural schools have a future. Those schools are and can be viable. They are important to the future of rural communities.

If the Assembly is to keep rural communities alive, it must keep rural schools alive. The Assembly must start — I use Mr Ross's phrase — to think outside the box. Until now, efforts have not been sufficient or adequate. It is time that the Assembly thought seriously about those issues. I look forward to hearing proposals and suggestions from the Minister and her Department on this important matter.

Mr B McCrea: I share Lord Morrow's concern. When the motion was originally put to us, we were prepared to accept it. However, we had difficulty with the Alliance Party's amendment, and we still do, given the fact that the SDLP is considering adopting it.

My party's concern with the amendment is largely down to its language and the way in which it has been put forward. There may indeed be occasions when integrated schools are part of a solution. Above all, however, my party supports parental choice. Situations can be found, particularly in rural areas, where the problem is that there are too few children for too many schools. I listened intently to what the Committee

Chairperson, Mr Storey, had to say about the difficulty with falling pupil numbers in schools, which leads to closures.

The Bain report illustrates the fact that 60.4% of rural primary schools have pupil numbers that fall below the required threshold of 105. Furthermore, 77% of rural secondary schools fall below the threshold of 500 pupils. That presents a bit of a dilemma. If the same criteria are to be applied to urban and rural areas, many schools will close. That is why I agree with Lord Morrow's suggestion: different criteria must be considered for rural schools, because different issues must be taken into account. Rural schools must be kept open because they form an integral part of rural communities. I believe that the Assembly is required by statute to do that.

The debate raises an increasing number of contradictions in the Minister's position. On the one hand, she claims that she wants equality. However, the Rural Development Council maintains that people who come from rural backgrounds suffer disproportionately from the closure of rural schools. Therefore, if she is trying to look after those folks, that is not a good plan. On the other hand, she claimed yesterday that she wants children to attend their nearest school. That shows that the Minister's view is particularly urban-centric. The criteria that she has put in place mean that what is now the nearest school for children in rural areas may be closed, which means that those children will have to travel further than their urban counterparts. Where is the equality in that?

Rural schools are the heart of our rural communities. Neither the Minister nor her Department have addressed the issues properly. Innovative solutions are needed, and it is obvious that one size does not fit all and that we need to find a range of solutions. That is why I am concerned about the Alliance Party's amendment, which refers to integrated schools, and I say that as someone who has been interested enough in such schools to invite their representatives to Stormont. I believe in the integrated sector, but I do not understand why the Alliance Party has singled out one sector at the expense of others. Why was the Irish-medium sector not included in the amendment? During interventions, Members were asked what they did not understand about the phrase "explore the potential". What part of the phrase "and in particular" does the Alliance Party not understand, because such words seem to suggest that there is only one way?

Lord Morrow: I thank the Member for giving way. He raised a valid point about Irish-medium schools that I had intended to raise. It is no wonder that the Minister has a smile on her face. She has made special provision, for the sake of a better term, and she used different criteria. Can we not have the same innovative

thinking, for the sake of a better term, to address the issue of rural schools?

Mr Deputy Speaker: The Member may have an extra minute in which to speak.

Mr B McCrea: I thank Lord Morrow for his helpful intervention. The Minister claimed that she has a co-ordinated strategy. However, even this week, when making her statement about the report 'Together Towards Entitlement' and when talking about other policies and the ESA, she gave out mixed messages about choice and flexibility.

We need to give local schools the tools to come up with their own solutions. Neither the Minister nor the Department knows better than parents, and they do not know better than local communities, which should be able to find their own way forward on this issue. I am disappointed in the Alliance Party's amendment, because it is unnecessarily prescriptive. I urge Members to support the original motion, which calls for pilot projects, and, as Dominic Bradley said, is sufficiently broad. We should not be prescriptive and risk discriminating against other sectors.

Mr Dallat: I support the motion. We live in a society in which 25% of the population cannot read or write at a level that gives them the dignity to apply for a job that they would like, so I am entitled to question anything that comes from the Department of Education, and that includes its sustainable schools policy.

I was a teacher for 30 years in the Republic and in the North, and, as such, I have strong views about the future education of our children. Closing schools that are perfectly viable and deliver sound education does not appeal to me in any shape or form. I reject the notion that small schools cannot deliver a comprehensive curriculum, because they are doing that and a great deal more.

Harry Ferguson and John Boyd Dunlop did not go to a big school. Indeed, most famous inventors who are known throughout the world for their ingenuity did not. God knows, some of them did not go to school at all.

Like others, I feel passionately about the future of our rural communities, and I reject the notion that closing rural schools is a way of putting the heart back into those communities. Such communities have already been ripped apart because of neglect by government Departments, flawed planning laws and a failure to value what is important and worth fighting for.

Much has been said about empty desks in schools, but I wonder whether the Department has ever bothered to find out why desks are empty. Is it always because of demographic changes and falling population, or is it possible that some schools are underperforming and parents are refusing to send their children to them? Is it morally right that good schools

with fewer numbers should be culled to fill those desks? I think not.

In the Republic, there was an announcement recently that all national schools, which are the equivalent of primary schools here, must have a minimum enrolment of at least 60 pupils. Not surprisingly, there has been a public outcry, and Protestant schools in particular have opposed it, because they would largely fail to meet that new quota. However, every indication is that the Government will have a change of heart, and, if I were their political adviser, I would strongly advise them to do so. Here, the numbers have been set much higher, so let us hope that our communities will feel as passionately as our Southern counterparts about the issue and raise the roof of the Department of Education and get it to stop this madness.

The situation for secondary schools in rural communities is much worse, with the minimum enrolment set at 500. Implementing that requirement would cut a swathe through large parts of the rural community. The Department should be creating incentives to develop the community school concept that was embraced in the South many years ago but which was thrown out in the North in the 70s.

Good schools and good teachers do not need to pack children in like battery hens in order to deliver a comprehensive education, and the practice of doing that may well be contributing to the low levels of literacy and numeracy that I mentioned earlier. For example, a lesson in road traffic studies can be an exciting experience in history, mathematics, science and, indeed, road safety, just as a lesson in business studies can be an exciting world tour in geography, modern languages, transport, economics and many other subjects that children find fascinating. Such lessons teach children about the real world, but the people who are pushing through the proposed measures do not live there.

I sincerely hope that the Minister takes the message in the motion to heart. No one is arguing that there should be no change; change happens all the time. However, small schools need the support of the Department to develop projects that ensure that they remain viable and attractive to the catchment areas that they serve. That requires imagination, creativity and vision on the part of the Department. To date, I have seen little evidence of that.

A working example of a federation exists in the Garvagh and Glenullin area, where two small schools are now experiencing a population explosion. Does the Minister, who has expressed great commitment to the development of language and culture, accept the fact that having no schools and teachers in the areas where those

aspects of life are under threat and underdeveloped will mean that there is no hope of success?

I am very proud to support the motion, and, as a rural dweller, I sincerely hope that the Minister will respond positively to what has been said here today.

Mr Irwin: I thank the Members who tabled the motion. Indeed, one of them represents the Newry and Armagh constituency that I, too, represent. In that constituency, there are many small rural schools that are an immense asset to their communities. The benefits that small rural schools bring to their communities and to the development of children who wish to be schooled in a rural setting are hard to quantify. However, one thing is certain: those schools are a cherished part of the infrastructure of Newry and Armagh.

When I last spoke in the Chamber about rural schooling, I urged the Minister to halt rural school closures except where local agreement had been reached, and I asked her to ensure that the rural proofing of the sustainable schools policy was underpinned by criteria that were appropriate and realistic for schools serving a rural community. In that debate, I referred to Keady and Aghavilly primary schools, which are small rural schools that cater for the Protestant community in that area.

The issues faced are similar in both sectors, and it is clear that the parents and teachers involved cherish the schools and want to keep them open.

7.00 pm

I represent a largely rural constituency and, along with other Members from that constituency, have been involved in many meetings about trying to keep some of our smaller rural schools from closing. In each case, the obvious concern has been pupil enrolments and how a small rural school can increase its enrolments.

Applying the viability cut-off is a broad-brush approach, and, as has been argued, one that does not take into account each school and its connections and ties with the community. Simply closing a school using a quota system is not best practice and gives scant regard to the impact that such an action would have on the community and the children. Those children would have to move from their local area to travel to larger schools that are often many miles away.

I urge the Minister to place a greater value on our rural schools and to seek ways to safeguard those schools, which are a vital part of our rural fabric. I have seen successful amalgamations in my constituency; for example, the amalgamation of Annaghmore and Tullyroan primary schools. However, that is not always practical or possible, as amalgamation is not always suitable to the needs of an area.

I could say more on the condition of some of our small rural schools and on the need for urgent upgrades

to classrooms, play facilities, parking, and so on. The Minister has a remit to ensure that existing schools are suitably equipped and in a sustainable state of repair.

There is much to consider and much work to do if we are to say with certainty that the sustainable schools policy will safeguard our rural way of life. I await with interest the response of the Minister on those many issues, as I know for sure that the small rural schools, which are under threat, will not go down without a fight.

The Minister of Education (Ms Ruane): Go raibh maith agat, a LeasCheann Comhairle. Today's debate focuses on small schools, and I welcome the opportunity to explain how the sustainable schools policy fully recognises the particular needs of rural communities.

I also welcome the opportunity to highlight that we cannot continue unchanged into the future. We cannot pretend that there is not demographic decline nor can we hide from the reality that very low pupil numbers make it difficult to deliver a high-quality educational experience for young people that is characterised by a broad and balanced educational experience for pupils. We must also be aware that very small post-primary schools struggle to provide pupils with access to a full set of subject choices that can be pursued to the highest level.

I pay tribute to my colleague Michelle Gildernew and say that my Department will be actively working with her in relation to the rural White Paper. To that end, I met some of the farming organisations to discuss the range of issues pertaining to our rural schools.

Some Members have thrown around numbers and alleged that there have been endless school closures. I want to set the record straight. Since May 2007, there have been 41 school closures: that encompasses 25 primary schools, two Irish-medium units, two nursery units, two special schools and 10 post-primary schools. Of the 25 primary schools closed, 23 had fewer than 50 pupils at the date of closure, and of the 10 secondary schools closed, nine had fewer than 100 pupils.

I understand that the enrolment thresholds in the sustainable schools policy have caused concern, particularly for small rural primary schools and the communities that they serve.

Aibhseoidh mé arís nach bhfuil treochtaí rollaithe ach ar cheann de na sé chritéar a chuirtear san áireamh agus inmharthanacht scoile á meas. Thar aon rud eile, is é an soláthar d'oideachas ardchaighdeán an rud is tábhachtaí.

I emphasise again that enrolment trends are only one of the six criteria to be considered in assessing a school's viability. Above all, the provision of a high-quality education is the key consideration. I reiterate that schools will not be closed simply because their

enrolments fall below the thresholds. The criteria, and their associated indicators, provide a framework for the early identification of emerging problems and possible remedial action.

The issues that affect rural schools are reflected in the sustainable schools policy. Maurice Morrow said that we should have different criteria for rural schools: we do. The policy includes a lower enrolment threshold for rural primary schools and a criterion that looks at accessibility and provides guidance on how long we expect children to travel between their homes and their schools. The policy also includes a criterion for a school to have strong links with the community, which ensures that local community involvement with schools and the contribution that schools make to their communities are included in any consideration of a school's viability.

The rural nature of the North of Ireland means that there will always be a significant number of small, rural schools. Apart from a short period in my life, I have always lived in a rural community. I still live in a rural community.

The common funding formula includes specific factors. Members asked that special measures be provided for rural schools: we already do that. There are minimum funding levels designed to help small rural schools to meet the needs of their pupils, particularly in the delivery of the curriculum. In addition to the small schools support factor, minimum funding thresholds are applied in the foundation stage of the primary curriculum and primary principals' release time funding.

I commend the contribution that some small schools make to educational attainment and community cohesion. However, we must also recognise that many small schools encounter difficulties, not only with delivering the curriculum but in operating within their budgets. The challenge has become greater in primary schools in which there are more than two age groups in a composite class. Small post-primary schools also face a number of challenges, particularly in ensuring the continuing availability of sufficient specialist teachers to allow them to provide effective teaching and assessment in all areas of the curriculum.

The sustainable schools policy does not seek a one-model-fits-all solution to the problems brought about by demographic decline. Rather, it provides a consistent framework in which any review of a school's viability can be handled carefully and sensitively, taking account of local circumstances on a case-by-case basis.

Cuideoidh an polasaí do scoileanna inmharthana linn chun a chinntiú go bhfaigheann gach páiste oideachas den scoth, beag beann ar a gcúlra nó ar an áit ina bhfuil siad ina gcónaí. Ina theannta sin,

cinnteoidh sé freisin go mbainfear an úsáid is fearr as na hacmhainní atá ar fáil don oideachas.

The sustainable schools policy will help us to ensure that all our children get a first-class education regardless of their background or where they live. Equally, it will make the best use of the resources available for education.

The motion calls on me to enact suitable pilot projects to develop ways of maintaining the viability of our smaller schools. I ask the House to recognise that my Department and its educational partners are already implementing or bringing forward a range of policies and projects to address that. The entitlement framework will guarantee all post-primary pupils aged 14 years and above greater choice and flexibility by providing them with access to a wide range of learning opportunities, irrespective of where they live or the school that they attend.

The framework will help to ensure that all pupils, however remote their location, are not disadvantaged. The establishment of area-learning communities, where schools work together and with further education colleges and other providers, and the use of distance learning methods where appropriate, will enable schools to collaborate to ensure that there is sufficient breadth and balance in courses.

As the amendment notes, the development of shared educational facilities is a practical means of preserving local education in rural communities. The development of a shared educational campus in Omagh is an example of how my Department aims to shape the way that education is delivered here. It provides an example of an alternative and innovative way to address viability issues faced by rural schools with reducing pupil numbers.

Trí áiseanna a fhorbairt a ligeann do scoileanna comhoibriú thar an gcuraclam, tá féidearthachtaí iontacha ann chun bealaí nua a fháil le teagasc, foghlaim agus foirgnimh scoile a chomhroinnt.

The development of facilities that allow schools to collaborate across the curriculum offers exciting possibilities for new ways to share teaching, learning and school buildings. I understand that the Council for Catholic Maintained Schools (CCMS) has been examining the potential for federated projects in a number of parishes, and I am confident that the new education and skills authority (ESA) will introduce a range of creative and innovative projects that, like the shared educational campus in Omagh, will develop ways of maintaining the viability of schools through collaboration and partnership while ensuring that investment in the education estate provides the best outcome for children.

My overall objective is to create a system of strong, sustainable schools. John O'Dowd was absolutely right when he talked about vibrant, strong, sustainable

communities. That is the key; we cannot consider schools alone. We must consider the range of governmental policies on decentralisation, jobs and the need for communities to work together. Our education system needs to be planned on an area basis to provide high-quality education for our children and young people. Equality must be its cornerstone.

The sustainable schools policy is a key element of the policy framework that I will put in place. The 'Every School a Good School' policy, the revised curriculum, transfer 2010, the review of Irish-medium education, the special education and inclusion review and the entitlement framework are at the heart of that policy. Members will note that, at its heart, transfer 2010 ensures that rural schools are protected. Moreover, it ensures that rural dwellers are not disadvantaged by linking criteria for entry into post-primary schools. As area-based planning develops, those policies will drive the delivery of education and the consequential reshaping and investment in our schools estate.

I will take the amendment in the spirit in which it was intended. I do not believe that Trevor Lunn and his party are trying to say that the integrated sector or the Irish-medium sector should receive preferential treatment. I believe that they are saying, and it is my Department's view, that the integrated sector was not treated fairly in the past and that we need to deal with that inequality.

This morning, I visited Lagan College and had discussions with the young people there. It is wrong that that school had to endure a delay to the investment that it deserves. Last week, I visited Coláiste Feirste during the launch of new computer packages in Irish. The Irish-medium sector and the integrated sector have the most Portakabins in the North of Ireland. That needs to be changed, and I hope that all Members will support this important amendment.

The new area-based approach represents a significant change in planning provision in schools, preschool and youth facilities. It will afford another opportunity to consider the role and structure of small rural schools in the wider context of education provision in local areas. Transport was mentioned earlier. Currently, our children travel 1.4 million miles a day on school transport. If, and when, our transfer 2010 proposals are put in place, our children will travel 400 miles a day. That will result in a significant reduction in transport costs and carbon emissions. I have often said that I can do more to reduce carbon emissions than the Minister of the Environment and the Minister for Regional Development combined.

Yesterday, I informed the House of the findings and recommendations of the 'Together Towards Entitlement' report, which considered an area-based

approach to planning for the delivery of the entitlement framework. The report highlights the need for, and importance of, an area-based approach to planning, and I will work closely with the ESA, school owners and promoters and schools to develop that approach in the best interests of all young people.

To achieve that end, I will, where necessary, explore all opportunities for collaboration and partnership, and I will provide small schools with the support that will allow them to continue to provide a first-class education for our children. However, I will not be afraid to make difficult decisions to ensure that all our children receive a first-class education experience.

7.15 pm

Leis seo a bhaint amach, amharcaidh mé ar gach deis atá ar fáil le haghaidh comhoibrithe agus comhpháirtíochta, nuair is gá, agus cinnteoidh mé go bhfaigheann scoileanna beaga an tacaíocht atá de dhíth orthu chun oideachas den chéad scoth a thabhairt dár bpáistí. Ní bheidh aon eagla orm áfach, cinntí deacra a dhéanamh a chinnteoidh go bhfaigheann gach páiste eispéreas oideachais den chéad scoth.

Dr Farry: I pay tribute to the Minister for her comments on shared education and integrated education, which were extremely positive and represented a realistic recognition of the opportunities in those areas. We can build on that platform.

It is worth cross-referencing this debate with our earlier deliberations on public spending. There are pressures on the education system. We must recognise that the current empty school places are unsustainable and that the situation will get worse. There will have to be a process of rationalisation, and we will have to implement the sustainable schools policy.

Mr Storey: Does the Member not accept that there is a contradiction in his argument? On the one hand, he commends the Minister for giving an accolade to integrated schools, and, on the other hand, he talks about the cost. He knows that the Deloitte document clearly states that, because we have too many sectors, it costs Northern Ireland plc millions of additional pounds, yet he advocates a sector that will cost our education system more money to run. Hypocrisy.

Mr Deputy Speaker: The Member will have an extra minute in which to speak.

Dr Farry: First, the Member needs to withdraw the call of hypocrisy, if he wants to do so.

Mr Storey: No.

Dr Farry: On a point of order, Mr Deputy Speaker. The Member has accused me of being a hypocrite, which is unparliamentary language. Will you ask him to withdraw the comment?

Mr Deputy Speaker: Members have been asked to moderate their language on several occasions in the past. I will give the Member an opportunity to reflect on that, and, perhaps, withdraw the remark so that we can move on. Otherwise, I will pass the matter to the Speaker for a resolution.

Mr Storey: I did not call the Member a hypocrite. I said that his position was hypocrisy. If the Member is happy to have the matter referred to the Speaker, I am quite happy to take whatever punishment that the headmaster feels is necessary.

Mr Deputy Speaker: Please continue, Dr Farry. *[Interruption.]* Order.

Dr Farry: I shall continue in the good traditions of British parliamentary democracy, which the Member does not abide by, and I will move on. I will address the comments that the Member made in the course of the debate.

We have to be balanced and reflect the importance and cohesion of rural communities, and I take on board John O'Dowd's comments in that regard. The motion faces up to the problems and does not duck the situation. Dominic Bradley made that clear in accepting that there is a sustainable schools policy in place that sets thresholds.

The Alliance Party amendment seeks to highlight a potential way forward that builds on the motion. I will address Lord Morrow's point: the amendment is an addition to the motion; it does not detract from it. It provides further clarity and identifies a potential opportunity in addition to the SDLP motion, which we support.

I want to respond to the comments that have been made in the debate about integrated education and shared education. Mr Storey made a point about rationalisation and the need to rise to the challenge. I have done that in my constituency, where I supported the closure of an integrated school that had only 20 pupils. Although I support the integrated sector, I am not prepared to shy away from tough decisions. My record is clear.

Members must recognise that the amendment refers to integrated education and other forms of shared education. The term "shared" implies potential co-operation between different sectors. The Alliance Party recognises that shared education can be offered in a range of ways.

Rural communities experience particular difficulties in maintaining sustainable schools. By and large, the schools in those communities belong to various sectors. If rationalisation occurs on a sectoral basis, the likelihood of no local option being available will be much greater, as will the risk of children having to be bussed to schools in other villages or towns.

However, if parents are allowed to make a pragmatic choice, they may choose an integrated school. That school would not necessarily have to be a newbuild; it could be the result of an amalgamation of schools. Alternatively, parents may opt for one of the many forms of shared education, including shared campuses, which may represent a more realistic and sustainable way of providing local education in those communities.

Integrated education raises a wider issue. I accept that a range of educational sectors exists in Northern Ireland, as will probably be the case for many years to come. I make no apology for advocating integrated schools. I do not agree with Mr Storey that integrated education is a further fragmentation of an already fragmented system. Integrated schools are, potentially, the most financially, as well as educationally, sound way of moving forward. To that extent, my comments are consistent with the Deloitte report.

I am disappointed by the approach of the Ulster Unionist Party. Every time it is asked to back up its rhetoric on a shared future with its stance on testing, it fails. The antics of the UUP in the Chamber, in trying to spook the other parties, stands in contrast to its sole remaining MP, who has been a strong advocate of integrated schools and shared education. It is a pity that the UUP does not learn a lesson from the fact that she is the only member of that party who is capable of being elected to Westminster.

Mr Gallagher: I want to clarify Lord Morrow's comment on the amendment: the SDLP has not adopted it as part of its motion. We are happy for the amendment to be put to the vote, of course, and to support it.

This is the second debate on schools this year. I thank Members who contributed to the debate on small schools that took place before the summer recess. *[Interruption.]*

Mr Deputy Speaker: Order. There are too many conversations going on in the Chamber.

Mr Gallagher: The motion was tabled because the problem of over-provision of school places has been recognised, and steps must be taken to address that. However, we face that problem against the background of the Bain report, which highlighted two issues: the financial implications for schools because of their enrolments, and the capacity of schools to deliver the new curriculum. That new curriculum is so broad that I doubt that anyone in the Chamber could name any of its 27 subjects. If schoolchildren were asked about the new curriculum, they would sigh and groan because they are not sure what it is all about. That is what we are up against.

The Minister mentioned her sustainable schools policy, which contains some good points but requires

more work. It introduced a maximum travel time of 45 minutes. I make it clear to Members, and perhaps the Department of Education will also take on board, that the message about the sustainable schools policy is not being received. The educational professionals have not heard of it, and people in other authorities know little about it, to the extent that they scratch their heads when it is mentioned. That may have something to do with the fact that the Minister introduced the policy, which faced some criticism, in the middle of the night that preceded the debate on small schools.

There is more to education than economics. Economic constraints should not determine the future of our rural schools, which, as Members have said, are so closely linked to communities. Some Members mentioned educational factors. Pupils who live with the consequences of social deprivation and disadvantage need good pastoral care and support, and our rural schools do an excellent job in providing it.

There are environmental as well as educational considerations. The sustainable schools policy may be in place, but it is not understood, and the thrust is towards centralisation. In my constituency, for example, the plan is to bus all the children to Enniskillen. I am sure that representatives of other constituencies could highlight similar examples. We do not counter that by keeping all our schools open. I have not heard the Department, or anyone else, mention the concept, but it is clear that all those who contributed to the debate want a strong network of good rural schools.

Everyone who cares about education must recognise the need for that, so the Department, the various authorities and everyone else must start working towards meeting that challenge. My colleague Dominic Bradley spoke about federated projects, which are a very good idea. The Alliance Party spoke about cross-sectoral support. School authorities have a great deal more work to do on joint provision. If we set school authorities the task of creating a network of good rural schools, they will begin to work more closely together in some areas. We must build on the positive signs that are emerging from various school authorities.

We draw encouragement from some of the Minister's points, although she did talk about the rural White Paper. Other Departments are watching progress on the rural White Paper closely, but it has still not been published. I advise the Department of Education to tell the Department of Agriculture and Rural Development to hurry up and produce it. John O'Dowd, Sinn Féin's education spokesperson, was right about the great damage being caused, particularly to smaller schools, by the threat that hangs over them. The sooner someone gets to work on the rural White Paper, the better it will be for everyone.

The Minister also mentioned shared facilities, but the Omagh site is not the best place to start the development of shared facilities. Representatives of the different sectors in the various parishes and townlands are interested in joint provision at a local level, and they should be encouraged in that.

The views of the Alliance Party are summed up in the amendment, and we do not disagree with those views.

Mervyn Storey spoke about our acceptance of the Bain report's minimum enrolments. I have already mentioned why we should not do that. Let us temper those thresholds and make them more appropriate to our circumstances, particularly in the rural constituencies of Northern Ireland.

7.30 pm

Michelle O'Neill pointed to the sustainable schools policy and the six criteria. I find that the message about the 45-minute criterion has not been received on the ground. The Department should ensure that something is done about that. John McCallister outlined quite rightly and very clearly the problems of social deprivation. He said that the disadvantages faced by children in rural areas will be further emphasised if we go down the road of centralisation, whether at primary or post-primary level.

We all understand what Alastair Ross meant when he said that rural schools are at the heart of our community. They are crucial. John O'Dowd put his finger on the issue when he said that we are in a situation in which the rumour mill runs ahead of what we do here. The Department and the other authorities need to get up to speed. A range of other Members spoke, and one of the most passionate was my colleague John Dallat, who spoke from experience. He articulated his case very well. William Irwin also spoke from a rural perspective and pointed out well the importance of rural schools.

We have to formulate a way forward. We must work to ensure that we end up with a strong network of good rural schools.

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

Main Question put and agreed to.

Resolved:

That this Assembly notes that many of our smaller schools are under the viability quota proposed in the Department of Education sustainable schools policy and calls on the Minister of Education to enact suitable pilot projects to develop ways of maintaining the viability of our smaller schools.

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

Motion made:

That the Assembly do now adjourn. — *[Mr Deputy Speaker.]*

ADJOURNMENT

Lurgan Area: Improvement Scheme for 19 Rural Cottages

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 O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. I have in my hand the oldest active file in my constituency office. I emphasise that because this is not a debate to get at Margaret Ritchie or the SDLP.

Mrs D Kelly: Shame on you. *[Laughter.]*

Mr O'Dowd: I know. It depends how the debate goes. I have been working on this constituency issue since the summer of 2000. It started in the same way as many constituency cases. An elderly gentleman called to my constituency office one day and spoke to me about his home. I hopped in the car and we went to look at his house. As we approached the cottage, I wondered why the gentleman had a difficulty, because the outside had recently been renovated. An extensive amount of public funds had been spent on an external maintenance scheme, which led to the building of a new roof, new drainage systems, and a lovely concrete footpath down to the front of the house. The gardens had been levelled, and the house looked really well.

When I walked into the house, however, it was like walking into the first part of the twentieth century. No work had been carried out inside the house for a considerable period. The heating system was antiquated, and the kitchen was dilapidated. That elderly gentleman lived there with his wife and his daughter, and, like many rural families, they had reared a family in the house. At that stage, all he wanted was the inside of the house to be renovated and brought up to standard.

I spoke to the area's district housing manager and, in fairness to him, the very next day we were back out at the house again. The manager shared my concern that such a large amount of public money had been spent on the outside of the house but not a penny spent on the inside. The district housing manager set about doing a bit of work on the issue of the bungalow. I have no criticism of that Housing Executive officer. He came back to me with a report some months later and

told me that, in his opinion, the house needed to be bulldozed, because, when it was looked at, the work involved in carrying out an internal maintenance scheme would be a waste of money, even though all that money had been spent on outside improvements.

So, there we were, heading towards 2001-02. At the beginning of 2002, I started to ask more questions about rural cottages in the Lurgan area. As discussions continued in the form of private meetings, correspondence and exchanges across, at that stage, the council chamber, it became clear that around 19 rural cottages in the Housing Executive's Lurgan district office area needed extensive work. Some needed bulldozing; others needed external and internal maintenance schemes.

The Housing Executive put those houses together in a single scheme, because, from its point of view, and I have no reason to doubt or argue against it, it would be more economical to include the 19 houses in one scheme and bring forward a package of funding for that scheme. That promise was made in 2003, and, being the reasonable character that I am, I accepted what the Housing Executive said about taking only two years to bring forward the scheme. In the world of bureaucracy, two years is not that bad, when one allows for planning, budgets, and all of those matters.

Therefore, we waited; and, late in 2005, Mr Simmons, the gentleman with whom I was dealing, got word from the Housing Executive that more work was going to be done to his house. It was not going to be bulldozed or rebuilt, but more work was to be done to the inside of the house. He and I questioned the Housing Executive about the wisdom of spending more money on the inside of his house, when doing so was clearly a waste of public funds.

I also spoke to the Housing Executive about a number of other cottages in the area on which it intended to spend money. The obvious question that I put was: what happened to the extensive maintenance scheme that had been promised and the rebuild? The reply was that there would be no rebuild. There was no money and no provision to do that. That was in 2005. Neither the Minister for Social Development nor I were Members of the Assembly at that time. Therefore, this is not a "pick on Margaret" day.

As 2005 went on, I continued to lobby about the 19 cottages and I visited a number of them. What struck me most about them was that if there was a row of houses or a small housing estate in an urban centre in which there were 19 properties that were unfit for human habitation, as some of these were — indeed I still maintain that the house that I initially dealt with is unfit to live in — the problem would not have been allowed to continue. However, because the 19 houses were isolated and because an individual rather than a

community voice was raised, and, perhaps, due to the nature of rural people who do not want to push themselves forward or ask for what is not theirs —

Mrs D Kelly: Yes, that is right.

Mr O'Dowd: Dolores Kelly is the obvious exception to that rule. *[Laughter.]*

The houses continued in disrepair. I was repeatedly informed between 2005 and 2007 that work would not go ahead. Eventually, we got the good news that £498,000 had been secured for a scheme on the properties.

To emphasise the poor condition of the houses in 2003, I will read from a Housing Executive letter of that year:

“A project team to review the work required to all cottages in Lurgan has been initiated and a consultant will shortly be appointed to carry out a feasibility study and analysis. Recent experiences with similar schemes would indicate that a high proportion of the cottages will require redevelopment, involving demolition and rebuilding by the Housing Association.”

That shows what a poor condition the cottages were in then. So, in 2007, it was good news when we realised that funding had been secured and that the work would take place approximately a year later. The year came and went and, lo and behold, in 2009, all the tenants received letters to tell them that the work had been cancelled.

In 2000, 2003 and 2005, a high proportion of the houses were below standard. Some of them were unfit for human habitation and, indeed, in the meantime, the wife of the gentleman in my original case had died, so they never got to enjoy their new house. Then, in 2009, the tenants of those 19 isolated rural cottages in the Lurgan area were told that there is no money, no work and no hope.

I understand the pressures that are on all Departments, including the Department for Social Development (DSD), but I brought this case to the House's attention not simply because I have been dealing with it, but because it has been ongoing for nine years. I know that Mrs Kelly has been involved, and I am sure that colleagues from across the Chamber have also been involved in similar lobbying, because the houses cover a wide geographical area and, in our divided society, they are cross-community in nature. So this is not just John O'Dowd complaining about a nine-year-old case. In fact, one of my colleagues said earlier that the fact that I have not managed to resolve the case in nine years may prove that I am not a very effective representative, and that may well be true. This debate will prove that one way or the other. I brought the case before the House to highlight that fact that after nine years, — indeed, with respect to the first house that I visited, after, perhaps, 39 years — of insufficient work being done to the property and a significant waste of public funds on, on one occasion,

an extensive renovation, as well as minor repairs being carried out.

We have an opportunity to start again; to knock down the houses that require rebuilding and to completely renovate the others. Consequently, those rural dwellers, many of whom are elderly and have reared their families — in some cases, the next generation is living in the house now, because their elderly parents have passed on — will have an opportunity to live in the same standard of housing that my constituents in the Shankill or Kilwilkie estates or in Craigavon would expect. There is no way that an urban community would put up with the standard of living in which those people must live.

I appeal to the Minister to ensure that the scheme is not overlooked again in any budgetary discussions in her Department, especially with the Housing Executive, and that it will become a priority, as it was in 2003, 2005 and 2007, in the Lurgan district housing office and in the Department for Social Development, so that those people are given equality of opportunity for housing. Go raibh maith agat, a LeasCheann Comhairle.

Mrs D Kelly: I thank the Member for securing the debate. As someone who was born and bred, and whose father still lives, in one of those rural cottages, I am quite familiar with the problems that are associated with them and, indeed, with the layout and, in many cases, the location of the cottages. I know from experience with my grandparents that when money was available, my grandmother would not allow work to be carried out because of my grandfather's failing health. I am sure that that is part of the problem. People do not want to go through the bother. There is too little social housing stock into which to decant people during major works, and people from rural areas will not move into towns, although sometimes mobile homes are suggested as an alternative means of accommodation.

I do not expect the Minister to be accountable for what happened in the past. As Mr O'Dowd said, in the past, in the years when there was no devolved Assembly, the schemes were approved but the work did not happen. I hope, and I am confident, that the Minister is putting right the organisation and accountability mechanisms in the Housing Executive and district offices, and that priority will be given to those who are most in need.

Recently, I wrote about one such cottage in the Ballycairn area, where work is to commence in the new year because it meets the needs of a disabled young man. I welcome the fact that work will commence on that and that the money is available for it.

7.45 pm

Mr O'Dowd is right in so far as rural people have lower expectations and put up with a lot more than would many people in town. My question for the Minister is as follows: as many of these homes are unfit, what impact on the waiting list would a statutory notice have, if it were served upon the Housing Executive by the environmental services department of a local council? Would that enable the Minister's Department to spend money outside of her current priorities? That might be the case in one or more instances. I wonder whether housing associations have any role to play in taking responsibility for any of these homes. They might have a budget that could assist in getting the work done. We need to have a degree of creativity in this very tight economic climate.

The cottages referred to are scattered across the Craigavon Borough Council area. Practically all the villages are represented. Very few such houses are still in public ownership, and that is to be lamented because we all know that we cannot get people to take the latent demand test, yet, when a house becomes available, all of a sudden there is a deluge of applications.

The Housing Executive must address planning for the longer term in terms of new housing stock and opportunities that might arise through co-operation with housing associations. There are still pockets of land available in public ownership across the rural areas. Have any of the housing associations made representation to the Department? That would provide opportunities in cases where homes are deemed to be fit only for demolition. That may be another solution or way out of this difficulty.

Mr O'Dowd has confined his remarks to the Lurgan area, but I have no doubt that there are such difficulties right across the North. Perhaps the Minister can inform us of the Housing Executive's overall strategic plan for rural housing, because, as Mr O'Dowd said, rural areas often get a raw deal. Is there any opportunity for collaborative working across government Departments? The Agriculture Minister has £10 million to alleviate rural poverty. Has there been any consultation at ministerial level as to how that money is best spent? Housing inequalities lead to poor health outcomes, so that is a conversation worth having at ministerial level.

Like Mr O'Dowd, I want to see priority given to older people and people with disabilities who are living in conditions deemed to be unfit. The Executive needs to take ownership of this problem. Yesterday, Members talked about poverty and health outcomes. Members want a healthier people in the North, and we must look at funding the housing budget properly.

The Minister for Social Development (Ms Ritchie): I thank John O'Dowd for tabling this

Adjournment topic, and Dolores Kelly. They have both contributed this evening.

I welcome the opportunity to clarify some of the issues raised, and I will try to address all of them. I assure Members that I will study the Hansard report, and if I have left any of their questions unanswered, I will write directly to the Member concerned.

I must first declare an interest. I was reared in what was then known as a "labourer's cottage", which my late parents bought in 1969. That was the house in which my father was brought up, so it is about 98 or 99 years old. Therefore, I know what it was like to live in such a cottage; in fact, I still live in it, although it has been renovated. I know the space standards of such cottages, and I know that many large families were reared in them. I also know what it is like to live in a rural community. People in rural communities have lesser expectations and make do with less. It is not always right for them to do that, but that is the way that they are. I sympathise with the people whom Mr O'Dowd and Mrs Kelly mentioned, because I can empathise with their position.

There can be no one in the Chamber who is not aware of the shortfall that the housing budget faces due to the collapse of the land and property market. Between last year and next, I face a housing budget shortfall of over £300 million. No one in the House or in Northern Ireland is to blame for that; it is a consequence of the economic downturn. As a result of that shortfall, difficult and sad decisions have had to be made. The Housing Executive has had no choice but to prioritise its expenditure across all its programmes, including the sort of multi-element improvement schemes that we are discussing.

I am conscious of the fact that Mr O'Dowd has been working on this case since 2000, and I would like to find out why it took so long to progress the scheme in the earlier years. Although I have been trying to do that, I would like to be able to examine it further and come back to Mr O'Dowd and Mrs Kelly on it.

Although we are talking about the 19 homes in the Lurgan area, we could be talking about any one of a number of similar schemes across the North that have not been able to proceed due to the funding pressures. Members may be interested to know that there are 3,777 Housing Executive homes awaiting a multi-element improvement scheme, at a cost of over £114 million. I do not want to deny people the chance to live in a decent home. Everyone deserves a decent home to live in but, when allocating scarce resources, the choice is whether to improve the homes of those fortunate enough to have one or provide a home for those who have none. I know what the conditions of some of those cottages are, because I have seen them

in my rural community, and I know that it is not fair to ask people to live in them.

With almost 40,000 people on the waiting list for social housing, half of whom are in housing stress, the shortfall in my budget has meant that we have to focus on where the need is greatest. I have, therefore, decided that my first priority must be to support and protect society's most vulnerable, such as the homeless, those in fuel poverty and those in need of supported housing. This year, I have set aside the resources to deliver 1,750 new homes, which is our largest number of new homes for a decade.

Members must also be aware that, paradoxically in this challenging economic climate, the time has never been better to maximise investment in social housing. For every 10 jobs that are created by expanding the social housing development programme, at least a further seven are created or sustained elsewhere in the supply chain and the retail sector. Therefore, the delivery of homes not only helps those in greatest need, but acts as a stimulus for the local economy. Construction costs have also been falling, so we can get more for our money.

According to our records, John O'Dowd first raised the issue of the cottages in Lurgan with the Housing Executive as far back as May 2003. However, Mr O'Dowd tells me that it was much earlier than that. I want to examine all of that detail, so it would be helpful if Mr O'Dowd supplies me with copies of the correspondence, so that I can have a full investigation. Dolores Kelly also has correspondence, and I want to carry out a full investigation as to why there was a delay.

As Mr O'Dowd and Mrs Kelly are aware, most of the cottages are located in small settlements on the outskirts of Lurgan. They were constructed between 1908 and 1939, which is around the same time as other similar cottages throughout the North of Ireland were built. Various improvement works have been carried out over the years, but I accept that they all require extensive renovations. There have been various delays in bringing this work forward since it was first approved by the board of the Housing Executive in 2006.

The scheme has been revised a few times since then, and it currently has a provisional start date of June 2010. Unfortunately, that is conditional on the resources being available and, as Members have already heard, there is no guarantee of that in the current financial climate. Indeed, as I said earlier, that uncertainty applies to more than just the 19 cottages in question.

The effects of the budget shortfall mean that every improvement scheme similar to this one is now subject to the same funding issue, and I know that Members understand and appreciate that fact. It should also be understood that no mainstream government investment

programme in any other Department has been decimated in the same way.

I take on board what Mrs Kelly said about the possibility of funding and the rural development sphere. I will contact my ministerial colleague Minister Gildernew about those issues, and, because there are associated health and well-being issues, I will also contact the Minister of Health, Social Services and Public Safety. I want to examine whether there are any possibilities for co-operation in that regard.

I make no apologies for repeating my call to put the housing budget on a more sound and firm financial footing. Relying on the vagaries of the land and property market alongside in-year quarterly bids is no way to fund long-term infrastructure programmes. We are all trying to grapple with that, and we have come to the realisation that housing must be put on a different financial footing.

I am not just sitting back, wringing my hands and hoping for more resources to come my way. Officials in the Department's housing division have already been working very closely with their counterparts in the Housing Executive and the housing association movement to identify new and creative opportunities that could see some of the improvement programmes restarted. Mrs Kelly referred to the role of the housing associations and work on a particular scheme in Derry, which was the subject of some debate earlier. There is no doubt that others could be investigated.

I am very optimistic about the potential that such work creates, and I am very happy to get back to Members in the coming months, once the necessary approvals for those new proposals have been obtained.

I have touched on the various issues raised by Mr O'Dowd and Mrs Kelly. I am also conscious of the need to get other Departments involved, namely the Agriculture Department and the Health Department, as I think that Members are saying to me that a special case must be made for cottages throughout Northern Ireland. I am quite happy to examine that issue and to pursue it with others, notwithstanding the fact that other Ministers and Departments are subject to the same financial constraints as me. However, DSD is different because its budget is predicated — like no other — on the income it can raise from land and house sales.

I trust that Members across the Chamber, and particularly the residents of the dwellings in question, will understand why I cannot give them a definite date tonight for the start of the work that they have been promised for a long time. However, I can assure Members that I, along with my officials, will undertake an investigation into why the delay was so long, why there has been such a history to the case and why there was little movement in the earlier stages.

Furthermore, I can undertake to conduct cross-departmental investigations to see if pots of money could be made available. Moreover, I can assure Members that the Department will continue to explore financial innovation measures with housing associations to ascertain the possibility of creating alternative financial models for carrying out improvements to those types of houses. The Department will get back to Members on those specific issues.

In the final analysis, there is only one solution among all the others that have been suggested. All the parties around the Executive table must agree that housing is too important to be a casualty of the economic downturn and that it must be put on a sound financial footing once and for all.

I thank Members for their contributions, and I will return to them at a later stage with more detailed answers. However, if Members can supply me with copies of pertinent correspondence, I will ensure that those issues are investigated.

Adjourned at 7.59 pm.

Committee Stages

NORTHERN IRELAND ASSEMBLY

COMMITTEE FOR SOCIAL DEVELOPMENT

5 November 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		
Mr Stephen Baird	}	Department for Social Development
Mr Stephen Martin		

The Chairperson (Mr Hamilton): I wish to advise members that, following the additional written evidence that was received from the Housing Rights Service on clauses 2 and 4 of the Housing (Amendment) Bill, we have asked Ms Janet Hunter and Ms Nicola McCrudden to come back. They are suckers for punishment; they cannot keep away from this place, but I welcome them here today. I ask them to outline their evidence, after which members will have an opportunity to ask questions.

Ms Janet Hunter (Housing Rights Service): I thank the Committee for the opportunity to come back and provide some further clarification on the issues that were raised in relation to clauses 2 and 4, following our earlier submissions. Those clauses amend the existing homelessness legislation; we have provided members with a paper that, we hope, will explain more fully the point that we are trying to convey.

Clause 2 places a new duty on the Housing Executive to ensure that advice on homelessness and the prevention of homelessness is available to any person who needs it. From their constituency work, members will know that “advice” is a generic term and can be used to describe a broad range of activities, from giving out leaflets to negotiating with landlords or representing people in court. In light of that, Housing Rights Service believes that the Government must provide guidance on the level and nature of the advice that should be available and that any such advice should be appropriate and comprehensive. As things stand, the Bill does not include that provision.

In summary, Housing Rights Service believes that clause 2 should be amended to ensure that it is implemented as the promoting social inclusion (PSI) working group intended, so that the new duty of advice will help to prevent people in Northern Ireland from becoming homeless. In the paper that we have provided to the Committee, the Housing Rights Service suggests a way in which that objective could be achieved. We suggest that an additional paragraph is inserted at the end of clause 2 saying:

“The DSD may issue guidance, to the Housing Executive, as to the form and content of such advice and information.”

That wording is similar to that in comparable legislation in England, Wales and Scotland and would bring Northern Ireland into line with the position in those jurisdictions. Housing Rights Service has spoken to officials from the Department for Social Development (DSD) in the past week or so, and we understand that they may be amenable to considering such an amendment.

I am happy to answer questions.

Ms Lo: We received a response from the Department saying that the issue of general advice on homelessness was not mentioned in the PSI working group. However, officials now seem to be happy that that merits inclusion.

Ms Hunter: Our view is that that was intended by the promoting social inclusion group, but words are subject to interpretation.

The Chairperson: Homelessness prevention advice has previously been mentioned; is it your desire to see that specifically referred to in the Bill, or are you happy with the more generic wording?

Ms Hunter: We are happy with how clause 2 is currently drafted, because it talks about ensuring that advice around homelessness and the prevention of homelessness is available. It mentions both those terms. However, we feel that clause 2 needs an additional provision to further define the nature and level of that advice.

The Chairperson: I apologise; I misspoke. I meant to ask whether homelessness prevention advice should

be referred to in the amendment. If you are happy enough with the wording being generic —

Ms Hunter: We are happy with it being generic. It will then be up to the Department to produce the guidance and the appropriate level of detail.

Mr F McCann: I beg your indulgence, as I may be going off on a different track. At some stage this morning, we will be dealing with a shared remit, and I know that the people from the Housing Rights Service had been advising us on the housing allowance. Difficulties have been pointed out by a number of organisations, so we should try to tap into their expertise on how the shared remit will operate.

The Chairperson: You are begging my indulgence. I realise that there may be issues with that statutory rule, and if you would like to raise that point again at that stage, we might seek advice then. I realise that that may seem like the wrong way around, but it would be more appropriate to seek advice on those concerns at that stage.

Thank you, Nicola and Janet, for your presentation and for answering questions. We will raise that issue with the departmental officials at the appropriate stage of our clause-by-clause scrutiny.

We move to the Committee's clause-by-clause scrutiny of the Housing (Amendment) Bill. I remind members that the Committee commenced its formal clause-by-clause scrutiny at its meeting on 22 October 2009. At that meeting, the Committee considered and agreed to 13 of the 19 clauses in the Bill.

Members have previously set out their interim positions on the remaining six clauses and the Committee deferred consideration on additional amendments. During today's clause-by-clause scrutiny, members will be asked to set out their final position regarding possible amendments to the remaining clauses of the Bill, subject to review of their final wording. The Department will provide the wording of all amendments that it is to take forward for the Committee meeting on 12 November 2009. Where the majority of Committee members support a further amendment, the Committee Clerk and the Clerk of Bills will take the proposal and draft the appropriate wording for consideration at a subsequent meeting. All being well, the final version of the Bill report will be submitted to the Committee for approval on 19 November, in good time for the reporting date of 1 December.

Members' packs contain quite a lot of information, including an updated summary of evidence and amendment table; a departmental response on conflicts of interest for housing associations; a departmental response to various queries dated 2 November; and a departmental response dated 27 October on other queries from the Committee. There is also an Assembly Research and Library Services paper on the

remit of local government in tackling homelessness, and additional information from the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO), responding to Committee queries and providing information on interdepartmental protocols pertaining to the housing of ex-offenders.

The Department has been invited to this clause-by-clause scrutiny session; I am sure that the officials love to see those invitations coming through. I welcome the two Stephens; Stephen Martin and Stephen Baird from the Housing (Amendment) Bill team. You are both very welcome.

I will go through each of the outstanding matters as they occur and ask members to comment on those. I ask members to be gentle with me because it will, at times, be quite tricky jumping between clauses.

Clause 1 (Homelessness strategy)

The Chairperson: Clause 1 concerns the Housing Executive's duty to produce a homelessness strategy and for certain bodies to take account of the strategy in the exercise of their functions. The Committee had agreed that the word "may" on page 1, line 8 of the Bill should be replaced with the word "shall", to demonstrate that the requirement to produce a strategy is a duty and not a power. The Department now advises that that amendment is more problematic than was first believed and would undermine the intention of the clause. I invite Stephen Martin to explain the problems for us.

Mr Stephen Martin (Department for Social Development): It is a fairly technical point but I will try my best to explain it. We have been speaking to our legislative draftsman, and he told us that changing "may" to "shall" would disrupt the clause. It would not be possible to make just that one amendment. We have to either completely rewrite the clause or leave it as it is. The draftsman is clear that, as the clause stands, it places a duty on the Housing Executive. However, changing "may" to "shall" would have a negative impact and the whole clause would need to be completely restructured. His legal advice is that clause 1 should remain as it is.

If the Committee takes the view that clause 1 is to be changed, we would need to get the Minister's view on whether she would be prepared to make that change. However, if the change were to be made, the whole of proposed new article 6A would have to be changed.

The Chairperson: In what respect would it have to be changed?

Mr Martin: I will try my best to answer that. Essentially, proposed new article 6A(1) is drafted to provide a power for the Housing Executive to draft a

homelessness strategy. However, in paragraphs (3) and (4) a duty is imposed on the use of that power. Therefore, that power has to be used in certain ways. For example, paragraph (3) states that the power has to be used in such a way that a homelessness strategy is drawn up within 12 months, and paragraph (4) ensures that a strategy is produced at least once every five years.

Therefore, although the power is provided for in paragraph (1), that power is confined and duties are imposed on its use. Essentially, that makes it a duty rather than a power. Changing “may” to “shall” in paragraph (1) has no effect without making subsequent changes. It is quite a complex legal argument, and one that I am trying my best to put across.

The Chairperson: So, in paragraphs (2), (3), (4) and (5) of proposed new article 6A, it is always “shall”. Therefore, even though it is a power in paragraph (1), it is duties that are outlined in the other paragraphs. Therefore, that gives greater force to the word “may” than would ordinarily be the case.

Mr Martin: Yes, that is right.

The Clerk of Bills: I see this as a drafting condition. The Department has been given an assurance that its objective is being achieved through the legislation as drafted. It is a complex and technical argument; however, I think that you have been given an assurance that you are getting what you asked for. The Committee can be comfortable with that.

The Chairperson: Are you comfortable with that, Fra?

Mr F McCann: As Stephen said, there are technical difficulties in the drafting of the clause, and I am not au fait with the drafting of Bills. However, I thought that in developing a Housing (Amendment) Bill, putting the word “shall” into clause 1 would override the other clauses that it may come up against.

I know that we are being guaranteed that what is outlined in the Bill will be done; however, the problem is that if something comes up three or four years down the line, the Housing Executive can put off doing those things for another year or two. The word “shall” gives a wee bit of a guarantee.

The Clerk of Bills: Another possible compromise is that the Committee may choose to speak to the clause stand part, so it may raise this issue at Consideration Stage, when the Minister will have to give a full explanation. The Committee could thereby air the issue, and if it is dissatisfied with the explanation given, it will have a second chance to have that addressed at Further Consideration Stage. This is very much a technical issue. The Committee has been given an assurance by the legal team.

Mr F McCann: It is so technical that many of the voluntary groups concerned believe that it is important

that “may” be replaced with “shall”, to ensure that it is a duty.

It is OK for me to stand up and address the House on this issue; however, rather than speaking as an individual Member, I would prefer that we speak as a Committee. There is a big difference between the two.

The Clerk of Bills: You could do either. The Chairperson and individual Committee members can remark that this matter was an issue for the Committee and could then seek clarification and assurances from the Minister. Anyone can speak at Consideration Stage.

Mr Easton: I am not an expert on this, but it strikes me as strange that inserting this one wee word, “shall”, will make such a big difference. If we keep “may”, the Minister will have wriggle room. I neither understand nor accept the argument that replacing “may” with “shall” will mean that the whole clause will have to be changed; I find that incredible and bizarre.

Mr Armstrong: Leaving the wording as it is will give someone the opportunity for wriggle room.

Ms Lo: I learnt English as a second language, and I know that it has strict grammar rules, because those were beaten into us. To me, “may” and “shall” are very different: “may” means that one may or may not do something, whereas “shall” means that one will or must do something.

Ms Ní Chuilín: It is the same in Irish.

Ms Lo: The strength of those two words is very different.

The Clerk of Bills: That is absolutely true when the words are taken in simple terms; for example, if there is a paragraph or sentence on its own, without qualification. However, the draughtsman is saying that, in this instance, it is necessary to do more reading to get the full meaning. Therefore, the context is important. I am not apologising for the draughtsman; rather, I am saying that that seems to be where he is coming from.

The Committee’s options are that it can table an amendment for discussion at Consideration Stage, or it can speak to clause stand part and raise it as an issue at Consideration Stage and get a full explanation from the Minister in lay terms. The Minister will have to make it intelligible for the House to accept it. If the Committee is not satisfied at that stage, it can table an amendment at Further Consideration Stage.

The Chairperson: I understand, or at least I think I do; I will not say that I definitely understand. I take Alex’s point that we, as ordinary members, find it strange that one word change will have such ramifications. I understand the Clerk of Bills and Stephen’s explanation that “may” cannot be taken in isolation because it is only one element of the Bill. However, there is some degree of concern among members and, as Fra mentioned,

other stakeholders are equally concerned. Are members of a mind to table an amendment or to raise it as a matter of concern and seek assurance in the House?

Mr Brady: As someone whose first language is, allegedly, English —

The Chairperson: Do you still struggle?

Mr Brady: I sometimes do. “May” and “shall” are two completely separate words. Anna Lo made that point.

Another consideration is the question of whom the assurances come from. Do they come from those who will implement the Bill, or merely from officials who have talked to people who have drafted it? Ultimately, as has been stated, organisations go by the letter of the law and interpret the legislation as it is written, not according to assurances given three or four years previously. We need to get it right now, so that no one will point out at a later stage that the legislation says “may” rather than “shall”. That is important.

Ms Ní Chuilín: We will be able to suggest an amendment to the Bill even after Consideration Stage.

The Chairperson: Yes; if we are not happy with the assurances given, we can do that.

Ms Ní Chuilín: Feelings on the issue run strong. If one of my youngsters asked me whether he could go out, I might say “I don’t know”, but if he kept asking me and I eventually said “aye, I shall let you out”, that would be more definitive. That is plain English.

The Chairperson: I did not know that you were so polite at home. *[Laughter]*.

Ms Ní Chuilín: That is the difference for a lot of people. To give this a fair wind, we could hear what the Minister has to say at Consideration Stage and if we are still of the view that it is not clear, we can return to it and put our minds to it.

The Chairperson: That is probably the wisest course. We will take up the suggestion of the Clerk of Bills and seek assurance at Consideration Stage. If we are unhappy, we still have the option of proposing an amendment at Further Consideration Stage. It seems a bit fussy over one word, but members and other stakeholders are concerned about it.

Mr Burns: That is all part of Committee work. If people are unhappy with a word in the Bill or with a clause, this is the proper place to say so. If an issue is brought to our attention and someone suggests an amendment, this is where the decision is taken on whether to propose that amendment. Like others, I find it fascinating that one word, which seems very simple to us, carries such weight and that changing “may” to “shall” would necessitate the rewriting of that whole clause. How do we get that simple message across? From a layman’s point of view, there has been a tremendous amount of talk about very little.

The Chairperson: We may need pictures or diagrams.

Ms Ní Chuilín: Bring my youngsters in as witnesses and they can tell the difference between “you may go out” and “you shall not go out”.

The Chairperson: Are members agreed that, to use the correct terminology, we will speak to the clause stand part and decide whether we accept the assurances given?

Mr Brady: This reinforces the idea that one is not supposed to understand legislation.

The Chairperson: Do members agree that we should take that approach?

Members indicated assent.

The Chairperson: The Committee considered whether local councils should be added to the list of organisations that are required to take the homelessness strategy into account in the exercise of their functions, which is found in proposed new article 6A(5), on pages 1-2 of the Bill. The Department indicated that it did not believe that councils had a significant role in respect of homelessness.

The Committee Clerk had undertaken to provide further briefing material on the role of councils in respect of homelessness. In members’ packs there is a paper by the Assembly Research and Library Services that outlines the duties of local authorities in other jurisdictions with regard to homelessness and provides information on the current role of councils in Northern Ireland with regard to homelessness. The paper indicates that no explicit homelessness functions are to transfer to councils; however, the councils will have related responsibilities in respect of houses in multiple occupation (HMOs) and housing unfitness. David has raised that point with the Committee previously.

Mr Martin: We have discussed this with the Minister, who is content to table a departmental amendment to include councils, primarily because we cannot anticipate where the power of well-being in community planning will lead. Therefore, it seems wholly appropriate to include councils.

The Chairperson: Are members happy with that, subject to confirmation of the final wording later this month?

Members indicated assent.

The Chairperson: We move to the proposed amendment whereby the Committee agreed that the Prison Service should be added to the list of organisations at article 6A(5). The bodies that are cited in that paragraph are required to take the homelessness strategy into account in the exercise of their functions. The Department made a response indicating that it would introduce an amendment in line with the Committee’s proposal. The

Department now advises that that amendment is more problematic than was first believed because — wait for it — the Prison Service is not a legal entity. *[Laughter.]* That is an admission of irony.

Mr Martin: It is somewhat ironic. However, as is the case with the Social Security Agency, the Prison Service does not have any standing in law. It is not named in statute; it is an agency within the Northern Ireland Office and, therefore, it cannot be referred to in law. The Bill seems to deal with it in a roundabout way. Essentially, however, it places a duty on the Prison Service to take the strategy into account. Article 6A(5)(f) states that the Secretary of State has a duty:

“in relation to any function exercisable in connection with prisons”.

That is a roundabout way of placing the duty on the Prison Service. Unfortunately, because the Prison Service is not named in statute, there is no alternative, and that is the best that we can deliver.

Ms Ní Chuilín: I was going to say something ironic, but I will resist the temptation. The Minister of Health, Social Services and Public Safety is responsible for the healthcare of prisoners, and that duty was transferred about a year and a half or two years ago. It would be worth cross-checking that. The Department of Health, Social Services and Public Safety has responsibility for the health and social well-being of prisoners. If there is no statutory obligation —

Mr Martin: Perhaps I could mention the other amendment that we propose to bring to the Committee next week. We believe that the Department of Health, Social Services and Public Safety should be mentioned as a further body that needs to take the homelessness strategy into account.

Ms Ní Chuilín: That might cover it.

The Chairperson: If an incident happened in prison and an individual wanted to sue, the case would be listed as that individual v the Secretary of State. That is an extension of what we are saying.

Mr Martin: Yes.

The Chairperson: Those individuals can sue the Secretary of State.

Mr Martin: Yes.

The Chairperson: Are members content with that explanation? It seems reasonable in the circumstances.

Members indicated assent.

The Chairperson: We have agreed to abandon the amendment in respect of the Prison Service, but we will await the final wording regarding the Department of Health, Social Services and Public Safety.

Ms Ní Chuilín: We will wait for the final wording before abandoning it.

The Chairperson: OK. Do members agree to await the final wording on the amendment with regard to the Department of Health, Social Services and Public Safety?

Members indicated assent.

Clause 1 referred for further consideration.

Clause 2 (Duty of Executive to provide advice)

The Chairperson: Members considered the evidence from the Housing Rights Service, which suggested that clause 2 be amended so that there would be an explicit duty to provide preventative homelessness advice. The Housing Rights Service used slightly different wording; it was not so explicit with regard to preventative advice. Does the Committee accept the evidence presented by the Housing Rights Service, and does it wish to include such an amendment?

Members indicated assent.

The Chairperson: I ask the Department to respond on that.

Mr Martin: The Department is prepared to draft an amendment that would give the Department power to produce guidance in respect of that duty to which the Housing Executive shall have regard, and we will bring that to the Committee for consideration next week.

The Chairperson: Will that amendment be to clause 2 or clause 4?

Mr Martin: It will be an amendment to clause 2.

The Chairperson: Are members happy to await the final wording of that amendment in Department for Social Development next week?

Members indicated assent.

Clause 2 referred for further consideration.

Clause 5 (Reviews of decisions in relation to homelessness)

The Chairperson: The detail on clause 5 is contained in the Committee's scrutiny table. Members were previously minded to propose an amendment to extend the period during which a review of decisions could be requested from 21 days to 28 days. The Department has advised that the wording of the proposed amendment will be available to the Committee on 12 November 2009. Are Members agreed to consider the wording of that amendment at that stage?

Members indicated assent.

Clause 5 referred for further consideration.

Clause 10 (Anti-social behaviour: Executive's policies and procedure)

The Chairperson: The detail on clause 10 is contained in the Committee's scrutiny table. Members did not support any amendments to clause 10. However, it requested further information on issues that had been

raised. The Department's response of 2 November 2009, which is included in members' briefing packs, refers to that issue. Do the witnesses wish to add anything to that response?

Mr Stephen Baird (Department for Social Development): The Department has spoken to the Housing Executive about the issue of antisocial behaviour, and it has been told that its policy is not to transfer tenants if an investigation into antisocial behaviour is ongoing.

The Housing Executive recognises that it is not good housing management practice to transfer problems from one area to another, and the Department shares that view. However, to reinforce that, the Department wants to issue explicit guidance to the Housing Executive to the effect that those with a history of antisocial behaviour are not to be moved. Therefore, the Department wants to make an amendment to the housing selection scheme to give the Housing Executive the power to refuse to transfer someone on the basis of antisocial behaviour. It is a matter of guidance in the first instance, followed by an amendment to the selection scheme.

The Chairperson: Will that require an amendment to the Housing (Amendment) Bill?

Mr Baird: No.

The Chairperson: OK. That sounds quite positive. Obviously, the Committee will have sight of that detail at a later stage. Are members content with that?

Members indicated assent.

Clause 10 referred for further consideration.

Clause 12 (Increase in Housing Council representation on Executive)

The Chairperson: The detail on clause 12 is contained in the Committee's scrutiny table. The Committee has previously considered the issue of enhanced democratisation of the Housing Executive. It also considered proposing an amendment to clause 12 to increase the Housing Council's representation on the board of the Housing Executive, or to allow a tenancy advocate to be appointed. The Committee received evidence from the Housing Council that an increase to four or more members was a matter for the Minister's discretion. I wrote to the Minister about those issues and the response is included in members' packs.

Do the witnesses wish to add anything to the Minister's response?

Mr Martin: No. I have nothing to add, but I am happy to answer any questions that Committee members may have.

The Chairperson: Does anyone have any questions on that issue? The Committee was previously minded to consider proposing an amendment to clause 12.

Perhaps I should give members a few moments to read the Minister's response. However, to summarise, the Minister essentially declined the opportunity to allow an increase in the membership.

Mr F McCann: Is the Minister declining to increase the representation from the Housing Council?

The Chairperson: Yes.

Mr F McCann: Other suggestions were made by the Committee.

The Chairperson: Yes. With respect to tenants becoming members, the Minister's response was that tenants can apply for membership of the board of the Housing Executive, but that there is no desire to set a specific place aside for them.

Mr F McCann: What is the mechanism for that?

The Chairperson: I do not wish to speak for the Minister. However, I believe that she is saying that tenants can apply to become members of the board, and, if successful, they would be appointed on the basis of merit through the application process. Is that correct, Stephen?

Mr Martin: Yes; that is correct. The Department also provides substantial funding to Supporting Communities Northern Ireland, which works with tenants. It is wholly appropriate for that organisation to work with tenants to build their capacity so that they are in a position to apply for membership of the board of the Housing Executive. There is absolutely nothing wrong with that.

Mr Craig: Has the Minister given any reasons for not wanting to increase the democratic representation of the board of the Housing Executive?

Mr Martin: I have spoken to the Minister about that issue. When she took office, one of the recommendations of the review of public administration was to abolish the Housing Council. She reversed that decision, strengthened the council's remit and brought in Professor Colin Knox to support it. In addition, every two months, she appears before the council. We, as departmental officials, along with the Housing Executive, appear before it every month. Therefore, she is doing a lot to strengthen links and accountability in respect of local government.

The Minister also favours the Commissioner for Public Appointments code of practice for ministerial appointments to public bodies, which is about basing selections on merit. Although a small number of public bodies have chosen to go against that principle, more have aligned themselves to it, and that is where she wants to be. Once one takes the chairperson and the vice-chairperson out of the Housing Executive's board, 50% of the remaining eight board members are also members of the Housing Council, which, along with

the other measures that she has introduced with respect to the council, she feels is sufficient to ensure democratic accountability.

The Chairperson: The Housing Council amendment that we considered initially was for its representation on the board to increase to four or more members. It did not suggest a definitive increase to five. Rather, it was an attempt to give the Minister some discretion, and we should bear that in mind. Jonathan, do you wish to respond?

Mr Craig: No. I am just interested to hear why she would not do it.

Ms Ní Chuilín: I am not minded to increase the Housing Council's level of representation at all.

The Chairperson: Even to allow flexibility?

Ms Ní Chuilín: No.

Ms Lo: How many people are on the Housing Executive board?

Mr Martin: There are 10 board members: the chairperson, the vice-chairperson, and eight members, four of whom are from the Housing Council.

The Chairperson: In order to move forward, are members happy to accept the Minister's response and not to seek an amendment, or do we want to take a bit more time to consider the matter and come back to it? I am seeking the Committee's guidance.

Ms Lo: I am happy with the Minister's response.

Ms Ní Chuilín: It will not do any harm if we take a bit more time to come back to it. That would give us a chance to speak to our parties.

The Chairperson: We can defer our final consideration of the matter until next week.

Clause 12 referred for further consideration.

Clause 14 (Definition of "house in multiple occupation")

The Chairperson: Clause 14 refers to houses in multiple occupation. Members are reminded of the Committee's support for the amendment to extend the HMO definition of "family" to include uncles, aunts, nephews and nieces, subject to a review of the final wording. The Department has advised that the wording of that amendment will be available at the 12 November meeting. Do members agree that we consider the final wording at next week's meeting?

Members indicated assent.

Clause 14 referred for further consideration.

The Chairperson: We turn to additional amendments that do not relate to specific clauses. The Committee considered whether clauses should be added to the Bill that would require the Department to devise a code of

conduct for the directors and employees of housing associations in respect of conflicts of interest. The Committee agreed to defer its consideration of that issue until it had received departmental clarification in respect of the current arrangements relating to conflicts of interest. The Department's correspondence to the Northern Ireland Federation of Housing Associations in respect of this matter is included in members' briefing papers.

Mr Martin: The Department made it clear to the federation that the existing power in article 31 of the Housing (Northern Ireland) Order 1992 is flexible and that some associations appear to have erroneously interpreted it. We are strongly of the view that no change is needed to the law in respect of that matter.

The Chairperson: The Department's letter states:

"For clarification purposes it should be realised that a perceived conflict of interest can only arise if it involves someone who has a key role in the decision making process (ie involved in negotiations, approvals, monitoring etc). In effect, someone who would be in a position to actually influence or direct a specific course of action to suit their own or others purposes."

Therefore, is the example that was previously sketched out for us, involving the association between a cleaner and a builder or a developer, incorrect and inaccurate?

Mr Martin: It is absolutely incorrect. Even in the case of a decision-maker, if a conflict of interest were flagged up and that person were to step back from the selection process, that applicant would not be ruled out.

Mr F McCann: I know that when a person takes employment with a council and some other organisations in which a relative is already employed, the person must register that fact. Is it not enough for people in that situation to declare an interest when they have to deal with it? It seems a bit rough to penalise people whose brother, sister or other relative is already employed by an organisation by barring them from a job for which they wish to apply because that relative is seen to have an interest.

The Chairperson: It is not a difficulty as long as the potential conflict is identified and signalled and the relevant individual is no longer part of the process. The difficulty comes if the person does not do that and —

Mr F McCann: Takes part in the process.

The Chairperson: That could potentially prejudice the whole process.

Ms Ní Chuilín: The code of conduct would become enforceable if someone did not declare a conflict of interest.

Mr Martin: That is where we, as the regulator, would step in through our inspection process. We would take fairly robust action in such a situation. As the Chairperson said, providing that the conflict of

interest were acknowledged and the relevant person were to step back from and have no involvement in the decision-making process, there would be no problem and no conflict with the existing law.

Ms Ní Chuilín: If a person were not to do that, you could bring in an enforcement process.

Mr Martin: Yes.

Ms Lo: That is standard procedure in any organisation, whether it is a written or unwritten policy. That is a normal code of practice.

The Chairperson: Are members content not to seek an amendment on that matter?

Members indicated assent.

The Chairperson: A possible amendment on registered rents was suggested. The Committee was minded to support an amendment on the procedure for the review of registered rents. Some final wording is to come back from the Department, which was content with that amendment.

Mr Martin: We have spoken to the draftsman. That amendment will be drafted, and we will bring it to next week's Committee meeting.

The Chairperson: Are members content to consider that amendment at next week's meeting?

Members indicated assent.

The Chairperson: The table refers to the reform of the common housing selection scheme. The Committee agreed to defer consideration of that matter until it had received an update from the Department. Members have a copy of the Department's response to that possible amendment. Can the witnesses elaborate on that?

Mr Martin: There were two issues. First, some members said that the scheme should be amended, and we said that that would not be done as part of this Bill, but the Minister has asked departmental officials to work with the Housing Executive on modernisation. Some of the issues that were raised last week will form part of that process.

The second issue related to a review period. Our understanding was that some members felt that there should be a specific period in law in which the common housing selection scheme would be reviewed. It is a living document that has been updated seven times since it was introduced in 2000. As my colleague Stephen Baird said, we will ask for a further update to provide for sanctions on antisocial behaviour. We ask frequently for updates, so we do not necessarily see any merit in such an amendment. It is a living document that is amended frequently.

Mr F McCann: I am tough on that issue because the scheme may have been reviewed seven times, but I have been to at least seven meetings with former

Ministers, departmental officials and officials from the Housing Executive at which I have raised specific issues. I said that, if the selection scheme were tweaked in certain places, it would allow for a system that people could flow out of, rather than being stuck in hostels for four or five years. That would take other people into consideration in areas of high demand.

During the years when I raised that issue, many people agreed that there was a difficulty and problem with the system and that it needed to be dealt with, but nothing has ever been done. I find it difficult to accept that anything will be done in the next review. There are serious problems in many constituencies of people being in hostels and remaining there for lengthy periods. Adjusting the system would allow them to flow out.

The Chairperson: The issue may be whether legislation is the right way in which to amend the arrangements. Your concerns are valid and the need to address them will be made clear to the Department. Paragraph 9 of the letter states:

"The Department is currently looking at whether the Scheme requires further modernisation. This work is at an early stage and will include consideration of a range of issues, including the account taken of waiting time and the allocation of sharing points."

The Committee can ensure that the points raised by Fra McCann are included in that review.

Mr F McCann: I have no difficulty in accepting that approach; however, I must emphasise that the Department's response was that the issue had been reviewed seven times, yet the issue has still not been addressed. I would like some guarantees. I accept that that may not be done through legislation, but if we have guarantees from the Department that the matter will be dealt with, the Committee can return to it.

The Chairperson: I expect that the Committee will be asked for its views. In fact, it could insist on having some input. All members have seen in their own areas that the common selection scheme sometimes does not work for individuals in certain circumstances. It must be reviewed, and if the Committee seeks an assurance today that it will be involved in that process and that the issues raised by Fra McCann are addressed, are members content with the rest of the suggestion?

Mr Martin: The Department indicated to Mr McCann last week that it was happy to take on board those points and to update the Committee when that work is further down the track.

The Chairperson: Are members content with the following suggestion?

"That clauses be added relating to the reform of the Common Housing Selection Scheme specifically:

That the Common Housing Selection Scheme be amended to award 20 points to an applicant for every 6 months they stay in hostel accommodation;

That the Common Housing Selection Scheme be amended to allocate an additional 10 points to applicants with a mental or physical illness;

That NIHE undertake a review of the Common Housing Selection Scheme every 3 years to ensure equality of opportunity for all applicants”.

Members indicated assent.

The Chairperson: I remind members to ensure that their mobile phones are switched off, because we are experiencing interference with the sound recording system. I must check my own; I think that I may have been somewhat guilty in this instance.

We move to the suggestion in the table that states:

“That clauses be added relating to the mandatory registration of private landlords”.

The Committee had agreed to defer consideration of this proposed amendment. The Department’s response of 27 October in members’ papers refers to the legislative timetable relating to the private rented sector. Does Mr Martin wish to add anything on behalf of the Department?

Mr Martin: No.

Ms Ní Chuilín: The Committee must start discussing details of what the timetable might look like if that measure is to be included in the Bill.

The Chairperson: In what way would the member be seeking to amend the Bill in that respect?

Ms Ní Chuilín: The Committee’s suggestion is: “That clauses be added relating to the mandatory registration of private landlords”.

Therefore, we must bring forward a clause that might be added to the Bill.

The Chairperson: Is the suggestion that the Clerk of Bills draft an amendment along those lines, which can be brought back to members for consideration?

Ms Ní Chuilín: Yes, please.

Mr F McCann: We will be talking to the Clerk of Bills after the meeting to get the wording right.

Ms Ní Chuilín: Is that fair enough? In that event, all members will be able to consider the amendment.

The Chairperson: The Committee can see it and consider it at that stage. I am happy with that.

Mr Martin: It took four years in Scotland to develop a sensible registration scheme. The Department believes that trying to legislate on registration in haste will necessitate a lot of unpicking and redoing later. We believe that a more appropriate vehicle for dealing with registration will be the next Bill, which will come before the Committee in 2010, and the Department is currently developing proposals on the regulation of the private rented sector. Those proposals will come to the Committee for scrutiny during the passage of the next

Bill. It would be very difficult to draft something now that is workable.

The Chairperson: Will the second Bill deal with a broad range of issues on the private rented sector, including registration?

Mr Martin: Yes. I do not think that the Minister has taken a final view on the exact form of regulation, but if that does not go far enough in the Committee’s opinion, the Committee may wish to table amendments at that point.

The Chairperson: If an amendment to require registration is tabled, that would impact on a broader range of issues. The witnesses are saying that it would be better to do that at a time when you are looking at a broader range of measures.

Mr Martin: Yes — when members can see the broader range of proposals from the Department on future regulation of the private rented sector.

Mr F McCann: I appreciate that, but the Minister has made it quite clear that she is not in favour of the mandatory registration of landlords, both on the Floor of the Assembly and before the Committee. We have gone through a fairly lengthy process of consultation, and my understanding is that the vast majority of the voluntary housing sector has called for the mandatory registration of landlords. The Department will advise the Minister on the way forward; will it recommend the mandatory registration of landlords to the Minister? That will colour the Committee’s decision.

Mr Martin: That is no longer my area of direct policy responsibility. My understanding is that, on the basis of the feedback from the consultation process, the Minister has agreed to re-examine the issue of registration. I am not sure whether she has made a decision on the proposals, but there are interlinked aspects in respect of the registration of the private rented sector. To look at one in isolation, without looking at the total package, would be a little bit —

Mr F McCann: The Department and the Housing Executive, through the Minister, are examining how they can widen the remit of the private rented sector to take up the slack for the lack of newbuild public housing. Roughly £88 million of taxpayers’ money is being paid to the private rented sector through housing benefit, and that will seriously increase over the coming months. I think that it is terrible that we are not actively discussing how to operate a proper registration system for a non-registered sector that gets so much government money. If community structures or organisations were getting that money, the Department would be all over them, demanding accountability. There is no accountability, and that is why the Committee is being fairly hard on this issue.

Mr Martin: The consultation on the private rented sector strategy ended only on 7 August: three months ago. When such issues were considered in England, Wales and Scotland, it took a number of years before sensible proposals could be developed for legislation. We are talking about doing this within a much tighter time frame. Our view is that to try to do something earlier than that is likely to lead to an unworkable system. I caution members about attempting to legislate for that in this Bill.

Mr F McCann: I first proposed the registration of landlords in October 2007, and I was supported by the Assembly. At that stage, we were told that a Bill was being introduced and that a package would emerge. The date for that was supposed to have been last March. It has taken years to get even to this stage. We need to learn from the mistakes of other jurisdictions, and we can find a mechanism whereby we can implement a registration process.

The Chairperson: If Fra and Carál want to consult with the Committee Clerk and the Clerk of Bills about a possible amendment that could be brought before the Committee, it could be considered at next week's meeting. Equally, if it were possible for the Department to come back with a more clear position from the Minister, that might be helpful too. Are members content with that approach?

Members indicated assent.

The Chairperson: Members had previously agreed not to take forward amendments related to homelessness and prisoners. I presume that members are happy to note the additional correspondence on that issue from NIACRO.

I thank Mr Martin and Mr Baird for their attendance and their responses. We will invite you back next week for another instalment — same time, same place. We must be nearly there by now. There is some light at the end of the tunnel.

I thank members for their patience during the formal clause-by-clause scrutiny of the Bill. The final wording of amendments and the report of the Examiner of Statutory Rules will be considered next week. All being well, a report will be available for our consideration the following week.

NORTHERN IRELAND ASSEMBLY

COMMITTEE FOR SOCIAL DEVELOPMENT

12 November 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)
Mrs Mary Bradley
Mr Mickey Brady
Mr Jonathan Craig
Mr Alex Easton
Ms Anna Lo
Mr Fra McCann

Witnesses:

Stephen Baird	}	Department for Social Development
Stephen Martin		

The Chairperson (Mr Hamilton): The Committee will now resume its clause-by-clause scrutiny of the Housing (Amendment) Bill. I remind members that the Committee deferred consideration of a small number of amendments until today's meeting. It is essential that the Committee reaches agreement on all amendments at this meeting in order to comply with reporting requirements.

The Department has submitted the final wording for all the amendments that it currently intends to support, and those are shown in the Committee's revised scrutiny table. It is intended that all amendments will be included in the Bill report, which will be available for Committee approval at our meeting of 19 November.

Delegated powers relating to the Housing (Amendment) Bill have been reviewed by the Examiner of Statutory Rules. The key issues arising from his report are set out in the Committee Clerk's cover note under the heading of delegated powers. Members' information packs include: the revised scrutiny table, which shows the departmental wording of amendments and Consideration Stage actions; the report by the Examiner of Statutory Rules on delegated powers; and

the Minister's response on the Housing Executive board.

Departmental officials Stephen Martin and Stephen Baird, who are gluttons for punishment, are here once again to assist the Committee in its clause-by-clause scrutiny. I remind everyone, including the officials, to ensure that all mobile phones are switched off so that they do not interfere with the recording of this session.

To ensure a smooth clause-by-clause scrutiny, members should refer to their revised scrutiny table and a copy of the Bill. If they keep those close at hand, they will not go wrong. After I have drawn attention to each of the areas that are unresolved, I will ask the departmental officials and members for their comments.

Clause 1 (Homelessness Strategy)

Question proposed:

That the Committee recommend to the Assembly that the clause be amended as follows: In page 2, line 4, at end insert

"() district councils;". — [*The Minister for Social Development (Ms Ritchie).*]

The Chairperson: As Members know, clause 1 is about the Housing Executive's duty to produce a homelessness strategy and for certain bodies to take account of the strategy in the exercise of their functions. At last week's meeting, the Department indicated that it will agree to a Government amendment to include district councils in the list of organisations that are required to take the homelessness strategy into account in the exercise of their functions. Does the Clerk of Bills wish to add anything?

The Clerk of Bills: The only point that I wish to make is that those amendments would be selectable anyway, because they are Government amendments. They are not major amendments and pose no difficulty from an Executive point of view.

The Chairperson: If no members wish to comment on the amendment in respect of councils, I will put the Question.

Question put and agreed to.

Question proposed:

That the Committee recommend to the Assembly that the clause be amended as follows: In page 2, line 9, at end insert

"() the Department of Health Social Services and Public Safety;". — [*The Minister for Social Development (Ms Ritchie).*]

The Chairperson: The Department advised that the proposed amendment to add the Prison Service to the list of organisations at proposed new article 6A(5) was problematic. It instead proposed to introduce an amendment to add the Department of Health, Social Services and Public Safety to the list of organisations that must take the homelessness strategy into account at proposed new article 6A(5). We understand that that

Department has responsibility for the health of prisoners. Does the Clerk of Bills wish to add anything?

The Clerk of Bills: No; my initial comment applies to all the amendments.

The Chairperson: If members do not wish to comment on the amendment, I will put the Question.

Question put and agreed to.

Question, That the Committee is content with the clause, subject to the Department's proposed amendments, *put and agreed to.*

Clause 1 agreed to.

Clause 2 (Duty of Executive to provide advice)

Question proposed:

That the Committee recommend to the Assembly that the clause be amended as follows: In page 4, line 4, at end insert

"(4) In relation to the form and content of advice under paragraph (1) the Executive shall have regard to any guidance issued by the Department." — [*The Minister for Social Development (Ms Ritchie).*]

The Chairperson: Clause 2 refers to the Housing Executive's duty to provide homelessness advice. Last week, the Committee heard further evidence from the Housing Rights Service regarding a proposed amendment to be inserted at the end of clause 2. The Committee agreed to accept that amendment. The Department has also agreed to support the proposed amendment and has submitted suggested wording for consideration by the Committee. The Department has indicated that the amendment that it has submitted will allow it to prescribe the homelessness advice provided by the Housing Executive. Do Members wish to comment on the amendment?

Mr F McCann: Last week, we had an argument about the different meanings of "shall", "will", "must" and "should". Where do we stand on that in respect of the amendment?

The Chairperson: We like "shall"; that should be our rule of thumb.

The amendment will put a duty on the Housing Executive to have regard for any guidance issued by the Department.

If members do not have any further comments, I will put the Question.

Question put and agreed to.

Question, That the Committee is content with the clause, subject to the Department's proposed amendment, *put and agreed to.*

Clause 2 agreed to.

Clause 4 (Power of Department to prescribe form of advice and assistance)

The Chairperson: Given the amendment to clause 2 based on the proposal from the Housing Rights Service, are members now content with clause 4 as drafted?

Members indicated assent.

Question, That the Committee is content with the clause, *put and agreed to.*

Clause 4 agreed to.

Clause 5 (Reviews of decisions in relation to homelessness)

Question proposed:

That the Committee recommend to the Assembly that the clause be amended as follows: In page 5, line 14, leave out "21" and insert "28". — [*The Minister for Social Development (Ms Ritchie).*]

Question proposed:

That the Committee recommend to the Assembly that the clause be amended as follows: In page 6, line 19, leave out "21" and insert "28". — [*The Minister for Social Development (Ms Ritchie).*]

The Chairperson: Members are minded to support an amendment that would extend the period during which a review of homelessness decisions could be requested from 21 to 28 days. The Department undertook to support that amendment and submitted proposed wording for the Committee's consideration.

Have members any comments on the wording of the amendment? It is straightforward. Are members content to agree that amendment?

Members indicated assent.

Question, That the Committee is content with the clause, subject to the Department's proposed amendments, *put and agreed to.*

Clause 5 agreed to.

Clause 12 (Increase in Housing Council representation on Executive)

The Chairperson: This clause refers to representation on the Housing Council on the board of the Northern Ireland Housing Executive. Members considered the issue of enhanced democratisation of the Housing Executive board and were minded to explore an amendment that might increase Housing Council representation or add a tenancy advocate to the Housing Executive board. I wrote to the Minister on those issues and at last week's meeting the Committee agreed to reconsider the Minister's response of 31 October, to determine whether it meets the Committee's concerns in relation to the need to improve the democratic accountability of the Housing Executive.

The Minister advised that she was not minded to increase Housing Council representation or add a tenancy

advocate to the board. She suggested that the usual public appointment procedures would be sufficient to ensure appropriate representation on the board. The Department has also submitted to the Committee a copy of an information pack for prospective board members.

Do members want to state any views about pursuing an amendment? Last week several members indicated that they did not want to pursue an amendment at this stage and wanted to hold back for a while. Is there any change to that position? Have those who said previously that they did not want to pursue an amendment changed their position?

Mr F McCann: We were not concerned about the political representation but about other representation. The argument we were given was that that was already in place.

The Chairperson: My view and that of my party is that it is desirable to increase democratic representation on all public bodies. However, given the position outlined by others, we find ourselves in a minority. Shall I take it that the Committee is content not to pursue amendments in respect of increasing Housing Council representation or the appointment to the board of a tenancy advocate or representative?

Mr F McCann: There are a number of people on the board of the Housing Executive. I thought that last week we were given information to the effect that at least one of those people represents the tenant's point of view; is that the case?

Mr Stephen Martin (Department for Social Development): Not quite; there is no tenant on the board. Given the Committee's view on tenant representation, the Department will look into what it can do further to encourage tenants to apply and support them in making an application for appointment to the board. We will look at our processes to see whether we can do that. Given the existence of the public appointments process, that is as far as we can go.

The Chairperson: The Committee is supportive of the idea of tenant representation but it is appreciative of the problems relating to that, such as the need to increase the capabilities of people in that sector to apply for membership of the board. The Department has given an assurance that applications from that sector will be encouraged in a practical way.

Mr Martin: Yes, absolutely.

Mr F McCann: I take that, when the Housing Executive advertises for board members, people from that sector are eligible to apply?

Mr Martin: Absolutely, and within the bounds of the Commissioner's guidance, we can target particular individuals or types of people to encourage them to apply. As with any job, that can be done legitimately.

We will use that latitude to do all that we can to encourage more applications from tenants and others.

Mr F McCann: I am conscious that pushing for more tenants to apply will lead to the expansion of the size of the Housing Executive board. If it does expand, the Department will have to remove members.

The Chairperson: Given that the Committee is not minded to support an increase in the Housing Council's representation, I will put the Question.

Question, That the Committee is content with the clause, put and agreed to.

Clause 12 agreed to.

Clause 14 (Definition of 'house in multiple occupation')

Question proposed :

That the Committee recommend to the Assembly that the Clause be amended as follows: In page 14, line 27, leave out from beginning to 'Article' in line 29 and insert

"at the end add 'and for that purpose'".— [*The Minister for Social Development (Ms Ritchie).*]

The Chairperson: Clause 14 refers to houses in multiple occupation (HMOs). If members consider the relevant page in their papers, they will see that they were minded to support an amendment that limits the extension of the definition of family to include no more than uncles, aunts, nephews and nieces. The Department's proposed amendment is included in the same section of our papers.

Ms Lo: How does that leave clause 14?

The Chairperson: I will let the experts explain.

Mr Martin: If the amendment were to be accepted, clause 14 would read:

"In Article 75(1) of the Order of 1992, (meaning of "multiple occupation") for the purposes of this article, family includes uncle and nephew and niece."

That is our reading of the complete clause as it would be amended. We are saying that the Department is not minded to widen the definition of the number of families, but, for the purposes of HMOs, family will include aunt, uncle, nephew and niece. That is all that the amendment does.

Mr F McCann: Does that comply with housing rights?

The Chairperson: Most of the evidence to the Committee welcomed the extension of the definition of a family but not an increase in numbers, and that view was shared by the Committee.

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 14 agreed to.

New Clause**Question proposed:**

That the Committee recommend to the Assembly the following new clause: After clause 16 insert

“Amendment of Article 55 of the Order of 2006

16A. In Article 55 of the Order of 2006 (review of registered rents) at the end add —

“(8) An order under paragraph (5) shall be subject to negative resolution.” — [*The Minister for Social Development (Ms Ritchie).*]

The Chairperson: The Committee was minded to support an amendment to the Assembly procedure on the review of registered rents, subject to a review of the final wording. The wording of the proposed new clause is in members’ papers. The Department has said that the amendment would add that the Assembly should deal with registered rents via the negative resolution procedure. The Examiner of Statutory Rules has confirmed that the Department’s amendment is competent. Do members have any comment? Are members content with the wording of the amendment and for the new clause to be added?

Question put and agreed to.

The Chairperson: We now turn to the mandatory registration of private landlords, which is an additional issue. The Committee agreed that the Clerk should submit for consideration a draft amendment on the mandatory registration of private landlords.

A review of the issue suggested that the drafting of such an amendment would be a significant task. The issues involved include the timescale for implementation of registration; designation of landlords to be registered, for example, all private landlords, HMO landlords or landlords in receipt of housing benefit only; the applicability and costs of implementation; the sanctions, if any, to be applied in a case of non-compliance; the enforcement responsibility; and, primarily, the absence of local consultation on the options for registration.

What are members’ views? We do not have a draft in front of us, but the Committee has a range of options. First, we could devise and adopt an amendment. Secondly, we could await the second housing Bill that we discussed last week, on which the Department will brief us in January. Thirdly, if members feel strongly about mandatory registration, the Committee has the option to introduce its own Bill. Do members have strong thoughts one way or the other?

Mr F McCann: I know that Carál Ní Chuilín raised that issue on several occasions. Unfortunately, she cannot be here this morning. I have spoken to the Committee Clerk, and I have looked through the equivalent legislation in other jurisdictions. The task would be time-consuming for the Committee Clerk or anyone who deal with such matters. We feel strongly

about the issue. The Scottish legislation, which was specifically brought in to deal with antisocial activity, was expanded. With a couple of exceptions, we could probably lift that legislation to suit our purposes. Given the consultation that has taken place and the fact that the vast majority of people have indicated that they want the mandatory registration of landlords, I am not convinced that the Minister and the Department will act on that in the Bill. If possible, the Committee should discuss drawing up legislation that would allow us to include mandatory registration.

The Chairperson: Let us narrow our options. We are happy not to pursue an amendment at this stage. Without jumping forward, we have an idea of the Minister’s opinion. Without prejudging that, perhaps it is best to wait for a briefing in January on what would be included in a second Bill. We could make our minds up at that stage. There is always the option of amending the second Bill rather than pursuing an entirely separate piece of legislation.

Mr F McCann: In the meantime, the Committee Clerk or the Assembly researchers could examine what such a Bill that would draw on legislation in other jurisdictions would look like.

The Clerk of Bills: Fra is absolutely right. The Scots have done a fair amount of work; their legislation is a major piece of work. The quickest way to take this matter forward is to wait for the second Bill. To attempt to amend the Housing (Amendment) Bill will require the injection of a whole new policy.

Mr F McCann: I will take that on board.

Ms Lo: I understand the rationale, but we need to be more proactive in pursuing the matter. We need to put down a marker that we want mandatory registration.

The Chairperson: We can raise the issue in our report, even though we are not making a recommendation. Members might raise the issue in the Chamber as well. Perhaps we can ask the Committee Clerk to write a paper in advance of the January briefing that will provide us with better information to think about, and which could draw on the legislation in other jurisdictions.

Ms Lo: Did the Department say that the second Bill would be introduced in 2011?

Mr Martin: The Bill is currently with the Executive, awaiting their approval for it to go out to consultation. The Bill will be introduced sometime before summer recess and will come to the Committee either before summer recess or in September, with a view to it becoming law before the end of this Assembly’s mandate, which we understand to be March 2011. That is our current working timetable.

Ms Lo: That is for the second Bill?

Mr Martin: Yes.

Ms Lo: We do not have a lot of time, then, to have consultation on mandatory registration. It is a tight timetable, even if it is scheduled to become law in 2011.

Mr Martin: It is tight, but, at this point in time, it is still achievable, and that is what we aim to do.

Ms Lo: The Committee must be proactive in saying that we want mandatory registration.

Mr F McCann: We were going to pursue the inclusion of mandatory registration in the Housing (Amendment) Bill, but given the advice of the Clerk of Bills and others, we acknowledge that it is a big piece of work that would delay the Bill. However, the Committee can examine the option of introducing its own Bill if we are not happy with developments.

The Chairperson: The Committee has agreed to wait until the briefing on the second Bill. Between now and then, we can better form our thoughts on the matter.

Mr Brady: Regardless of the methodology used, the mandatory registration of landlords is important. It is particularly important with regard to the private-rented sector, which receives in the region of £80 million of public funding and provides approximately 70% of “social housing”. That must be addressed. Although the methodology means that it is not practical to table amendments, we should not be distracted from our aim of introducing mandatory registration.

The Chairperson: Everyone agrees that that is an important issue and that the Committee should look at it. Between now and our briefing on the second Bill, we can better inform ourselves so that we are in a much better position to address the issue. Are Members happy to take that approach?

Members indicated assent.

The Chairperson: I refer members to the report on delegated powers by the Examiner of Statutory Rules, in which he raises an issue with article 148 of the Housing (Northern Ireland) Order 2003 and its impact on the making of regulations. It mentions the provision enabling the Department to:

“make regulations prescribing the form of landlord’s notice where introductory tenancy appears to have been abandoned.”

Will one of the witnesses from the Department comment on that?

Mr Martin: We realise that there is a mistake in our delegated powers memorandum with regard to prescribing the form of a notice. Clause 9 very clearly sets out the policy context. Within the very narrow confines that would be set by the Assembly when it makes the legislation, the Department would have the power to prescribe what is essentially a legal notice and to tell

the Housing Executive and the housing associations what should be in it.

There are a number of similar powers throughout all types of legislation that are often not subject to any Assembly control, because the Assembly has clearly set the policy and there is little room for latitude. That was our intention in this case, and in the delegated powers memorandum we erroneously indicated that we would seek negative resolution.

As clause 9 is going into the Housing Order (Northern Ireland) 2003, article 148 of the Order pertains. Therefore, regulations that prescribe only the content of a particular form are not subject to any form of Assembly control. That was our original intention. We have made a mistake in the delegated powers memorandum — the intention was that article 148 should apply in this case.

The Chairperson: The Examiner of Statutory Rules has advised that the making of regulations that prescribe the form of landlords’ notices for introductory tenancies should be subject to negative resolution procedure and that the Department should consider the repeal of article 148(3)(b). Have you given any consideration to that?

Mr Martin: Yes, we have. There are two issues. First, as there is minimal latitude and no policy content in the regulations, we would prefer the regulations to not be subject to Assembly control. Secondly, we are not sure that there would be much added value in the Committee having to see a range of new regulations. However, if the Committee felt strongly about that, we could exempt this provision from the application of article 148. We could exempt clause 9 from that provision and make it subject to negative resolution procedure. That form would go to the Committee and, if the Committee wanted to see all other such forms, we would make a commitment to repeal article 148 in the next housing Bill and make all forms made under the 2003 Order subject to negative resolution.

I am suggesting a halfway house. You can test the waters in this instance, and if you feel strongly that you would like to see all other regulations of a similar nature, we could give a commitment to repeal article 148 for the whole of the 2003 Order in the next Bill.

The Chairperson: That suggestion seems reasonable, though we may need to check any commitments for any future Bills with the Examiner of Statutory Rules.

Mr Brady: Is Mr Martin saying that the level of Assembly scrutiny is diminished unless all those regulations are subject to negative resolution procedure?

Mr Martin: As it stands, the power for the Department to prescribe the form of a notice to an introductory tenant telling him or her that the tenancy has been abandoned and what is likely to happen is not subject

to Assembly scrutiny. There are three options. First, it can be left like that; secondly, we could exempt this particular regulation from that rider and make it subject to negative resolution, as I am suggesting; or, thirdly, we could repeal the overriding part of article 148 of the 2003 Order and make all forms subject to some form of Assembly control. I suggest that the Department seek an amendment to exempt this particular regulation. The regulation would be brought to the Committee, and if the Committee felt strongly that there was a need to see all regulations of a similar nature, the Department would make a commitment to repeal that provision in the next Bill.

Mr Brady: It would have a knock-on effect.

Mr Martin: That is correct.

The Chairperson: We will be able to see whether it would be the sort of thing that should be subject to negative resolution procedure, and, if we want to expand it further, we can do that. Are members happy to take that approach?

Members indicated assent.

The Chairperson: Are members content that the clause-by-clause scrutiny is formally concluded?

Members indicated assent.

The Chairperson: I thank both Stephens from the Department for their faithful attendance and help throughout the Committee meetings.

NORTHERN IRELAND ASSEMBLY

COMMITTEE FOR SOCIAL DEVELOPMENT

19 November 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 Jonathan Craig
Mr Alex Easton
Ms Anna Lo
Mr Fra McCann

The Chairperson (Mr Hamilton): The next item on the agenda is the Housing (Amendment) Bill.

Clause 9 (Abandonment of introductory tenancies)

Question proposed:

That the Committee recommend to the Assembly that the clause be amended as follows: In page 13, line 20, at end insert

“(5) In Article 148(3)(b) of the Order of 2003 after the word ‘regulations’ insert ‘(other than regulations under Article 19A(3)).’”—
[*The Minister for Social Development (Ms Ritchie).*]

The Chairperson: Following last week’s discussion on the report on delegated powers by the Examiner of Statutory Rules, the Department has agreed to submit an amendment. The amendment would exempt clause 9, abandonment of introductory tenancies, from the provisions of article 148(3)(b) of the Housing (Northern Ireland) Order 2003. The effect of the amendment will be to require Assembly procedure to be applied to the prescription of a form of a landlord’s notice to a tenant where an introductory tenancy appears to have been abandoned. The Clerk of Bills and the Examiner of Statutory Rules have advised that the amendment is competent. If members are content with the wording of the Department’s proposed amendment, I will put the Question.

Question put and agreed to.

The Chairperson: I remind members that the Department also undertook to consider the repeal of article 148(3)(b) of the Housing (Northern Ireland) Order 2003 as part of the second housing Bill. The Committee believes that Assembly procedure could be usefully applied to the prescription of a wide range of housing-related forms. Are members content with the Department’s assurances on that?

Members indicated assent.

Question, That the Committee is content with the clause, subject to the Department’s amendment, *put and agreed to.*

Clause 9 agreed to.

The Chairperson: That formally concludes clause-by-clause scrutiny of the Housing (Amendment) Bill.

Members’ packs include a draft version of the Bill report. Members will have had the opportunity to read that, so we will go through each section, and if anyone has any problems, they can shout out.

The first section is the table of contents; are members happy with that?

Members indicated assent.

The Chairperson: The next section is the executive summary, which runs for two and a half pages. It is all fairly straightforward. Are members content with that section?

Members indicated assent.

The Chairperson: The next section is the introduction; are members happy with that?

Members indicated assent.

The Chairperson: The next section is consideration of the Bill; are members happy with that?

Members indicated assent.

The Chairperson: Finally, are members content with the section on the clause-by-clause scrutiny?

Members indicated assent.

The Chairperson: That was fairly painless.

Are members content for the Committee report on the Housing (Amendment) Bill to be printed?

Members indicated assent.

The Chairperson: A typescript version of the report will be lodged with the Business Office tomorrow. Printed versions of the report should be distributed next week, and the Bill’s Consideration Stage is expected after the Christmas recess.

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 6 November 2009

Written Answers to Questions

OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

Post Office Services

Mr W Clarke asked the First Minister and deputy First Minister (i) what services their Department currently provides through post offices; (ii) and for their assessment of any additional services that could be provided through local post offices. (AQW 737/10)

First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness): The Office of the First Minister and deputy First Minister currently provides no services through post offices.

There have been a number of exercises completed in the recent past to look at what additional services, if any, could be offered through post offices but none were identified.

Blind and Partially-Sighted People: Access to Documents

Mr P Weir asked the First Minister and deputy First Minister what provision is made by their Department to make documents accessible to partially sighted and blind people. (AQW 1921/10)

First Minister and deputy First Minister: The Disability Discrimination Act 1995 prohibits public authorities from discriminating against disabled people when carrying out public functions. The Act also imposes a duty on public authorities to make reasonable adjustments for disabled people in relation to the carrying out of public functions. The duty requires public authorities to anticipate the requirements of disabled people and the adjustments that may be needed.

The department's Disability Action Plan 2008-2011 states amongst its actions that it will pursue "measures to promote positive attitude towards disabled people and encourage the participation of disabled people in public life". This includes "In line with NICS practice, OFMDFM's website will be 'single A' compliant (shows compliance with all priority 1 checkpoints of the W3C Web Content Accessibility Guidelines) and strive to meet 'AA' standards (shows compliance with all priority 1 and priority 2 checkpoints of the W3C Web Content Accessibility Guidelines). Alternative formats can be made available where necessary." Our action plan also undertook to review and reissue guidance on accessible venues for departmental events. This was done in January 2009.

Para 5.8 of our Equality Scheme states that "Consideration will be given to accessibility of language and format of information in order to establish if there are any barriers to the consultation process, and if so, to ensure that these are removed. Accordingly, translations and alternative formats will be provided in a timely fashion. Issues concerning access to information highlighted in Section 9 "Public Access to Information and Services" will be given particular consideration. Taking into account the views of consultees, information will be made available on request in accessible formats, including Braille, large print, audiocassette, signed video cassette and in minority ethnic languages."

Our department's publications include information on how to obtain copies in alternative formats. On request, documents are produced in Braille, Digital Daisy and large print formats to meet the needs of partially sighted and blind people. For example we used the Royal National Institute of Blind People's services this year to produce a number of documents in Braille and digital daisy format.

Our department regularly reviews the level of service we provide to blind and partially sighted people through our Disability Action Plan.

Default Retirement Age

Mr D Simpson asked the First Minister and deputy First Minister, pursuant to AQW 220/07, for an update on the monitoring of the effectiveness of the default retirement age. (AQW 1926/10)

First Minister and deputy First Minister: In July this year, the UK Government announced that it was bringing forward the scheduled review of the default retirement age from 2011 to 2010.

We will monitor this process and of course take account of any specific local considerations

Community Relations Council

Mr M Storey asked the First Minister and deputy First Minister if his Department has carried out any analysis of the use of funding by the Community Relations Council (CRC) to encourage understanding and tolerance of the beliefs and values of evangelical Protestantism; and if he will work with the CRC to encourage this. (AQW 1937/10)

First Minister and deputy First Minister: We have not carried out any analysis of the use of funding by the Community Relations Council (CRC) to encourage understanding and tolerance of the beliefs and values of evangelical Protestantism. The Community Relations Council works to promote greater understanding of all sections of the community.

Clinton Global Initiative: Investment

Mr J Spratt asked the First Minister and deputy First Minister for their assessment of the potential investment in Northern Ireland as a result of the Clinton Global Initiative and other meetings held during their recent visit to the USA. (AQO 239/10)

First Minister and deputy First Minister: We participated in the Clinton Global Initiative's annual conference. We were asked to address a special session, chaired by President Clinton, on the promotion of investment opportunities here.

We addressed an audience of more than 350 people, including senior executives from major financial institutions, the film industry and the media. Secretary of State Clinton's newly appointed Economic Envoy, Declan Kelly, shared the platform with us and made a persuasive pitch to corporate America to consider investing here. The Employment and Learning Minister, Sir Reg Empey, also attended the session and outlined the bespoke training programmes his Department can offer incoming investors.

The panel was completed by the Secretary of State, Shaun Woodward, and the Irish Foreign Affairs Minister, Micheal Martin.

While in New York, we also met a number of senior executives from financial organisations which are in discussions with Invest NI about investing here. One of these was the New York Stock Exchange which announced on Monday investment that will result in upwards of 500 high quality jobs in the financial services sector.

We also met with Prime Minister, Gordon Brown, to discuss Policing and Justice and then US Secretary of State, Hillary Clinton, with whom we discussed the current political situation and the potential for US investment. Secretary of State Clinton maintains a close interest in the situation here, as her visit last week showed.

Policing and Justice: Funding

Mr P Ramsey asked the First Minister and deputy First Minister what discussions, if any, have been held with the Conservative Party regarding funding for policing and justice after it is devolved. (AQO 241/10)

First Minister and deputy First Minister: We met Conservative Party leader, David Cameron, on 21 October, when we discussed the devolution of policing and justice.

Executive Confidentiality

Mr G Savage asked the First Minister and deputy First Minister to outline from where Executive Ministers take their advice in relation to Executive confidentiality. (AQW 1981/10)

First Minister and deputy First Minister: The Executive has agreed a protocol on confidentiality, the terms of which all Ministers are required to take into account in relation to the business of the Executive.

Blind and Partially-Sighted People: Access to Services

Mr P J Bradley asked the First Minister and deputy First Minister what steps have been, or will be, taken by their Department to ensure that the same level of service is provided to blind and partially-sighted people as that provided to fully-sighted people. (AQW 1984/10)

First Minister and deputy First Minister: The Disability Discrimination Act 1995 prohibits public authorities from discriminating against disabled people when carrying out public functions. The Act also imposes a duty on public authorities to make reasonable adjustments for disabled people in relation to the carrying out of public functions. The duty requires public authorities to anticipate the requirements of disabled people and the adjustments that may be needed.

The department's Disability Action Plan 2008-2011 states amongst its actions that it will pursue "measures to promote positive attitude towards disabled people and encourage the participation of disabled people in public life".

Access to services requires good information, documentation and access to that information. This department strives to ensure that all its information is fully accessible. Correspondingly our Disability Action Plan states that "In line with NICS practice, OFMDFM's website will be 'single A' compliant (shows compliance with all priority 1 checkpoints of the W3C Web Content Accessibility Guidelines) and strive to meet 'AA' standards (shows compliance with all priority 1 and priority 2 checkpoints of the W3C Web Content Accessibility Guidelines). Alternative formats can be made available where necessary." Our action plan also undertook to review and reissue guidance on accessible venues for departmental events. This was done in January 2009.

Para 5.8 of our Equality Scheme states that "Consideration will be given to accessibility of language and format of information in order to establish if there are any barriers to the consultation process, and if so, to ensure that these are removed. Accordingly, translations and alternative formats will be provided in a timely fashion. Issues concerning access to information highlighted in Section 9 "Public Access to Information and Services" will be given particular consideration. Taking into account the views of consultees, information will be made available on request in accessible formats, including Braille, large print, audiocassette, signed video cassette and in minority ethnic languages."

Our department's publications include information on how to obtain copies in alternative formats. On request, documents are produced in Braille, Digital Daisy and large print formats to meet the needs of partially sighted and blind people. For example we used the Royal National Institute of Blind People's services this year to produce a number of documents in Braille and digital daisy format.

Our department regularly reviews the level of service we provide to blind and partially sighted people through our Disability Action Plan.

Media Training for Departmental Staff

Mr T Lunn asked the First Minister and deputy First Minister how much has been spent by their Department on media training for staff in each of the last five years. (AQW 2046/10)

First Minister and deputy First Minister: Within our Department nothing has been spent on media training in each of the last five financial years.

Promoting Social Inclusion Report

Mrs M O'Neill asked the First Minister and deputy First Minister for an update on the Promoting Social Inclusion report. (AQW 2064/10)

First Minister and deputy First Minister: Five subgroups comprising representatives from various disability organisations and officials from Government departments, were established to take forward the work on the themes outlined below:

- Access to Employment;
- Children, Young People and their Families;
- Housing, Transport, Information and Access;
- Legislation, Citizenship, Language and Attitudes; and
- Lifelong Learning, Arts, Sports and Culture.

The reports from the five sub-groups have been completed and a composite report, complete with recommendations, will be presented to Ministers shortly.

Committee on Climate Change

Mr D Ford asked the First Minister and deputy First Minister if their Department has sought advice from the Committee on Climate Change with regard to its obligations under the Programme for Government. (AQW 2156/10)

First Minister and deputy First Minister: The Department of the Environment has lead policy responsibility for Climate Change and is the primary point of contact with the Committee on Climate Change. The Minister of the Environment liaises with the Committee on Climate Change on behalf of Executive colleagues and keeps Departments informed of the ongoing work of the Committee.

Release of Executive Papers

Mr S Gardiner asked the First Minister and deputy First Minister what time must have elapsed before Executive papers are available for public scrutiny. (AQW 2218/10)

First Minister and deputy First Minister: Official documents are eligible for release after 30 years.

An independent panel set up to review the operation of the 30-year rule recommended a reduction to 15 years in its January 2009 report. However, the Prime Minister in a statement to the House of Commons on 10 June 2009 said his government would strengthen protection for information concerning the Royal family and for Cabinet Papers, and would ‘reduce the time for release of all other official documents below the current 30 years, to 20 years’. On 31 July 2009, in response to correspondence on this subject from Michael Wills MP, Minister of State in the Ministry of Justice, we indicated our support for this reduction.

To date no legislation has been brought forward to bring about the aforementioned changes.

DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

Staff Travel Costs: DARD

Mr A Easton asked the Minister of Agriculture and Rural Development how much was spent by her Department on staff travel cost claims in the last financial year. (AQW 1876/10)

Minister of Agriculture and Rural Development (Ms M Gildernew): The amount spent on staff travel cost claims was £3,900,170.72

Work Beyond the Age of 65

Mr D Simpson asked the Minister of Agriculture and Rural Development how many staff within her Department have applied to work beyond the age of 65; and how many of these applications were granted, for each year since 2006. (AQW 1899/10)

Minister of Agriculture and Rural Development: On 1 October 2006 the default age for retirement within the NICS was set at age 65, however, staff could apply to continue working beyond this age. The following summary reflects the number of applications and approvals between 1 October 2006 and 31 August 2008.

	2006	2007	2008
Applications	Nil	5- all approved	5- all approved

On 1 September 2008 the default age for retirement was removed and staff were no longer required to make formal application to continue working after their 65th birthday.

However, for completeness I can confirm that an additional 12 staff have reached the age of 65 since 1 September 2008 and continued to work in the Department.

Axis 3 of the Rural Development Programme

Mr T Elliott asked the Minister of Agriculture and Rural Development if she has supported, either verbally, in writing, or by any other means of communication, any individual projects being undertaken under Axis 3 of the Rural Development Programme. (AQW 1975/10)

Minister of Agriculture and Rural Development: As Minister of Agriculture and Rural Development I can confirm that I have not issued any communication written or otherwise to support a specific project(s) undertaken as part of Axis 3 of the Rural Development Programme. However in my role as a constituency Member of Parliament I have offered my support to a number of constituency based projects submitted under the programme. All applications to Axis 3 are independently scrutinised for eligibility and assessed by an independent panel made up of voluntary members of statutory bodies and the social sector within the rural community. Projects achieving the pass mark or above at assessment are then eligible to be funded within the implementation budget of the area. These projects are recommended to the Joint Council Committee and then a letter of offer is issued. Throughout the process there is the right to ask for a review of any decision and this is dealt with by the Joint Council Committee. At no point in the process do I as Minister have a role to play.

Axis 3 of the Rural Development Programme

Mr T Elliott asked the Minister of Agriculture and Rural Development how many letters she has sent to projects that are being undertaken under Axis 3 of the Rural Development Programme; and to detail the purpose of each of these letters. (AQW 1976/10)

Minister of Agriculture and Rural Development: As Minister of Agriculture and Rural Development I can confirm that I have not issued any communication written or otherwise to support a specific project(s) undertaken as part of Axis 3 of the Rural Development Programme. However in my role as a constituency Member of Parliament I have offered my support to a number of constituency based projects submitted under the programme. All applications to Axis 3 are independently scrutinised for eligibility and assessed by an independent panel made up of voluntary members of statutory bodies and the social sector within the rural community. Projects achieving the pass mark or above at assessment are then eligible to be funded within the implementation budget of the area. These projects are recommended to the Joint Council Committee and then a letter of offer is issued. Throughout the process there is the right to ask for a review of any decision and this is dealt with by the Joint Council Committee. At no point in the process do I as Minister have a role to play.

Axis 3 of the Rural Development Programme

Mr T Elliott asked the Minister of Agriculture and Rural Development to outline the basis of all correspondence she has had with individual projects being undertaken as part of Axis 3 of the Rural Development Programme. (AQW 1977/10)

Minister of Agriculture and Rural Development: As Minister of Agriculture and Rural Development I can confirm that I have not issued any correspondence to support a specific project(s) undertaken as part of Axis 3 of the Rural Development Programme. However in my role as a constituency Member of Parliament I have offered my support to a number of constituency based projects submitted under the programme. All applications to Axis 3

are independently scrutinised for eligibility and assessed by an independent panel made up of voluntary members of statutory bodies and the social sector within the rural community. Projects achieving the pass mark or above at assessment are then eligible to be funded within the implementation budget of the area. These projects are recommended to the Joint Council Committee and then a letter of offer is issued.

Throughout the process there is the right to ask for a review of any decision and this is dealt with by the Joint Council Committee. At no point in the process do I as Minister have a role to play.

Axis 3 of the Rural Development Programme

Mr T Elliott asked the Minister of Agriculture and Rural Development if she has sent any letters of support for individual projects that are being undertaken as part of Axis 3 of the Rural Development Programme.

(AQW 1978/10)

Minister of Agriculture and Rural Development: As Minister of Agriculture and Rural Development I can confirm that I have not issued any letters to support a specific project(s) undertaken as part of Axis 3 of the Rural Development Programme. However in my role as a constituency Member of Parliament I have offered my support to a number of constituency based projects submitted under the programme. All applications to Axis 3 are independently scrutinised for eligibility and assessed by an independent panel made up of voluntary members of statutory bodies and the social sector within the rural community. Projects achieving the pass mark or above at assessment are then eligible to be funded within the implementation budget of the area. These projects are recommended to the Joint Council Committee and then a letter of offer is issued.

Throughout the process there is the right to ask for a review of any decision and this is dealt with by the Joint Council Committee. At no point in the process do I as Minister have a role to play.

Blind and Partially-Sighted People: Access to Services

Mr P J Bradley asked the Minister of Agriculture and Rural Development what steps have been, or will be, taken by her Department to ensure that the same level of service is provided to blind and partially-sighted people as that provided to fully-sighted people.

(AQW 1985/10)

Minister of Agriculture and Rural Development: My Department has been working hard to raise awareness of the issues impacting on blind and partially sighted people and have taken a number of positive actions to help deal with the barriers many face when accessing our services.

My Equality team have been engaging with key organisations on how we can make our services even more accessible. RNIB representatives recently addressed a meeting of our Equality Steering Group. At this meeting they outlined the work of RNIB and specific measures that we can put in place to ensure that people who are blind or have limited vision are able to access and utilise public information, services and publications.

All Departmental publications include an accessibility statement outlining how alternative formats can be requested and who to contact.

I am pleased to advise that this year my Department's Business Plan and Disability Action Plan have been pro-actively published in a wide range of accessible formats to help underline the Department's commitment to making its services as accessible as possible. These publications have been prepared using Plain English and other formats available upfront for customers have included Easyread, Braille and audio CD / mp3 formats.

A cd with all word, pdf and audio files has also been prepared and availability of this and other formats have been circulated widely to stakeholders and key equality organisations. We have sought comments and feedback on these pro-active developments and how our service could be improved further. Our business areas are being encouraged to proactively produce more of their publications in these alternative formats.

This year we have also contributed to RNID's talking newspaper in which we provided a brief outline of my Department's role and the work of the Equality Unit. We aim to provide more audio articles in the future to highlight topics of interest to our customers, for example, information about open days at our Forest Parks or about events such as the Balmoral Show.

Complimentary tickets were provided to several equality focused organisations including RNIB for them to use to encourage their membership to consider attending the 2009 Balmoral Show.

The Department has just recently initiated a formal review of its Internet web-presence. As part of that review and other work in relation to the Department's Intranet it has already accessed the RNIB's guidance which provides information and advice on making websites accessible to everyone. The RNIB guidance, which recognises that web accessibility is a pan-disability subject and encompasses people with sight problems, hearing, mobility and cognitive impairments, will be fully factored into the review.

The College of Agriculture and Rural Enterprise (CAFRE) website offers a Browse Aloud program to allow it to become speech enabled. Any visitors with reading/vision difficulties will be able to position the mouse over an area of the web page, which in turn will be spoken out. The site is designed according to the recommendations of the Learning Skills Development Agency (LSDA) to ensure accessibility to students with specific learning difficulties. It uses Arial font size 14 in black against a white background to improve readability in the main bodies of text. The page font can also be altered.

Students are given opportunities to make a disclosure of their disability at every stage of the application process. Students can also make arrangements for assistance when they come to College open days for recruitment. Once a student has made a disclosure of disability they are directed to the Student Support Officer who guides them through the process of applying for Disabled Student Allowance.

Where a student discloses that they are blind or partially sighted and have been accepted onto a course they are invited into the College in advance of starting their course to agree Reasonable Adjustments and to get an Assessment of their Needs carried out to enable support mechanisms to be in place from enrolment.

Reasonable adjustments by lecturers can include: provision of OHP materials and handouts prior to the start of the lesson; written material printed on coloured paper; written materials presented in 12-point type or above; a Risk assessment (s) to be completed; access to computer for assessments and being allowed to tape lectures.

Items which may be required if confirmed by needs assessment are: provision of a laptop computer; provision of Dictaphone; extended library borrowings; access to voice activated software; access to other specialist software; extra time for internal/external assessments; a reader for internal / external assessments; a scribe for internal/external assessments; a helper in class and study support.

Within formal Forest Service recreation areas, all paths are colour coded by difficulty. Colours used provide sufficient contrast for partially-sighted people. Paths describes as easily accessible, are maintained to: be free of physical barriers; have level surfaces; have clearly defined edges; have a "clear corridor" (no overhanging branches), have tactile way-markers.

In October 2009, Forest Service and RNIB arranged a visit to one of these paths by a group of partially- sighted / blind people. Feed back received was positive, and suggestions for minor improvements have been recorded.

My Department's Disability Forum which was established in 2002 aims to encourage staff with disabilities to debate general issues which affect them in the work place. The Forum has worked steadily to help raise awareness of disability issues in DARD, and members have taken forward a range of projects and group work over the years, such as writing articles, developing a disability intranet site, speaking at events, considering accessibility issues and providing comments on consultation documents.

Equality Branch launched an electronic newssheet in November 2008 and this has issued on a regular basis to DARD business areas. This e-zine is proving to be a useful and practical way to keep policy makers up-to-date about the latest equality news including advice and publications on all accessibility related matters. We also provide advice to our business areas on developing accessible formats for customers through our Intranet and Internet sites.

Blind and Partially-Sighted People: Access to Documents

Mr P Weir asked the Minister of Agriculture and Rural Development what provision is made by her Department to make documents accessible to blind and partially-sighted people. (AQW 2037/10)

Minister of Agriculture and Rural Development: My Department has been working hard to raise awareness of the issues impacting on blind and partially sighted people and have taken a number of positive actions to help deal with the barriers many face when accessing our services.

My Equality team have been engaging with key organisations on how we can make our services even more accessible. RNIB representatives recently addressed a meeting of our Equality Steering Group. At this meeting

they outlined the work of RNIB and specific measures that we can put in place to ensure that people who are blind or have limited vision are able to access and utilise public information, services and publications.

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A cd with all word, pdf and audio files has also been prepared and availability of this and other formats have been circulated widely to stakeholders and key equality organisations. We have sought comments and feedback on these pro-active developments and how our service could be improved further. Our business areas are being encouraged to proactively produce more of their publications in these alternative formats.

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Media Training for Departmental Staff

Mr T Lunn asked the Minister of Agriculture and Rural Development how much has been spent by her Department on media training for staff in each of the last five years. (AQW 2047/10)

Minister of Agriculture and Rural Development: The Department of Agriculture and Rural Development has spent the following on media training in each of the last 5 years:

2004/2005	2005/2006	2006/2007	2007/2008	2008/2009
Nil	£2,200	Nil	£1,590	Nil

Independent Review Panels

Mr P J Bradley asked the Minister of Agriculture and Rural Development for her assessment of the usefulness of Independent Review Panels, given that its decisions can, and have been, overturned by the Minister, for example on Single Farm Payments when a farmer successfully appealed her Department's decision. (AQW 2119/10)

Minister of Agriculture and Rural Development: The Independent Review Panel brings a valuable element to the process of decision making. The Panel views are important as they allow my Department to objectively assess its decisions. Experience shows that in over 90% of cases the Panel recommendations are accepted in full and in a further 3% of cases are accepted in part.

However, the Panel do not make decisions they make recommendations which are not binding on my Department. This is because my Department is the Paying Agency and I and my officials have responsibilities to make decisions based on reasonable and relevant grounds in terms of the strict and often narrow requirements of EU legislation.

Where a Panel recommendation appears inconsistent with the legislation we are sensitive to the views of the Panel and, before reaching a decision, we carefully examine all the relevant information to ensure that we have considered all the options open to us within the EU rules.

However, given the concerns raised by the farming industry I have instructed my Department to initiate a review of the Single Farm Payment Review of Decisions process. This Review will be managed by a project group which will include the UFU and NIAPA. To ensure objectivity and impartiality, the Review will be undertaken by independent consultants.

Milk Producers

Mr P J Bradley asked the Minister of Agriculture and Rural Development to detail the financial benefits that milk producers can expect to receive as a result of the 280m euro support funding announced in Brussels on 19th October 2009. (AQW 2120/10)

Minister of Agriculture and Rural Development: I welcome the proposal for additional help for the dairy sector made by the Council of Agriculture Ministers on 19 October. Following the significant lobbying which I and my Executive colleagues did over the past twelve months to help the dairy industry through these challenging times, I am pleased that the European Commissioner continues to monitor the situation closely and bring forward positive proposals. However, at this stage I am not able to say to what extent our dairy farmers will benefit from the €280 million fund which we estimate equates to about 0.18 pence per litre. The proposal first of all requires the approval of EU Finance Ministers who meet on 19 November. To date we have had no detail on how the money may be used. In addition, should the British Government not support this measure on 19 November and then seek to refuse to provide additional funds for this purpose, this could disadvantage our dairy farmers compared to those in other EU countries.

Wild Deer

Mr T Burns asked the Minister of Agriculture and Rural Development to detail what measures are in place to control wild deer given recent public safety incidents. (AQW 2154/10)

Minister of Agriculture and Rural Development: My Department is responsible for the welfare of farmed animals and has in place a Code of Recommendations for the welfare of farmed deer to encourage all those responsible for looking after these animals to adopt the highest standards of husbandry.

The Code, made under Section 3 of the Welfare of Animals Act (NI) 1972, relates to all farmed deer and recommends as essential, a high standard of perimeter fencing, of around 2.0m high (6ft 6in) to prevent escape.

The Code applies to all farmed deer but it is not intended to apply to wild deer which may be on agricultural land but are not within the occupier's control. However, observance of the Code is recommended even in circumstances where the 1972 Act does not apply.

I understand that the Environment Minister intends to bring forward a Wildlife and Natural Environment Bill. Part of the Bill is concerned with the management of the wild deer population here. It is intended to mitigate the impacts from deer in certain circumstances by giving the DOE broader powers to issue licences to kill, injure or take any (fallow, red or sika) deer during the close season. It will allow licences to be issued for the purposes of preserving public health or safety, conserving the natural heritage or preventing serious damage to property.

Committee on Climate Change

Mr D Ford asked the Minister of Agriculture and Rural Development if her Department has sought advice from the Committee on Climate Change with regard to its obligations under the Programme for Government. (AQW 2157/10)

Minister of Agriculture and Rural Development: My Department have not sought advice on agriculture issues from the independent Committee on Climate Change, established by the British Government, as their work programme to date has concentrated more on issues such as low-carbon power, buildings emissions and transportation. While these areas impact on all sectors, including agriculture, I have noted the Committee's

forward work programme which includes non-carbon emissions such as methane and nitrous oxide, both of which are very relevant to agriculture production.

I will take their recommendations and future work into account in future policy development.

While the Committee's work is important it remains my responsibility to decide on measures, levers and mechanisms appropriate for tackling climate change here in the north of Ireland. My approach is to work with stakeholders to find ways to reduce emissions and adapt to climate change while at the same time continue to produce food to meet growing market demands. Displacement of production to other countries will not reduce emissions.

I have discussed climate change with other Ministers and my officials are actively engaged with the Rural Climate Change Forum and other administrations to establish robust measurement and reporting tools through green house gas inventories. My officials also sit on the Defra led Carbon Budget Working Group.

Policy areas are currently being developed and include land management, nutrient management, livestock management and renewable energy all of which require a sound scientific base for the changes that will deliver deep emissions reductions.

Local Action Groups or Joint Council Committees

Mr T Elliott asked the Minister of Agriculture and Rural Development if she has had any correspondence with Local Action Groups or Joint Council Committees since the beginning of this calendar year; and if so, to detail the basis for the correspondence. (AQW 2159/10)

Minister of Agriculture and Rural Development: As Minister of Agriculture and Rural Development I have had numerous items of correspondence with Local Action Groups and Joint Council Committees as detailed in the table appended (Appendix 1).

APPENDIX 1

Date Received	Description	Organisation	Return date
27/01/2009	Invitation to the Council's Agricultural Diversification event	Limavady Borough council	12/02/2009
29/01/2009	Invitation to attend the Launch of GROW South Antrim	GROW South Antrim	10/02/2009
02/02/2009	Invitation on SOAR Launch on 25/2/09	SOAR - Craigavon borough Council	11/02/2009
06/02/2009	Invitation to Launch of RDP in North West on 18/3/09	Omagh District Council (North West Cluster)	16/02/2009
16/02/2009	Invitation to Lagan Rural Partnership Launch on 12/3/09	Lagan Rural Partnership	23/02/2009
18/02/2009	Invitation to North East Region Launch w/c 6/4/09	Ballymena Borough Council	02/03/2009
19/05/2009	Invitation to Programme Launch at Down Rural Partnership	Ards Borough Council	27/05/2009
05/06/2009	Invitation for a meeting to discuss progression of the contract between DARD and JCC's	SOAR - Craigavon Borough Council	11/06/2009
16/07/2009	Invitation to opening of first call	SOAR - Craigavon borough Council	23/07/2009
07/10/2009	Invitation to speak at event for the issue of SWARD Letters of Offer	SWARD	Ongoing
13/01/2009	Letter re implementation of the 2007-2013 RDP	Ballymoney Borough Council	28/01/2009
04/03/2009	Letter from SWARD about Axis 4 of the RDP	Chair SWARD	18/03/2009

Date Received	Description	Organisation	Return date
28/05/2009	Letter from SWARD re provision of scoring framework for Axis 3 applications	SWARD JCC Chair	04/06/2009
23/06/2009	Letter about Public Accountability Training	Carrickfergus Borough Council	29/06/2009
11/08/09	Letter following meeting with Cappagh Village Regeneration Group	Chair SWARD	11/08/09

Local Action Groups or Joint Council Committees

Mr T Elliott asked the Minister of Agriculture and Rural Development if she has met with any representatives from Local Action Groups or joint Council Committees since the beginning of this calendar year; and if so, to detail the reason for those meetings. (AQW 2160/10)

Minister of Agriculture and Rural Development: As Minister of Agriculture and Rural development I have met with representatives of Local Action Groups and Joint Council Committees at a number of events and launches that I have attended since 1st January 2009. These are detailed in the table below.

Date of attendance	Description/Reason for meeting	Invitation From	Organisation
28/01/09	Launch of NIRD at Loughry	DARD	
25/02/2009	Invitation to SOAR Launch	Maria Magennis	SOAR - Craigavon Borough Council
18/02/2009	Invitation to North east Region Launch w/c 6/4/09	Eammon Matthews	Ballymena Borough council
18/03/2009	Invitation to Launch of RDP in North West on 18/3/09	Alison McCullagh	Omagh District Council (North West cluster)
30/03/2009	Invitation to NI Rural Woman's Network – Annual Conference - Opportunities offered by Axis 3 for rural women	Nora Smith	NIRWN
25/09/2009	Invitation to NI Rural Woman's Network – to host an event for women in LAG's	Mary Duggan	NIRWN

* this was not LAG and JCC specific but was whole programme

Cappagh Village

Mr T Elliott asked the Minister of Agriculture and Rural Development if she has had any communication, verbal, written or otherwise, with South West Action for Rural Development, Joint Council Committees or Local Actions Groups, concerning Cappagh Village, or the Cappagh Village Regeneration Group; and if so, to detail the purpose of those communications. (AQW 2161/10)

Minister of Agriculture and Rural Development: As Minister of Agriculture and Rural Development I met with members of the Cappagh Village Regeneration Group, at their invitation, in Cappagh on 4 August 2009. I subsequently wrote to the Chair of South West Action for Rural Development to inform them of the meeting, the discussions held and to stress the importance of ensuring that levels of deprivation are key criteria in the implementation of their 'Village Renewal and Development' measure.

DEPARTMENT OF CULTURE, ARTS AND LEISURE

Ulster-Scots Agency's Musical and Dance Tuition Scheme

Mr J Shannon asked the Minister of Culture, Arts and Leisure how many applications have been received for the Ulster-Scots Agency's musical and dance tuition scheme. (AQW 1924/10)

Minister of Culture, Arts and Leisure (Mr N McCausland): The Ulster-Scots Agency has received 345 applications for funding under its 'Community Tuition Scheme' for the 2010 calendar year. The scheme includes projects relating to musical and dance tuition.

Ulster-Scots Agency's Musical and Dance Tuition Scheme

Mr J Shannon asked the Minister of Culture, Arts and Leisure what steps he is taking to address the £800,000 shortfall in funding for the Ulster-Scots Agency's musical and dance tuition scheme. (AQW 1925/10)

Minister of Culture, Arts and Leisure: The Board of the Ulster-Scots Agency has considered 345 applications for funding from its 'Community Tuition Scheme' for the next calendar year.

The Agency has allocated £750k to the Community Tuition Scheme in 2010. This equates to twice the amount of funding committed to the scheme in 2009 and reflects the Agency's priorities and objectives as set out in its draft 2010 Business Plan.

Media Training for Departmental Staff

Mr T Lunn asked the Minister of Culture, Arts and Leisure how much has been spent by his Department on media training for staff in each of the last five years. (AQW 2048/10)

Minister of Culture, Arts and Leisure: Within the last 5 years the Department has spent a total of £3,645.00 for Media Training. This includes training provided by the Centre for Applied Learning (CAL) which is the sole provider of generic training for the NICS and other external providers.

Staff at the Ulster Museum

Mr S Gardiner asked the Minister of Culture, Arts and Leisure, pursuant to AQO 263/10, to outline the difficulties regarding the staff at the Ulster Museum. (AQW 2058/10)

Minister of Culture, Arts and Leisure: Throughout the planning and execution of the Ulster Museum refurbishing work, the welfare of the staff was a paramount issue. There has been a voluntary early retirement scheme in operation and staff could avail of the opportunity to leave the organisation rather than be redeployed. This scheme was sanctioned by trade union side. For those who decided to remain with the organisation but did not want to transfer to Cultra every effort was made to find alternative employment within National Museums.

It is recognised that change of the type involved with the refurbishment has the capacity to produce a degree of uncertainty. It should be noted that there was no compulsory redundancy and that every effort was made to accommodate the staff. The staff redeployed to Cultra are now accommodated in new state of the art offices.

'Green and White Army - The Fans' Story' DVD

Mr P Weir asked the Minister of Culture, Arts and Leisure to outline what discussions his Department has had, or intends to have, with the Irish Football Association and the Amalgamation of Northern Ireland Supporters Clubs with a view to increasing access to, and widening distribution of, the 'Green and White Army- The Fans' Story' DVD. (AQW 2110/10)

Minister of Culture, Arts and Leisure: Responsibility for increasing access to, and widening distribution of, the 'Green and White Army – The Fans' Story' DVD rests, in the first instance, with the Irish Football Association

(IFA) and the Amalgamation of Official Northern Ireland Supporters Clubs. I have, however, had sight of the DVD and I welcome the excellent work undertaken by the IFA and the Northern Ireland fans in creating a more inclusive environment and atmosphere at international matches.

Sport Governing Bodies

Mr B McElduff asked the Minister of Culture, Arts and Leisure to list all sport governing bodies currently operating in Northern Ireland. (AQW 2155/10)

Minister of Culture, Arts and Leisure: Sport Northern Ireland (SNI) is responsible for the development of sport in Northern Ireland. The list below indicates those governing bodies of sport operating in Northern Ireland that are recognised by SNI.

- 2&4 Wheel Motorsport Sterring Group Limited
- Association of NI Car Clubs
- Athletics NI
- Basketball NI
- British Horse Society NI Region
- Canoe Association of NI
- Cycling Ulster
- DanceSport NI Limited
- Disability Sport NI
- Fitness NI
- Golfing Union of Ireland Ulster Branch
- Gymnastics NI
- Irish Bowling Association
- Irish Football Association
- Irish Indoor Bowling Association
- Irish Ladies Golf Union NI Region
- Irish Water Ski Federation NI Sub Committee
- Irish Women's Bowling Association
- Irish Women's Indoor Bowling Association
- Motorcycle Union of Ireland Ulster Centre
- Motorcycle Racing Association
- Mountaineering Ireland
- National Chinese & Association Martial Arts
- Netball NI
- NI Aikido Association
- NI Amateur Weightlifters' Association
- NI American Football Association
- NI Archery Society
- NI Association of Aeromodellers
- NI Billiards and Snooker Association
- NI Blind Sports
- NI Cricket Association
- NI Equestrian Sports Committee
- NI Federation of Sub Aqua Clubs
- NI Fencing Union
- NI Ice Skating Association

- NI Ju Jitsu Association
- NI Judo Federation
- NI Karate Board
- NI Karting Association
- NI Orienteering
- NI Pike Society
- NI Pool Association
- NI Small bore Shooting Union
- NI Surfing Association
- NI Ten Pin Bowling Federation
- NI Tug of War Association
- NI Volleyball Association
- NI Wrestling Association
- Rowing Ireland Ulster Branch
- Royal Life Saving Society NI
- Royal Scottish Country Dance Society
- Royal Yachting Association (NIC)
- Shooting Federation of NI
- Speleological Union of Ireland
- Swim Ulster Limited
- Taekwondo Association of NI
- Ulster Branch Badminton Union of Ireland
- Ulster Branch Irish Rugby Football Union
- Ulster Branch Irish Table Tennis Association
- Ulster Branch Irish Triathlon Association
- Ulster Branch Tennis Ireland
- Ulster Angling Federation
- Ulster Camogie Council
- Ulster Clay Pigeon Shooting Association
- Ulster Coarse Fishing Federation
- Ulster Council Gaelic Athletic Association
- Ulster Council Irish Sea Anglers
- Ulster Council Racquetball Association of Ireland
- Ulster Federation of Rambling Clubs
- Ulster Flying Club
- Ulster Gliding Club
- Ulster Handball Council
- Ulster Hang Gliding & Paragliding Club
- Ulster Hockey Union
- Ulster Karate Council
- Ulster Provincial Council Irish Amateur Boxing Association
- Ulster Rifle Association
- Ulster Squash
- Yoga Fellowship of NI

Committee on Climate Change

Mr K McCarthy asked the Minister of Culture, Arts and Leisure if his Department has sought advice from the Committee on Climate Change with regard to its obligations under the Programme for Government. (AQW 2158/10)

Minister of Culture, Arts and Leisure: My Department has not sought advice from the Committee on Climate Change.

Under the Programme for Government DCAL contributes to Sustainable Development and Biodiversity Strategies and has agreed to participate in the Carbon Reduction Commitment (CRC).

DEPARTMENT OF EDUCATION

Backlog in School Maintenance

Mr D Bradley asked the Minister of Education what is the extent of the backlog in school maintenance in monetary terms. (AQW 853/10)

Minister of Education (Ms C Ruane): De réir chóras bainistíochta eastát na mBord Oideachais agus Leabharlainne, tá riaráiste cothabhála scoile de £272m ann.

According to the Education and Library Boards' estate management system the school maintenance backlog is £272m.

Middletown Autism Centre

Mr T Elliott asked the Minister of Education (i) to outline the status of the business plan she submitted to the Office of the Comptroller and Auditor General relating to the Middletown Autism Centre; (ii) if that plan has now changed; (iii) if she now intends to submit a new proposal; and if so (iv) when she intends to present the revised business plan to the Assembly. (AQW 1416/10)

Minister of Education: Ba mhaith liom a chur in iúl nár cuireadh plean gnó faoi bhráid na hOifige Iniúcháireachta maidir le hIonad Uathachais Choillidh Chanannáin (MCA).

I should first of all explain that a business plan has not been submitted to the Audit Office in relation to the Middletown Centre for Autism (MCA).

As a result of a material change in building costs for the MCA, a revised economic appraisal was submitted to the Department of Finance and Personnel (DFP) in December 2008 and has not been revised since that date.

I remain committed to the Middletown project, which is a pioneering north/south initiative that already delivers a range of innovative new services in order to improve the education of children and young people with autistic spectrum disorders in partnership with families and existing statutory and voluntary service providers.

School Governors

Mr P Weir asked the Minister of Education to list (i) the School Governors in the South Eastern Education and Library Board area who were not reappointed under the reconstitution of the Boards for 2009-13, including the schools involved; and (ii) the School Governors who resigned from their posts. (AQW 1542/10)

Minister of Education: I have arranged for lists to be placed in the Assembly Library of:-

- the School Governors in the South Eastern Education and Library Board area who under the current reconstitution exercise:
 - (i) were not reappointed to their schools; or
 - (ii) have resigned from their schools.

- the School Governors in the South Eastern Education and Library Board area who under the current reconstitution exercise:

- have been reappointed to their schools; and
- the schools to which they have been reappointed.

Léiríonn an tábla seo thíos an staid reatha i dtaca le líon na nGobharnóirí Scoile i limistéar Bhord Oideachais agus Leabharlainne an Oirdheiscirt ar athcheapadh iad nó nár athcheapadh iad, faoin bheart athchóirithe reatha.

The table below shows current position on the number of School Governors in the South Eastern Education and Library Board area who, under the current reconstitution exercise, were reappointed or not reappointed.

Type of Representative	Number Reappointed	Number Not Reappointed*
Board	328	1
Transferor	241	43**
Teacher	15	11***
Parent	16	30***
Department	87	10

* The figures exclude those who have resigned.

** The transferor representatives are nominated or renominated by the relevant Protestant churches. Those not reappointed are those not renominated and may include representatives who have decided not to volunteer to serve for another term of office.

***The teacher and parent governors “not reappointed” are those who decided not to stand again for election, or were not re-elected.

None of the controlled or maintained schools in the South Eastern Education & Library Board’s area have had their Boards of Governors fully reconstituted at this stage. These schools are normally reconstituted in the first term of the school year with the election of parent and teacher governors taking place mid-term in October and November. Existing governors are expected to remain in post until their successors are appointed.

The lists exclude grant-maintained integrated schools and voluntary grammar schools.

School Governors

Mr P Weir asked the Minister of Education (i) to list the School Governors of the South Eastern Education and Library Board area that have been reappointed under the reconstitution for 2009-13; and (ii) to which schools they have been reappointed. (AQW 1544/10)

Minister of Education: I have arranged for lists to be placed in the Assembly Library of:-

- the School Governors in the South Eastern Education and Library Board area who under the current reconstitution exercise:
 - were not reappointed to their schools; or
 - have resigned from their schools.
- the School Governors in the South Eastern Education and Library Board area who under the current reconstitution exercise:
 - have been reappointed to their schools; and
 - the schools to which they have been reappointed.

Léiríonn an tábla seo thíos an staid reatha i dtaca le líon na nGobharnóirí Scoile i limistéar Bhord Oideachais agus Leabharlainne an Oirdheiscirt ar athcheapadh iad nó nár athcheapadh iad, faoin bheart athchóirithe reatha.

The table below shows current position on the number of School Governors in the South Eastern Education and Library Board area who, under the current reconstitution exercise, were reappointed or not reappointed.

Type of Representative	Number Reappointed	Number Not Reappointed*
Board	328	1
Transferor	241	43**

Type of Representative	Number Reappointed	Number Not Reappointed*
Teacher	15	11***
Parent	16	30***
Department	87	10

* The figures exclude those who have resigned.

** The transferor representatives are nominated or renominated by the relevant Protestant churches. Those not reappointed are those not renominated and may include representatives who have decided not to volunteer to serve for another term of office.

***The teacher and parent governors “not reappointed” are those who decided not to stand again for election, or were not re-elected.

None of the controlled or maintained schools in the South Eastern Education & Library Board’s area have had their Boards of Governors fully reconstituted at this stage. These schools are normally reconstituted in the first term of the school year with the election of parent and teacher governors taking place mid-term in October and November. Existing governors are expected to remain in post until their successors are appointed.

The lists exclude grant-maintained integrated schools and voluntary grammar schools.

School Governors

Mr P Weir asked the Minister of Education to list the schools in the South Eastern Education and Library Board area which (i) have had their Boards of Governors reconstituted for 2009-13; and (ii) have not had their Boards of Governors reconstituted for 2009-13. (AQW 1546/10)

Minister of Education: I have arranged for lists to be placed in the Assembly Library of:-

- the School Governors in the South Eastern Education and Library Board area who under the current reconstitution exercise:
 - (i) were not reappointed to their schools; or
 - (ii) have resigned from their schools.
- the School Governors in the South Eastern Education and Library Board area who under the current reconstitution exercise:
 - (i) have been reappointed to their schools; and
 - (ii) the schools to which they have been reappointed.

Léiríonn an tábla seo thíos an staid reatha i dtaca le líon na nGobharnóirí Scoile i limistéar Bhord Oideachais agus Leabharlainne an Oirdheiscirt ar athcheapadh iad nó nár athcheapadh iad, faoin bheart athchóirithe reatha.

The table below shows current position on the number of School Governors in the South Eastern Education and Library Board area who, under the current reconstitution exercise, were reappointed or not reappointed.

Type of Representative	Number Reappointed	Number Not Reappointed*
Board	328	1
Transferor	241	43**
Teacher	15	11***
Parent	16	30***
Department	87	10

* The figures exclude those who have resigned.

** The transferor representatives are nominated or renominated by the relevant Protestant churches. Those not reappointed are those not renominated and may include representatives who have decided not to volunteer to serve for another term of office.

***The teacher and parent governors “not reappointed” are those who decided not to stand again for election, or were not re-elected.

None of the controlled or maintained schools in the South Eastern Education & Library Board’s area have had their Boards of Governors fully reconstituted at this stage. These schools are normally reconstituted in the first term of the school year with the election of parent and teacher governors taking place mid-term in October and November. Existing governors are expected to remain in post until their successors are appointed.

The lists exclude grant-maintained integrated schools and voluntary grammar schools.

School Governors

Mr P Weir asked the Minister of Education to detail the number of School Governors in the South Eastern Education and Library Board area who were (i) reappointed; and (ii) not reappointed, under the reconstitution of the Boards of Governors for 2009-13, broken down by (a) Board representatives; (b) transfer representatives; (c) teacher representatives; and (d) parent representatives. (AQW 1549/10)

Minister of Education: I have arranged for lists to be placed in the Assembly Library of:-

- the School Governors in the South Eastern Education and Library Board area who under the current reconstitution exercise:
 - (i) were not reappointed to their schools; or
 - (ii) have resigned from their schools.
- the School Governors in the South Eastern Education and Library Board area who under the current reconstitution exercise:
 - (i) have been reappointed to their schools; and
 - (ii) the schools to which they have been reappointed.

Léiríonn an tábla seo thíos an staid reatha i dtaca le líon na nGobharnóirí Scoile i limistéar Bhord Oideachais agus Leabharlainne an Oirdheiscirt ar athcheapadh iad nó nár athcheapadh iad, faoin bheart athchóirithe reatha.

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***The teacher and parent governors "not reappointed" are those who decided not to stand again for election, or were not re-elected.

None of the controlled or maintained schools in the South Eastern Education & Library Board's area have had their Boards of Governors fully reconstituted at this stage. These schools are normally reconstituted in the first term of the school year with the election of parent and teacher governors taking place mid-term in October and November. Existing governors are expected to remain in post until their successors are appointed.

The lists exclude grant-maintained integrated schools and voluntary grammar schools.

Allegations of Abuse of Children

Mr D Simpson asked the Minister of Education what record her Department keeps of allegations of abuse of children which occurred when (i) in a school building; and (ii) engaged in a school activity outside school property. (AQW 1580/10)

Minister of Education: Tá cosaint leanaí fíor-thábhachtach agus tá ról lárnach suntasach ag scoileanna chun páistí a chosaint. Caithfear gach líomhain mí-úsáid leanaí a chuirtear in iúl don fhoireann scoile a thuairisciú do na gníomhaíochtaí cigireachta, seirbhísí sóisialta nó na péas.

Child protection is of paramount importance and schools have a very particular and significant role to play in safeguarding children. All allegations of child abuse which are made to schools' staff must be reported to the investigation agencies, either social services or the police.

Not all allegations of child abuse relate to abuse on the school premises or to situations where the child was involved in a school activity. Indeed at any time allegations of child abuse which are under investigation may not have been referred through a school and schools may only be involved at the stage of a multi-agency plan to support the child and his/her family.

Records of allegations made to schools' staff and the action taken are held at school level. This information would normally be held on the individual pupil's file. Where the allegation of child abuse is made against a member of staff, in addition to the normal reporting arrangements at the time to the investigating agencies, a separate record must also be kept and presented to the Board of Governors for scrutiny at least once per year of all the allegations made and the action taken. The Department does not collect information from individual schools about any allegations of child abuse.

Foilsíonn na gníomhaíochtaí cigireachta staitistici ar líon na líomhaintí tarchurtha agus foinsí na líomhaintí seo.

Statistics about the number of allegations referred and their source is published by the investigating agencies.

Cambridge Primary Review

Lord Morrow asked the Minister of Education for her assessment of the finding of the Cambridge Primary Review that children should not begin formal learning until age six. (AQW 1867/10)

Minister of Education: I am aware of the Cambridge Primary Review and its findings. I am also aware that we have the youngest starting age to formal learning in Europe. My Department is currently preparing the Early Years (0-6) Strategy, which will be published for consultation early in 2010. I expect the Strategy to consider how we manage the transition from preschool to the Foundation Stage of the revised curriculum, which aims to ensure that children are introduced to education in a way and a pace that takes account of their age and level of maturity.

The school starting age was reduced from 5 years to 4 years and 2 months under the Education Reform (NI) Order 1989 which also brought in a range of major education reforms including a new statutory curriculum.

Bhí sé mar bhunaidhm ag an ord seo go mbeadh P1 ar comhbhrí le bliain naíolainne, ach díreach ina dhiaidh seo, cuireadh an curaclam foirmiúil i bhfeidhm ar pháistí i mórán scoileanna. Is é is aidhm do Bhonnchéim an churaclaim athbhreithnithe deireadh a chur leis an gcleachtadh seo.

The original intention was that P1 would be equivalent to a nursery year but in many schools children in P1 were quickly introduced to the formal curriculum. The Foundation Stage of the revised curriculum is designed to eliminate this practice.

Visits to Schools

Mr J Dallat asked the Minister of Education how many visits she has made to (i) Controlled schools; (ii) Maintained schools; and (iii) Integrated schools, in the last year. (AQW 1887/10)

Minister of Education: Sa bhliain a chuaigh thart, thug mé 10 cuairt ar Scoileanna Rialaithe, 29 cuairt ar Scoileanna faoi Chothabháil, agus 5 cuairt ar Scoileanna Imeachtha.

In the last year I have made 11 visits to Controlled schools, 29 visits to Maintained schools and 5 visits to Integrated schools.

Byron Review

Miss M McIlveen asked the Minister of Education what steps she has taken to implement the recommendations of the Byron Review. (AQW 1909/10)

Minister of Education: Tá an fhreagracht as cur i bhfeidhm na moltaí ó Athbhreithniú Byron ar an Fhochoiste Aireachta ar an Fhoghrúpa um Dhaoine Óga a Chosaint a bhfuil an Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí (DHSSPS) mar chathaoirleach air.

Implementation here of the recommendations of the Byron Review rests with the Ministerial Sub-Committee on Children and Young People's Safeguarding Sub Group which is chaired by the Department of Health, Social Services and Public Safety (DHSSPS).

The Department of Education is working closely with DHSSPS, and other Departments, to achieve improvements in the way we keep children safe in the digital world which extends way beyond the classroom and school. Proposals for any changes here in respect of e-safety within schools, the curriculum and capacity building with the school workforce will be referenced to both the north/south and English, Scottish and Welsh context.

The 'Better Education' Working Group is one of four established to deal with the full range of Byron Report recommendations and the Department represents the interests of the education sector here on this. As a member of the Working Group we will be contributing to the Council on Child Internet Safety's strategy and action plan which is due to be published late this year.

Blind and Partially-Sighted People: Access to Documents

Mr P Weir asked the Minister of Education what provision is made by her Department to make documents accessible to blind and partially sighted people. (AQW 1931/10)

Minister of Education: Cuireann mo Roinn Doiciméid Comhairliúcháin ar fáil i bhformáidí eile de réir mar a iarrtar, mar shampla i gcló mór, i mBraille, ar chloschaiséad, i bhformáid furasta le léamh agus ar dhiosca ríomhaire do dhaoine atá dall nó lagradharcach. Chomh maith leis sin, sonraítear i Scéim Fhoilsitheoireachta na Roinne Oideachais gur féidir doiciméid na Roinne a chur ar fáil i réimse formáidí malartacha má iarrtar iad.

My Department offers Consultation Documents in other formats as requested, such as, large print, Braille, on audio cassette, easy read or on computer disk for blind and partially sighted people. In addition DE's Publication Scheme states that the Department's documents can be made available in a range of alternative formats upon request.

Mental Well-Being in Schools

Mr M Storey asked the Minister of Education what consideration her Department has given to the adoption of a 'whole-school' approach to mental well-being across primary and post-primary education. (AQW 1933/10)

Minister of Education: Tá Clár na Roinne um Fholláine agus Leas Mothúcháin na nDaltaí, a bheidh dírithe ar an earnáil iarbhunscoile i dtosach, á fhorbairt i gcomhpháirtíocht le réimse leathan páirtithe leasmhara ríthábhachtacha ó scoileanna agus ón earnáil pobail agus dheonach, lena n-áirítear feidhmeannaigh ón Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí. Cuirfidh an Clár seo, nuair atá sé bunaithe, go mór leis na straitéisí níos forleithne atá ann chun sláinte mheabhrach inár bpobal a fheabhsú.

My Department's Pupils' Emotional Health and Well-Being Programme, which will focus on the post-primary sector initially, is being developed in partnership with a very broad range of key stakeholders from schools, the voluntary and community sector including officials from the Department of Health, Social Services and Public Safety. The Programme, once it is established, will make a significant contribution to the wider strategies around improving mental health in our community.

Five Working Groups are in place to examine the themes of:

- Self Assessment by schools of their approach to emotional health and wellbeing;
- The training and support of teachers and other schools' staff around the issue of emotional health;
- Identification of existing good practice in schools and its dissemination;
- Mapping of existing services and sources of support available to schools and sharing that information; and
- Preparation of new guidance for schools on the management of critical incidents and a review of our current arrangements to support schools when an incident occurs.

Underpinning much of this development is the need to have a shared or agreed understanding of what is meant by 'pupils' emotional health and wellbeing. A definition has now been developed and agreed.

Research has been commissioned to evaluate assessment tools which schools can use to audit the range of their activities which contribute to promoting positive emotional health and their appropriateness for schools here. We expect the report in February next year.

Discussions are in hand around building on an existing directory of services for children and young people and moving it to a web-based facility which schools can access. Interface with a DHSSPS database is also under active consideration.

New guidance for schools on the preparation for and management of critical incidents will be available early in 2010. A protocol for a regional approach to the management of critical incidents by services which support schools is in preparation.

No consideration has been given to scoring of schools based on the well-being of their pupils as yet.

Well-Being in Schools: Scoring

Mr M Storey asked the Minister of Education what consideration her Department has given to scoring schools based on the well-being of their pupils. (AQW 1935/10)

Minister of Education: Tá Clár na Roinne um Fholláine agus Leas Mothúchánach na nDaltaí, a bheidh dírithe ar an earnáil iarbhunscoile i dtosach, á fhorbairt i gcomhpháirtíocht le réimse leathan páirtithe leasmhara ríthábhachtacha ó scoileanna agus ón earnáil pobail agus dheonach, lena n-áirítear feidhmeannaigh ón Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí. Cuirfidh an Clár seo, nuair atá sé bunaithe, go mór leis na straitéisí níos forleithne atá ann chun sláinte mheabhrach inár bpobal a fheabhsú.

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No consideration has been given to scoring of schools based on the well-being of their pupils as yet.

Emotional Health and Mental Well-Being in Schools

Mr M Storey asked the Minister of Education what action her Department is taking to support schools in protecting and promoting the emotional health and mental well-being of children and young people. (AQW 1939/10)

Minister of Education: Tá Clár na Roinne um Fholláine agus Leas Mothúchánach na nDaltaí, a bheidh dírithe ar an earnáil iarbhunscoile i dtosach, á fhorbairt i gcomhpháirtíocht le réimse leathan páirtithe leasmhara ríthábhachtacha ó scoileanna agus ón earnáil pobail agus dheonach, lena n-áirítear feidhmeannaigh ón Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí. Cuirfidh an Clár seo, nuair atá sé bunaithe, go mór leis na straitéisí níos forleithne atá ann chun sláinte mheabhrach inár bpobal a fheabhsú.

My Department's Pupils' Emotional Health and Well-Being Programme, which will focus on the post-primary sector initially, is being developed in partnership with a very broad range of key stakeholders from schools, the voluntary and community sector including officials from the Department of Health, Social Services and Public Safety. The Programme, once it is established, will make a significant contribution to the wider strategies around improving mental health in our community.

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- The training and support of teachers and other schools' staff around the issue of emotional health;
- Identification of existing good practice in schools and its dissemination;
- Mapping of existing services and sources of support available to schools and sharing that information; and
- Preparation of new guidance for schools on the management of critical incidents and a review of our current arrangements to support schools when an incident occurs.

Underpinning much of this development is the need to have a shared or agreed understanding of what is meant by 'pupils' emotional health and wellbeing. A definition has now been developed and agreed.

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New guidance for schools on the preparation for and management of critical incidents will be available early in 2010. A protocol for a regional approach to the management of critical incidents by services which support schools is in preparation.

No consideration has been given to scoring of schools based on the well-being of their pupils as yet.

School Nurses

Mr P Ramsey asked the Minister of Education how many mainstream schools employ or have access to a school nurse; and of those schools, how many pupils are in receipt of a Care Plan. (AQW 1949/10)

Minister of Education: Tá banaltra ainmnithe ag gach scoil sa tuaisceart atá fostaithe ag an tseirbhís um shláinte i scoileanna sna hÍontaobhais, atá freagrach as an Chlár um Chur Chun Cinn Sláinte Páistí a sholáthar do pháistí i ngach scoil. Cuimsíonn an clár vacsaíniú, measúnú sláinte, athbhreithniú ar fhorbairt, scagthástáil ar chloisteáil agus ar radharc, tomhas innéacs corpmhaise (BMI) agus gníomhú a leanann uathu i gcásanna ina bhfuil cásmhaireachtaí sláinte mar riochtaí fadtéarmacha (mar shampla, plúchadh, ailléirgí bia, diaibéiteas, is araile).

All schools here have a named nurse employed from within the school health service within Trusts, who is responsible for delivering the Child Health Promotion Programme to children within each school. The programme includes vaccination, health appraisal, review of development, hearing and vision screening, measurement of body mass index (BMI) and follow up where there are health concerns such as long term conditions (e.g. Asthma, food allergies, diabetes, etc).

Regarding pupils of mainstream schools in receipt of a care plan, Trusts have confirmed that 3,194 pupils presently have care plans in place.

Staff Travel Costs: DE

Mr A Easton asked the Minister of Education how much was spent by her Department on staff travel cost claims in the last financial year. (AQW 1969/10)

Minister of Education: Chaith mo Roinn £502,883 ar éilimh ar chostas taistil na foirne sa bhliain airgeadais dar críoch 31 Márta 2009.

My Department spent £502,883 on staff travel cost claims in the financial year ended 31 March 2009.

Children Who are Blind: Reading Skills

Mr A Easton asked the Minister of Education what is her Department's strategy for helping children who are blind with reading skills. (AQW 1971/10)

Minister of Education: The Department's strategy for helping children who are blind with reading skills is the same strategy as for helping all children with special educational needs (SEN) and is detailed in the Education (NI) Order 1996 as amended by the Special Education Needs and Disability (NI) Order 2005 (SEND0) and associated regulations. The 1996 Order provided for the formal introduction of a Code of Practice on the Identification and Assessment of Special Educational Needs (COP) to which schools and Education and Library Boards (ELBs) are required to have regard in dealing with children with SEN. A Supplement to the COP was issued on foot of SEND0.

Dá bhrí sin, tá sé de dhualgas ar na Boird Oideachais agus Leabharlainne (ELBannas) agus ar Bhoird Gobharnóirí na scoileanna foráil le haghaidh scileanna léitheoireachta a sholáthar do dhaltai atá dall.

The statutory responsibility for securing provision for pupils who are blind with reading skills rests therefore with the ELBs and the Boards of Governors of schools.

Special Education provision is matched to the assessed individual needs of each child, and this assessment will take account of professional advice, both from the education and medical professions, and will consider such matters as the child's age and academic ability. For some pupils who are blind or visually impaired the medium through which to make the special education provision may be enlarged print, for others Braille, while for others an IT solution may best meet their needs.

Blind and Partially-Sighted People: Access to Services

Mr P J Bradley asked the Minister of Education what action her Department has taken, or intends to take, to provide a level of service to blind and partially-sighted people equal to that of fully-sighted people. (AQW 1988/10)

Minister of Education: Tá mo Roinn go hiomlán comhlíontach i dtaca leis an Disability Discrimination Act agus tugann an Roinn leibhéal cuí seirbhíse do dhaoine atá dall agus lag-radharcach lena n-áirítear soláthar foilseachán ón Roinn i bhformáidí eile agus soláthar áis BrowseAloud ar a láithreán gréasáin le cuidiú le nascleanúint, mar aon le comharthaíocht chuí agus áiseanna rochtana ar fhoirgnimh na Roinne.

My Department is fully compliant with the Disability Discrimination Act and provides an appropriate level of service to blind and partially-sighted people including, offering the Department's publications in alternative formats and the provision of a BrowseAloud facility on its website to assist with navigation, together with appropriate signage and access facilities to DE buildings.

Byron Review

Miss M McIlveen asked the Minister of Education what action she has taken to ensure that (i) a benchmarking exercise is carried out in relation to the Byron Review; and (ii) an action plan relating to internet safety is presented to the Ministerial Sub-Committee. (AQW 2002/10)

Minister of Education: Tá sé de dhualgas ar an bhFoghrúpa um Chosaint, a bhunaigh an

Fochoiste Aireachta um Leanaí agus Daoine Óga, plean gníomhaíochta um ríomhshábháilteacht a fhorbairt.

The development of an action plan on e-safety is the responsibility of the Sub Group on Safeguarding which has been established by the Ministerial Sub-Committee on Children and Young People.

My Department, along with others, will contribute to this action plan and to any benchmarking exercise.

Child Exploitation and Online Protection Training

Miss M McIlveen asked the Minister of Education which children have participated in Child Exploitation and Online Protection training in schools. (AQW 2003/10)

Minister of Education: Léiríonn figiúirí a bhí curtha ar fáil ag CEOPanna go bhfuair 70,065 dalta traenáil ar Dhúshaothrú Leanaí agus Cosaint ar Líne ar scoileanna. Seo a leanas sonraí ar an traenáil a fuair 60,645 dalta ón bhliain 2007 ar aghaidh:

Figures provided by CEOPs show that 70,065 pupils have received Child Exploitation and Online Protection training in schools. Since 2007, 60,645 pupils have received training as follows:

Key Stage	Number of pupils
KS1	3,654
KS2	22,258
KS3/4	34,733

Information on the number of children trained before 2007 cannot be provided by key stage.

Partially-Sighted Children: Educational Help

Mr T Buchanan asked the Minister of Education what help is available for partially-sighted children in primary schools and post-primary schools in each Education and Library Board area. (AQW 2011/10)

Minister of Education: The Chief Executives of the Education and Library Boards (ELBs) have informed me that the Regional Strategy Group for Special Educational Needs (RSG) has established a Visual Impairment Working Group the aim of which is to promote a consistent approach across the five ELBs in relation to service delivery in schools. The Working Group has consulted with the voluntary and statutory sectors as well as parents and children. The Royal National Institute for Blind People (RNIB) has had an active role in this consultation process and has met with the Working Group to discuss outcomes. The Group has reported its findings to RSG and the key recommendation is that a regional resource base is needed, in the context of an overall strategy of achieving full educational inclusion and of improving levels of educational attainment amongst children and young people with a visual impairment. I can confirm that DE, as part of a strategic stocktake, has prioritised the future development of a centralised resource, within the above context.

Ós rud é go bhfuil sé de dhualgas reachtúil ar na Boird Oideachais agus Leabharlainne soláthar a dhéanamh le freastal ar na riachtanais mheasúnaithe atá ag páistí le riachtanais speisialta oideachais, is iad na Boird atá freagrach as a áirithiú go bhfuil rochtain ag daltaí lagamhairc, a oiread agus is féidir, ar eolas i bhformáid inrochtana. Úsáidtear straitéisí éagsúla faoi láthair sna cúig Bhord Oideachais agus Leabharlainne le cuidiú a thabhairt do pháistí lag-radharcacha.

As ELBs have the statutory duty to make provision to meet the assessed needs of individual special educational needs children, it is, therefore, the responsibility of the Boards to ensure that, as far as possible, pupils with a visual impairment are given access to information in an accessible format. A number of strategies are currently employed across the 5 Education & Library Boards to help partially sighted children. These are co-ordinated by Vision Support Services working within each of the Board areas and range from the use of high tech equipment such as Digital Accessible Information System (DAISY) readers to the more basic, yet effective and acceptable method of enlarging materials using a photocopier.

The following is an indication of the arrangements currently in place:-

- Provision of specialist equipment to enable students to access information produced in DAISY format;
- Provision of magnification aids eg CCTV;

- Provision of screen magnification/reading software eg Zoomtext, JAWS, etc. (Laptops/scanners are also generally provided to facilitate the use of such software);
- Accessing large print/braille copies of text from a range of sources including publishers/other visual impairment services/ RNIB/ National Blind Children's Society/RNIB National Library Service, etc;
- Use of Belfast Education and Library Board Reprographics Department which will assist in the production of school texts in an enlarged print or e-book format as required;
- Enlargement of materials using photocopier.

In addition to the provision of specialist equipment, Vision Support teachers also provide advice, support and training to the pupils and staff regarding the use of this equipment and other visual impairment related issues.

Contractual Pay Increases for Non-Teaching Staff

Ms D Purvis asked the Minister of Education when she expects contractual pay increases effective from 1 April 2009, to be paid to non-teaching staff. (AQW 2016/10)

Minister of Education: Agreement has been reached between the NJC and Trade Union Side on the rates of pay applicable from 1 April 2009.

Mar aitheantas ar na deacrachtaí a d'fhéadfaí bheith ag na Boird roimh bhunú an ESA, tá réimse socrúithe speisialta comhaontaithe ag mo chuid feidhmeannach leis an Roinn Airgeadais agus Pearsanra i dtaca le cur i bhfeidhm Bhronnadh Bliantúil Pá 2009/10. Éascóidh na socrúithe nua seo an t-ualach riaracháin atá ar fhoireann na mBord agus cinnteoidh siad go socrófar an bronnadh pá seo go gasta agus go sásúil.

In recognition of the difficulties which the Boards may experience in advance of the establishment of ESA my officials have agreed a series of special arrangements with the Department of Finance and Personnel for the implementation of the 2009/10 Annual Pay Award. These new arrangements will greatly ease the administrative burden on Board staff and ensure that this pay award is brought to a speedy and satisfactory conclusion.

Pupils' Emotional Health and Well-Being Programme

Mr M Storey asked the Minister of Education for an update on the progress made by the inter-departmental Pupils' Emotional Health and Wellbeing programme. (AQW 2018/10)

Minister of Education: Tá Clár na Roinne um Fholláine agus Leas Mothúcháin na nDaltaí, a bheidh dírithe ar an earnáil iarbhunscoile i dtosach, á fhorbairt i gcomhpháirtíocht le réimse leathan páirtithe leasmhara rithabhachtacha ó scoileanna agus ón earnáil pobail agus dheonach, lena n-áirítear feidhmeannaigh ón Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí. Cuirfidh an Clár seo, nuair atá sé bunaithe, go mór leis na straitéisí níos forleithne atá ann chun sláinte mheabhrach inár bpobal a fheabhsú.

My Department's Pupils' Emotional Health and Well-Being Programme, which will focus on the post-primary sector initially, is being developed in partnership with a very broad range of key stakeholders from schools, the voluntary and community sector including officials from the Department of Health, Social Services and Public Safety. The Programme, once it is established, will make a significant contribution to the wider strategies around improving mental health in our community.

Five Working Groups are in place to examine the themes of:

- Self Assessment by schools of their approach to emotional health and wellbeing;
- The training and support of teachers and other schools' staff around the issue of emotional health;
- Identification of existing good practice in schools and its dissemination;
- Mapping of existing services and sources of support available to schools and sharing that information; and
- Preparation of new guidance for schools on the management of critical incidents and a review of our current arrangements to support schools when an incident occurs.

Underpinning much of this development is the need to have a shared or agreed understanding of what is meant by 'pupils' emotional health and wellbeing. A definition has now been developed and agreed.

Research has been commissioned to evaluate assessment tools which schools can use to audit the range of their activities which contribute to promoting positive emotional health and their appropriateness for schools here. We expect the report in February next year.

Discussions are in hand around building on an existing directory of services for children and young people and moving it to a web-based facility which schools can access. Interface with a DHSSPS database is also under active consideration.

New guidance for schools on the preparation for and management of critical incidents will be available early in 2010. A protocol for a regional approach to the management of critical incidents by services which support schools is in preparation.

No consideration has been given to scoring of schools based on the well-being of their pupils as yet.

Mental Well-Being in Schools

Mr M Storey asked the Minister of Education what steps have been taken by her Department to ensure the successful implementation of a mainstreamed approach to mental wellbeing in primary and post-primary education. (AQW 2019/10)

Minister of Education: Tá Clár na Roinne um Fholláine agus Leas Mothúchánach na nDaltaí, a bheidh dírithe ar an earnáil iarbhunscoile i dtosach, á fhorbairt i gcomhpháirtíocht le réimse leathan páirtithe leasmhara ríthábhachtacha ó scoileanna agus ón earnáil pobail agus dheonach, lena n-áirítear feidhmeannaigh ón Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí. Cuirfidh an Clár seo, nuair atá sé bunaithe, go mór leis na straitéisí níos forleithne atá ann chun sláinte mheabhrach inár bpobal a fheabhsú.

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No consideration has been given to scoring of schools based on the well-being of their pupils as yet.

School: Newbuilds

Mrs D Kelly asked the Minister of Education why the new builds of (i) Tannaghmore primary school; (ii) Portadown College; and (iii) Lurgan College have been delayed; and to provide a new timescale for work to commence. (AQW 2049/10)

Minister of Education: It is critically important that investment in the education estate is consistent with and supportive of the policy framework I am putting in place. At the heart of this is Every School a Good School, Sustainable Schools, the Revised Curriculum and the Entitlement Framework. As area based planning develops, these policies will drive the reshaping of our estate and the consequential investment plans.

As Minister for Education, I need to ensure that the substantial resources we are now investing produce the best outcomes for children and value for the taxpayer. I have, therefore, commissioned a review of current projects, including those for Tannaghmore Primary School and Portadown College, to validate that all are consistent with the policy framework and hence will be viable and sustainable in the long term.

I am not, therefore able, at this time, to provide a timescale for work to commence on these two projects.

Bhain mo Roinn de thátal as an Bhreithmheas Eacnamaíochta do Lurgan College nach bhfuil dóthain fianaise ann chun dearbhú a thabhairt go mbeadh an fhorbairt seo mar chuid de phlean straitéiseach do cheantar Craigavon agus go mbeadh sí ábalta rochtain a sholáthar ar an réimse cúrsaí a bheadh de dhíth chun an Creat Teidlíochta a chur i bhfeidhm go hiomlán ón bhliain 2013. Mar gheall air sin, ní raibh an Roinn ábalta an togra le haghaidh scoil nua a fhaomhadh.

In reviewing the Economic Appraisal for Lurgan College, my Department concluded there was insufficient evidence to provide assurance that this development was part of a strategic plan for the Craigavon area and would be capable of delivering access to the range of courses required to fully implement the Entitlement Framework from 2013. As such, the Department was unable to approve the proposal for a new school.

Following a series of meetings, my Department has written to the Southern Education and Library Board outlining its concerns and asking that it reviews the needs of Lurgan College, within the wider context of delivery of the Entitlement Framework in the Craigavon area, with the view to bringing forward a strategic plan for the area.

Schools Capital Projects

Mr M Durkan asked the Minister of Education how much her Department has spent on capital projects for (i) primary schools; and (ii) post-primary schools, in each constituency, in each of the last five years. (AQW 2050/10)

Minister of Education: Tá sé socraithe agam go gcuirfear an t-eolas a iarradh i Leabharlann an Tionóil.

I have arranged for the information requested to be placed in the Assembly Library.

Media Training for Departmental Staff

Mr T Lunn asked the Minister of Education how much her Department has spent on media training for staff in each of the last five financial years. (AQW 2052/10)

Minister of Education: Tá sonraí ar fáil thíos maidir leis an gcaiteachas ar oiliúint ar na meáin d'fhoireann na Roinne Oideachais sna cúig bliana airgeadais a chuaigh thart.

Expenditure on media training for staff in each of the last five financial years is detailed below.

2004/05	2005/06	2006/07	2007/08	2008/09
Nil	Nil	Nil	Nil	£450

Development of Innovation and Enterprise

Mr M Durkan asked the Minister of Education to outline her Department's provision for the development of innovation and enterprise in (i) primary; and (ii) post-primary schools. (AQW 2072/10)

Minister of Education: Is é is aidhm don churaclam athbhreithnithe ná daoine óga a ullmhú do gach gné oibre agus saoil agus cuidiú a thabhairt dóibh le forbairt mar dhaoine deaslabhartha muiníneacha a bheidh ábalta páirt iomlán a ghlacadh sa tsochaí agus sa gheilleagar. Trí Fhorbairt Phearsanta agus Comhthuisceant ag leibhéal bunscoile agus trí Fhoghlaim don Saol agus don Obair ag leibhéal iarbhunscoile, beidh gach duine óg ábalta ullmhú do phleanáil ghairme ó leibhéal bunscoile ar aghaidh. Ar leibhéal iarbhunscoile, cuimsíonn an snáithe Infhostaitheachta d'Fhoghlaim don Saol agus don Obair, Obair sa Gheilleagar Áitiúil agus Domhanda, Bainistíocht Ghairme agus Tionscnaíocht agus Fiontraíocht.

The revised curriculum aims to better prepare all our young people for all aspects of life and work and enable them to develop as confident and articulate individuals, able to play their full part in our society and economy. The area of Personal Development & Mutual Understanding at primary and Learning for Life and Work at post-primary will enable all young people to prepare for and engage in career planning from primary school onwards. At post-primary, the Employability strand of Learning for Life and Work consists of Work in the Local and Global Economy, Career Management and Enterprise and Entrepreneurship. Pupils will continue to reflect on their own skills and areas for self-development and explore the changing concept of 'career' and various types of jobs, including in the local area, as well as explore enterprise and entrepreneurship which provides opportunities for our young people to investigate the need for creativity and enterprise, whether as an employer or employee, and to identify and practise some of the skills and develop the attributes associated with being enterprising.

The Department also provides funding to a number of organisations to provide enterprise, employability and innovation events and programmes (many of which are STEM related) either in school or at larger regional events, for both primary and post-primary pupils. These organisations include Young Enterprise, Sentinus, School Employer Connections (formerly FOSEC), Charter Work Experience and a number of Business Education Partnerships. The Department, in partnership with Invest NI, is also providing funding to a number of enterprise/innovation programmes, to include the 'Mark Your Mark Challenge', as part of Global Entrepreneurship Week, and 'The Stock Market Challenge' event. Such events help to create an enterprise culture within the classroom and to develop in our young people more innovative and enterprising skills and attitudes, not just to set up businesses but also to build their own careers and to stay employable.

The Department's provision in the area of innovation and enterprise will do much to develop individuals, and therefore a workforce that is innovative, creative, enterprising and flexible.

Schools: Extra Funding

Mrs M Bradley asked the Minister of Education, given that spend per pupil in Northern Ireland is the lowest in the UK, if she plans to allocate extra funding to address this differential. (AQW 2090/10)

Minister of Education: Mar Aire Oideachais, tá mé an-tiomanta dona dhearbhu go bhfuil an deis ag na páistí agus daoine óga go léir a gcumas iomlán a bhaint amach mar gheall ar sheirbhísí oideachais de chaighdeán ard. Caithfear a chuimhneamh, áfach, go bhfuil mé ag obair faoi bhuisead réamhdhearbhaithe don oideachas.

As Minister for Education, I am fully committed to ensuring that all our children and young people have the opportunity to fulfil their full potential through quality education services, however, it must be recognised that I am working within a finite budget for Education.

I will continue to seek the support of all parties in the Assembly to endorse my efforts to secure additional funding for Education.

Sure Start Projects

Mrs M Bradley asked the Minister of Education if he plans to increase the budget for Sure Start projects to increase the spending per child, which is significantly lower than in England, Scotland and Wales. (AQW 2095/10)

Minister of Education: Faoi chúram an chláir Sure Start i Sasana faoi láthair, tá seirbhís sláinte leanaí agus seirbhís sláinte teaghlaigh, seirbhís cúraim lae agus oideachais le haghaidh páistí suas le ceithre bliana déag d'aois, nó suas le sé bliana déag d'aois i gcás páistí faoi mhíchumas. Ní féidir, mar sin, comparáid ar an gcaiteachas a dhéanamh mar nach bhfuil faoi chúram an chláir Sure Start i dtuaisceart na hÉireann ach páistí idir 0-4 bliana agus a gcuid teaghlach.

The Sure Start programme in England now includes in its remit any child and family health service, daycare and early education service for children up to age fourteen, or sixteen for those with disabilities. Therefore any comparisons on spend are not possible as the remit of Sure Start in the north of Ireland remains for children 0-4 and their families. At present resources are targeted at those families living in the top 20% most disadvantaged areas to prioritise those who most need support. My Department provides more than £18 million per annum to deliver Sure Start programmes and an evaluation of these services is planned which, alongside the publication of the Early Years strategy, will provide direction on the possible future investment in the programme.

DVD 'Green and White Army- the Fans' Story'

Mr P Weir asked the Minister of Education what discussions her Department has had, or intends to have, with the Irish Football Association and the Amalgamation of Official Northern Ireland Supporters' Clubs, in relation to using the DVD 'Green and White Army- the Fans Story' in schools as a tool for improving community relations.

(AQW 2111/10)

Minister of Education: Deileálann an curaclam athbhreithnithe le caidreamh pobail trí Fhorbairt Phearsanta agus Comhthuiscint ag leibhéal na bunscoile, agus soláthraíonn Saoránacht Áitiúil agus Dhomhanda ag leibhéal na hiarbhunscoile cur chuige fócasaithe chun athmhuintearas, cothroime, comhthuiscint agus daonlathas a chur chun cinn inár sochaí agus buntacaítear an próiseas seo ag luachanna Ceart Daonna. Tríd an gcuraclam, is féidir le múinteoirí déileáil le sainceisteanna ilchineálachta le daoine óga mar chuid thábhachtach dá gclár níos forleithne foghlama.

The revised curriculum addresses community relations and equality through Personal Development and Mutual Understanding at primary level, while at post-primary level Local and Global Citizenship provides a focussed approach to promoting reconciliation, equality, mutual understanding and democracy in our society and is underpinned by human rights values. Through the curriculum teachers are able to address issues of diversity with young people as an integral part of their wider programme of learning.

However, each school can choose what resources to use when delivering community relations programmes in schools.

Pupils' Emotional Health and Well-being

Mr M Storey asked the Minister of Education what steps her Department has taken to ensure that 'Pupils Emotional Health and Well-being' is addressed, mainstreamed and funded appropriately in the long term.

(AQW 2114/10)

Minister of Education: Tá Clár um Fholláine agus Leas Mothúcháinach na nDaltaí, a dhíreofar ar earnáil na hiarbhunscolaíochta i dtosach, á fhorbairt go fóill. Nuair a bheas an clár i bhfeidhm, táthar ag dúil leis go gcuirfidh an clár go mór leis na straitéisí níos leithne maidir le sláinte mheabhrach a fheabhsú inár bpobal.

The Pupils' Emotional Health and Well-Being Programme, which will focus on the post-primary sector initially, is still in development. It is expected that the Programme, once established, will make a significant contribution to the wider strategies around improving mental health in our community.

The Working Groups established to take this work forward will address the issues such as:

- The training and support required by teachers and other schools' staff in promoting pupils' emotional health and wellbeing to supplement that provided for implementing the personal development elements of the Revised Curriculum; and
- Current services and sources of support available to schools' pupils and how these might be accessed.

Members of the Working groups comprise a very wide range of experience and expertise drawn from the education sector, the Department of Health, Social Services and Public Safety and a number of voluntary organisations with a focus on mental health and wellbeing.

A review session with all partners is planned for November at which achievements to date will be shared. The current timetable envisages that the Programme should be in place to roll out in the 2010/11 school year and once established, its effectiveness will be monitored over time.

Mental Health and Emotional Problems in Schools

Mr M Storey asked the Minister of Education what action her Department is taking to assist teachers and schools in recognising and responding to pupils with mental health and emotional problems. (AQW 2117/10)

Minister of Education: Tá Clár um Fholláine agus Leas Mothúcháinach na nDaltaí, a dhíreofar ar earnáil na hiarbhunscolaíochta i dtosach, á fhorbairt go fóill. Nuair a bheas an clár i bhfeidhm, táthar ag dúil leis go gcuirfidh an clár go mór leis na straitéisí níos leithne maidir le sláinte mheabhrach a fheabhsú inár bpobal.

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Child and Adolescent Mental Health Services

Mr M Storey asked the Minister of Education what action her Department intends to take regarding the sharing of information and confidentiality requirements of inter-disciplinary work between schools and the Child and Adolescent Mental Health Service. (AQW 2121/10)

Minister of Education: Ghlac an Roinn páirt ghníomhach, i gcomhar leis an Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí san athbhreithniú i dtaca le feabhsuithe ar na seirbhísí atá beartaithe do pháistí agus do dhaoine óga a bhfuil fadhbanna sláinte mheabhrach acu. Bhí ionadaithe ón Roinn ar ghrúpaí oibre a bhí freagrach as gnéithe ábhartha d'Athbhreithniú Bamford a chur i bhfeidhm, bhí baint ag an Roinn le freagra an Choiste Feidhmiúcháin ar an athbhreithniú agus bhí baint aici leis an phlean gníomhaíochta ina dhiaidh sin.

The Department has participated actively with the Department of Health, Social Services and Public safety in the review and improvements planned in services to support children and young people with mental health conditions. The Department was represented on working groups taking forward relevant elements of the Bamford review, contributed to the response of the Executive to the review and the subsequent action plan.

To ensure that the children and young people under the care of Child and Adolescent Mental Health Services (CAMHS) receive the most appropriate support from both health and education services, DE and SEELB are planning, in partnership with the Belfast Health and Social Care Trust, a new purpose-built Regional Child and Adolescent Psychiatric Centre. This will include a Learning Resource Centre which will deliver a new flexible education model, on the Forster Green site to bring together the Adolescent Psychiatric Unit and the Child and Family Centre. It is hoped that the Adolescent Centre will be operational from early 2010 and the Children's Centre operational from spring 2010.

In the development of the Pupils' Emotional Health and Wellbeing Programme the interface between schools' staff and the CAMHS in respect of pupils who have been referred or are being treated will be addressed.

The Department of Health, Social Services and Public Safety is developing an information sharing protocol which will underpin the relationship between all agencies and personnel engaged in working to support children. The Department is engaged in this process and the outcome will be shared with schools in due course.

Child and Adolescent Mental Health Services

Mr M Storey asked the Minister of Education what action her Department has taken to improve links and collaboration between schools and the Child and Adolescent Mental Health Service; and how she plans to monitor the outcome. (AQW 2124/10)

Minister of Education: Ghlac an Roinn páirt ghníomhach, i gcomhar leis an Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí san athbhreithniú i dtaca le feabhsuithe ar na seirbhísí atá beartaithe do pháistí agus do dhaoine óga a bhfuil fadhbanna sláinte mheabhrach acu. Bhí ionadaithe ón Roinn ar ghrúpaí oibre a bhí freagrach as gnéithe ábhartha d'Athbhreithniú Bamford a chur i bhfeidhm, bhí baint ag an Roinn le freagra an Choiste Feidhmiúcháin ar an athbhreithniú agus bhí baint aici leis an phlean gníomhaíochta ina dhiaidh sin.

The Department has participated actively with the Department of Health, Social Services and Public safety in the review and improvements planned in services to support children and young people with mental health conditions. The Department was represented on working groups taking forward relevant elements of the Bamford review, contributed to the response of the Executive to the review and the subsequent action plan.

To ensure that the children and young people under the care of Child and Adolescent Mental Health Services (CAMHS) receive the most appropriate support from both health and education services, DE and SEELB are planning, in partnership with the Belfast Health and Social Care Trust, a new purpose-built Regional Child and Adolescent Psychiatric Centre. This will include a Learning Resource Centre which will deliver a new flexible education model, on the Forster Green site to bring together the Adolescent Psychiatric Unit and the Child and Family Centre. It is hoped that the Adolescent Centre will be operational from early 2010 and the Children's Centre operational from spring 2010.

In the development of the Pupils' Emotional Health and Wellbeing Programme the interface between schools' staff and the CAMHS in respect of pupils who have been referred or a being treated will be addressed.

The Department of Health, Social Services and Public Safety is developing an information sharing protocol which will underpin the relationship between all agencies and personnel engaged in working to support children. The Department is engaged in this process and the outcome will be shared with schools in due course.

Mental Health and Well-Being

Mr M Storey asked the Minister of Education if teacher training incorporates knowledge on mental health and well-being. (AQW 2125/10)

Minister of Education: Tá Clár um Fholláine agus Leas Mothúcháinach na nDaltaí, a dhíreofar ar earnáil na hiarbhunscolaíochta i dtosach, á fhorbairt go fóill. Nuair a bheas an clár i bhfeidhm, táthar ag dúil leis go gcuirfidh an clár go mór leis na straitéisí níos leithne maidir le sláinte mheabhrach a fheabhsú inár bpobal.

The Pupils' Emotional Health and Well-Being Programme, which will focus on the post-primary sector initially, is still in development. It is expected that the Programme, once established, will make a significant contribution to the wider strategies around improving mental health in our community.

The Working Groups established to take this work forward will address the issues such as:

- The training and support required by teachers and other schools' staff in promoting pupils' emotional health and well-being to supplement that provided for implementing the personal development elements of the Revised Curriculum; and
- Current services and sources of support available to schools' pupils and how these might be accessed.

Members of the Working groups comprise a very wide range of experience and expertise drawn from the education sector, the Department of Health, Social Services and Public Safety and a number of voluntary organisations with a focus on mental health and well-being.

A review session with all partners is planned for November at which achievements to date will be shared. The current timetable envisages that the Programme should be in place to roll out in the 2010/11 school year and once established, its effectiveness will be monitored over time.

Minister of Education: Meetings with MLAs

Mr J Shannon asked the Minister of Education how many requests from MLA's for a meeting with her have not taken place in the last two years. (AQW 2131/10)

Minister of Education: Le dhá bhliain anuas, bhí dhá ócáid ann nuair nár tionóladh cruinnithe a d'iarr Comhaltaí den Tionól Reachtach.

In the last two years two requests from MLA's for a meeting with me have not taken place.

Schools Capital Programmes

Mr J Craig asked the Minister of Education how much her Department has spent on capital programmes on property which is owned by (i) the Catholic Church; (ii) Bishops of the Catholic Church; and (iii) the public sector, in each of the past five years. (AQW 2138/10)

Minister of Education: Toisc nach bhfuil aon scoil faoi uinéireacht na hEaglaise Caitlicí ná Easpag na hEaglaise Caitlicí, nior chaith mo Roinn aon chistiú caipitil ar réadmhaoin faoi uinéireacht na bhforas seo. Is leis na Boird Oideachais agus Leabharlainne réadmhaoin scoileanna san earnáil rialaithe agus, dá bhrí sin, tá siad faoi uinéireacht na hearnála poiblí. Cuirtear ar fáil sa tábla thíos sonraí ar an méid a caitheadh ar chlár chaipitil le haghaidh na réadmhaoin seo.

As there are no schools in the ownership of the Catholic Church or the Bishops of the Catholic Church no capital funding has been spent by my Department on properties owned by these bodies.

Properties in the Controlled School sector are owned by the Education and Library Boards and therefore are in the ownership of the public sector. The table below provides details of how much has been spent on capital programmes on these properties in each of the past five years.

	Minor Capital Spend £000s	Major Capital Spend £000s	Total
2004/05	35120	12102	47222
2005/06	22674	26967	49641
2006/07	14844	19752	34596
2007/08	23331	19673	43004
2008/09	28870	23379	52249

Swine Flu

Mr J Craig asked the Minister of Education (i) what immediate action; and (ii) what follow up action has been taken in relation to staff in schools who have been working with pupils or staff who have suspected or confirmed cases of swine flu. (AQW 2164/10)

Minister of Education: My Department works closely with the Department of Health, Social Services and Public Safety (DHSSPS) and the Public Health Agency (PHA) to provide schools and the wider education sector with up-to-date advice and guidance. The current advice from the PHA is that if staff have been in contact with someone with a suspected or confirmed case of swine flu, that as long as they are well and not suffering from flu-like symptoms, they can continue with their normal duties. Good hygiene throughout the school remains key.

Tairgfear an vacsaín an tseachtain seo d'fhoireann a thugann cúram pearsanta do pháistí leochaileacha i Scoileanna Speisialta.

Staff that provide personal care to vulnerable children in Special Schools will be offered the vaccine in the coming week.

Committee on Climate Change

Mr D Ford asked the Minister of Education if her Department has sought advice from the Committee on Climate Change with regard to its obligations under the Programme for Government. (AQW 2166/10)

Minister of Education: Ní dheachaigh mo Roinn díreach i gcomhairle leis an gCoiste um Athrú Aeráide. Is eol dom mo dhualgais i dtaca le hathrú aeráide, áfach, agus deimhním gur chuir mo Roinn athruithe i bhfeidhm ar gach conradh mhórshaothar tógála scoile atá ceaptha chun astuithe carbóin a laghdú trí chorprú phrionsabal na forbartha inchothaithe agus bearta chun rátáil ‘thar barr’ ó Mhodh Measúnaithe Thimpeallacht Bunaíochta an Taighde Forgníochta a bhaint amach le haghaidh scéimeanna nua agus rátáil ‘iontach maith’ a bhaint amach le haghaidh scéimeanna athchóirithe.

My Department has not sought advice directly from the Committee on Climate Change.

However, I am aware of my obligations under the Programme for Government in regard to climate change and confirm that my Department has implemented changes to all major works school building contracts aimed at reducing carbon emissions by incorporating the principles of sustainable development and measures to achieve a Building Research Establishment Environment Assessment Method (BREEAM) rating of “excellent” for new schemes or “very good” for refurbishment schemes.

The implementation of the revised curriculum is also an important indicator in this regard and will help educate, inform and involve more of our young people in dealing with issues such as climate change, both now and in the future

Temporary or Portable Classrooms

Miss M McIlveen asked the Minister of Education how many children are being taught in temporary or portable classrooms. (AQW 2176/10)

Minister of Education: Ní choinníonn mo Roinn eolas ar líon na bpáistí a theagascar i seomraí ranga soghluaiste agus bheadh costas míréireach i gceist leis an eolas seo a fháil. Go háirithe, bheadh sé dodhéanta a fháil amach cá mhéad páiste in iarbhunscoileanna a bhíonn sna seomraí ranga soghluaiste ag am áirithe mar go mbíonn an figiúr seo ag brath ar an ábhar atá á theagasc sna seomraí seo.

My Department does not hold information on the number of children taught in mobile classrooms and to have this collected could only be obtained at a disproportionate cost. In particular, in post-primary schools it would be impossible to establish how many children use the classrooms at any given time depending on the subject the classroom is used for.

Swimming Lessons

Mr B Armstrong asked the Minister of Education what action she is taking to ensure that swimming lessons continue for primary school and secondary school pupils in the Magherafelt and Maghera areas, following the closure of the swimming pool in Maghera High School and the planned two-year closure of the swimming pool in Magherafelt leisure centre. (AQW 2229/10)

Minister of Education: Tá an Snámh ina ghné reachtúil de Chorroideachas ar Eocharchéimeanna 2 agus 3. Is faoin scoil agus an Bhord ábhartha Gobharnóirí socrú a dhéanamh ar sholáthar an churaclaim i dtaca leis an íosmhéid a chlúdaítear, agus bíonn comhairle ar fáil ón Bhord Oideachais agus Leabharlainne áitiúil. Thuairiscigh Bord Oideachais agus Leabharlainne an Oirthuaiscirt, tar éis an chinneadh ar Ardscoil Mhachaire Rátha a dhúnadh, gur iarr sé ar na bunscoileanna sin a bhain úsáid as an linn snámha a riachtanais snámha a aithint.

Swimming is a statutory area of Physical Education at Key Stages 2 and 3. Delivery of the curriculum in terms of meeting the minimum content is a matter for the school and the relevant Board of governors, with advice available from the local Education and Library Board.

The North Eastern Education and Library Board has advised that, following the decision to close Maghera High School, the Board invited those primary schools that made use of the swimming pool at the school to identify their swimming needs.

On receipt of this information the Board contacted Magherafelt and Ballymoney Councils to arrange alternative provision at Council owned pools. All but one of the schools affected expressed a preference to make use of the Greenvale Leisure Centre in Magherafelt which will close at the end of December for a 2-year refurbishment. According to the NEELB the school which opted to use the Ballymoney pool is hopeful of finalising a slot.

In relation to post-primary schools in the area, the NEELB has advised that it is not aware of any issues in this regard.

In view of the geographical and time constraints involved and the difficulties experienced in terms of securing slots at other leisure centres, the Department appreciates that the provision of swimming lessons from January 2010 will be difficult. However, it will now be necessary for all the schools affected to investigate all of the options available to them in liaison with the NEELB. The Department will be writing to the NEELB to ask it to facilitate such discussions.

Early Years Strategy

Mr M Storey asked the Minister of Education when the Early Years Strategy will be published. (AQW 2274/10)

Minister of Education: Foilseofar Straitéis na Luathblianta (0-6) le haghaidh comhairlithe phoiblí go luath sa bhliain 2010.

The Early Years (0-6) Strategy will be published for public consultation early in 2010.

Post-Primary Transfer

Mr A Ross asked the Minister of Education if she will reissue a Council for the Curriculum, Examinations and Assessment paper for post-primary transfer in order to avoid uncertainty for P6 pupils and parents next year. (AQW 2287/10)

Minister of Education: Chuir mé mo sheasamh ar an ábhar seo in iúl go soiléir ar roinnt ócáidí agus sa Tionól ar 5 Deireadh Fómhair 2009. Tá an Teist Aistrithe imithe agus ní bheidh sí ag teacht ar ais i bhfoirm ar bith. Is próiseas teipthe é roghnú acadúil agus níl áit ar bith dó inár gcóras oideachais. Sonraíonn polasaí mo Roinne go soiléir nár chóir go mbeadh tástáil acadúil mar chuid d'aistriú iarbhunscoile. Ní mholaim, mar sin, scrúdú CCEA a choimisiúnú, mar go gcuirfeadh sé seo leis na míchothromaíochtaí a bhí bainteach leis an iar-Theist Aistrithe.

I have made my position on this matter clear on a number of occasions, most recently in the Assembly on 5 October 2009. The 11 plus is gone and will not be coming back in any form. Academic selection is a failed process and there is no place for it in our education system. My Department's policy clearly states that post-primary transfer should not involve academic testing. I do not therefore propose commissioning a CCEA test, as this would merely serve to perpetuate the inequalities associated with the former Transfer Test.

Education Bill

Rev Dr R Coulter asked the Minister of Education what contingency plan she has in place in the event that the Education Bill does not gain Royal Assent before 1 January 2010. (AQO 280/10)

Minister of Education: Mar a dúirt mé, tá mé tiomanta don dáta comhaontaithe forfheidhmithe den chéad lá de mhí Eanáir a bhaint amach agus níor mhian liom tuairimíocht a dhéanamh ar chásanna hipitéiseacha. Sin an jab atá ag aon Aire.

As I have indicated I am focussed on the agreed implementation date of 1 January not speculating on hypothetical situations. That is my job as Minister.

The Education Bill will move to Consideration Stage as soon as possible, so that it completes its Assembly passage early next month and becomes law before Christmas.

The reforms that it will bring are vital for our education system. We need to raise standards, closing the attainment gap between good schools and those under-performing. We need to tackle bureaucracy and generate efficiencies to allow more resources to go to front-line services.

That is why the RPA reforms will be implemented on 1st January 2010. We cannot afford not to. The children we serve their parents and communities deserve no less and I have no intention of letting them down. I trust that Members on all sides of the House agree with me, we need to enact this legislation and we need to make these reforms. I have asked the Executive to prioritise this issue to ensure that we send a clear message to the sector. This work is important. It is urgent and it cannot be delayed.

Schools Capital Schemes

Mr D O'Loan asked the Minister of Education what action she has taken to accelerate the procurement of capital schemes. (AQO 281/10)

Minister of Education: Nuair a rinneadh agóid dhlíthiúil i gcoinne conartha do chreat móroibreacha mo Roinne, cuireadh an creat i leataobh i mí na Nollag 2008. Dá thoradh sin, glacadh bearta le soláthairtí tionscadal aonair a thabhairt isteach le móroibreacha caipitiúla a sheachadadh.

Following a legal challenge to my Department's major works framework contract that led to the setting aside of the framework in December 2008, steps have been taken to introduce single project procurements for the delivery of major capital works.

In 2008/09 my Department's capital spend was in excess of £203million and represents 99% of the gross capital budget allocated.

Through a Strategic Partnering Agreement with the Belfast Education and Library Board, we have seen the delivery of four new schools in the greater Belfast area with three further new schools in construction. This includes one primary school, two nursery schools and four post-primary schools, with capital values in the region of £126million.

There are currently 19 major schools' capital works projects on site, with construction costs totalling around £145million.

I have commissioned a review of current capital works projects to ensure that they are all consistent with the overall policy framework and that will be viable and sustainable in the long term. It is not intended to be a protracted exercise but you will appreciate that a capital investment of some £718 on school and youth services in the current budgetary period of 2008-2011 must be based on robust, defensible decisions which are consistent, and able to support important areas such as raising standards for all, closing the gap in achievement by improving access and equity and improving the learning environment through targeted investment.

Primary Schools: Underachievement

Mr S Moutray asked the Minister of Education to outline her timeframe for resolving the educational underachievement of primary school pupils. (AQO 282/10)

Minister of Education: Tá mé go hiomlán tiomanta do chaighdeán a ardú agus do thabhairt faoi thearcghnóthachtáil oideachasúil, ag leibhéal na bunscolaíochta agus ag leibhéal na hiarbhunscolaíochta araon. Ba mhaith liom dul chun cinn a dhéanamh ar an cheist seo go gasta, ach aithním go nglacfar am leis an bhearna gnóthachtála a laghdú, go háirithe idir na daltaí sin is mó atá faoi mhíbhuntáiste agus na daltaí sin is lú atá faoi mhíbhuntáiste.

I am fully committed to raising standards and tackling educational underachievement, both at primary and at post-primary level. I am anxious to make swift progress on this, but I also recognise that it will take time to close the achievement gap, especially between the most and least disadvantaged pupils.

On 30th April, I launched 'Every School a Good School – a Policy for School Improvement'. This is a pupil-centred policy with equality and improvement at its heart. It will be supported by other key reforms aimed at raising standards including, Transfer 2010, the revised curriculum and a revised literacy and numeracy strategy.

The policy sets out long term, ambitious targets, to the year 2020, for improving educational outcomes and closing the gap in achievement at Key Stage 2 and at GCSE.

In the interim, the Department has agreed challenging and important Public Service Agreement targets for the period 2008 - 2011.

Of course these are targets for the system as a whole and not ceilings. It is important that we are not complacent and that every school continues to strive for continuing improvement.

The implementation of this policy will be the number one priority for the new Education and Skills Authority. I have made it clear to the chair Sean Hogan and Gavin Boyd, Chief Executive, that I expect them to set the pace, working with schools to ensure there is a sustained focus on improving outcomes for every child.

Interactive Computerised Assessment System

Mr C Boylan asked the Minister of Education what steps her Department has taken to rectify the mistakes made in relation to the 'Interactive Computerised Assessment System' outcomes. (AQO 283/10)

Minister of Education: My Department was made aware on Tuesday, 13 October, of a fault in the computer systems at the Centre for Evaluation and Monitoring in the University of Durham, which operates the InCAS diagnostic assessment tool. This fault resulted in incorrect information about pupils' General Maths scores being reported to schools and, in some cases, to parents.

Tháinig an Chomhairle Curaclaim, Scrúdúcháin agus Measúnaithe ar an fhadhb an deireadh seachtaine roimhe sin agus ceartaíodh an fhadhb láithreach. Mar sin de, ar an Chéadaoin, 14 Deireadh Fómhair, fuair na scoileanna ar fad a raibh tionchar ag an fhadhb orthu, fuair siad an t-eolas ceart maidir le dul chun cinn na ndaltaí sa mhataimaitic ginearálta. Deimhníodh dom nach raibh tionchar ar bith ag an earráid seo ar thorthaí daltaí maidir le Léitheoireacht.

That problem had been discovered by CCEA over the preceding weekend and was immediately corrected so that, from Wednesday, 14 October, all affected schools were in receipt of the correct information about the progress of all pupils in general maths.

The first priority for me was to ensure that the schools affected were contacted by CCEA and given full explanations. That process was completed promptly. In addition, my officials led a briefing with the main teacher unions, and guidance was issued to the affected schools.

Naturally, I was extremely concerned and I asked CCEA for a full report on the circumstances that led to this problem and for assurances that such errors would not happen again. I was therefore disappointed that, despite assurances obtained from the Centre for Evaluation and Monitoring at Durham University, my Department was made aware, late on Friday, 23 October, that a further error had been discovered as a result of monitoring by CCEA and feedback from certain of our principals and teachers.

This was a technical error relating to additional standardised statistical data on InCAS which may be used by some primary schools. This data is over and above the information which needs to be reported parents, and does not affect that information.

Immediate action was taken to ensure that this error was rectified, and the correct information has been available to schools from Wednesday, 28 October. My officials have briefed the main teacher unions: schools have been advised of the position: and, where necessary, support will be available to schools affected by the errors. The Assembly Education Committee has been advised of the position.

It is essential that information used by schools to assess the progress of pupils is accurate and reliable.

I have therefore asked CCEA to commission an immediate audit by an independent third party to determine exactly what went wrong and how any recurrence might be prevented. In addition, to ensure that there is continued confidence in diagnostic assessment I intend to set up a working group to consider how best to address this and to support schools in using diagnostic assessment to inform teaching and learning.

More generally, although InCAS has been developed over a number of years and was piloted in a number of schools prior to rolling out, problems have still emerged. These incidents should highlight to all schools the danger of trying to implement a system of testing young children using breakaway tests that have not been validated or trialled.

Area-Based Planning

Mr J Spratt asked the Minister of Education to provide an update on Area Planning Working Groups. (AQO 284/10)

Minister of Education: Rinneadh dul chun cinn maith i dtaca le Pleanáil de réir Ceantair agus i dtaca leis an gcleachtadh iarbhunscoile ar Pleanáil de réir Ceantair araon. Nuair a críochnaíodh mo bheartas ar Phleanáil de réir Ceantair le haghaidh an Údaráis um Oideachas agus Scileanna, níos luaithe i mbliana, dréachtaíodh forálacha i dtaca leis seo le haghaidh an dara Bille Oideachais. Tá an dréacht-Bhille á mheas ag Coiste Oideachais an Tionóil faoi láthair.

Good progress has been made in relation to both Area Based planning and the Post-primary exercise on area based planning. Following the finalisation of my policy on area-based planning for the Education and Skills

Authority, earlier this year, clauses relating to this have been drafted for the second Education Bill. The draft Bill is currently being considered by the Assembly Committee for Education.

Progress has also been made in the post-primary exercise which focused on the efficient and effective delivery of the Entitlement Framework on an area basis. The work of the central and area groups is complete and I received the report "Together Towards Entitlement" in July 2009. I indicated on 15 October 2009 that I will publish the report in the near future to coincide with a series of seminars across the north, at which, Adeline Dinsmore, Joe Martin and their colleagues will be giving detailed presentations to ensure that all interested parties have an opportunity to hear the messages from their report and to engage in discussion with them.

Education and Skills Authority

Mr P Doherty asked the Minister of Education if the establishment of the Education and Skills Authority is still on schedule. (AQO 285/10)

Minister of Education: Mar a dúirt mé, tá mé tiomanta don dáta comhaontaithe forfheidhmithe den chéad lá de mhí Eanáir a bhaint amach agus níor mhian liom tuairimíocht a dhéanamh ar chásanna hipitéiseacha. Sin an jab atá ag aon Aire.

As I have indicated I am focussed on the agreed implementation date of 1 January not speculating on hypothetical situations. That is my job as Minister.

The Education Bill will move to Consideration Stage as soon as possible, so that it completes its Assembly passage early next month and becomes law before Christmas.

The reforms that it will bring are vital for our education system. We need to raise standards, closing the attainment gap between good schools and those under-performing. We need to tackle bureaucracy and generate efficiencies to allow more resources to go to front-line services.

That is why the RPA reforms will be implemented on 1st January 2010. We cannot afford not to. The children we serve their parents and communities deserve no less and I have no intention of letting them down. I trust that Members on all sides of the House agree with me, we need to enact this legislation and we need to make these reforms. I have asked the Executive to prioritise this issue to ensure that we send a clear message to the sector. This work is important. It is urgent and it cannot be delayed.

Down High School

Mr J Wells asked the Minister of Education to provide an update on the new Down High School complex. (AQO 286/10)

Minister of Education: Bhí Bord Oideachais agus Leabharlainne an Oirdheiscirt ag obair chun suíomh fóirsteanach úrnua a fháil do Down High School. Tuigim go bhfuil suíomh faighte anois agus gur taisceadh iarratas planála. Tá an Bord ag obair ar Bhreithmheas Eacnamaíochta le scoil ionaid a chur ar an suíomh nua, faoi réir faofa planála, agus breithneoidh mo Roinn ina iomláine go pras é nuair a bheidh sé acu.

The South Eastern Education and Library Board has been involved in a protracted search for a suitable green field site for Down High School. I understand that a site has now been identified and that a planning application has been lodged. The board is currently working on an Economic Appraisal to allow for a replacement school on the new site, subject to planning approval, and my Department will give it prompt and full consideration when it is received.

Area-Based Planning

Mrs D Kelly asked the Minister of Education for a progress report on Area Based Planning. (AQO 287/10)

Minister of Education: Rinneadh dul chun cinn maith i dtaca le Pleanáil de réir Ceantair agus i dtaca leis an gcleachtadh iarbhunscoile ar Pleanáil de réir Ceantair araon. Nuair a críochnaíodh mo bheartas ar Phleanáil de réir Ceantair le haghaidh an Údaráis um Oideachas agus Scileanna, níos luaithe i mbliana, dréachtaíodh forálacha i dtaca leis seo le haghaidh an dara Bille Oideachais. Tá an dréacht-Bhille á mheas ag Coiste Oideachais an Tionóil faoi láthair.

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DEPARTMENT FOR EMPLOYMENT AND LEARNING

Staffing in School of Biomedical Sciences in Coleraine

Mr J Dallat asked the Minister for Employment and Learning why the University of Ulster plans to reduce staffing, space and funding in the school of Biomedical Sciences in Coleraine, given that the University has been ranked number one in the UK for 'research power' across all subject areas. (AQW 1826/10)

Minister for Employment and Learning (Sir Reg Empey): The University has informed me that research funding reflects performance in the UK-wide Research Assessment Exercise (RAE). In the most recent RAE (2008), the University recorded its best ever performance and its overall research funding increased as a result of this. However, because the RAE 2008 outputs were produced as a quality profile rather than a fixed point scale, research funding generated in the RAE by Biomedical Sciences at the University fell by some 25% (from £3.9M to £2.9M). The University's internal resource allocation system reflects this objectively assessed external performance of research quality and quantity in each of its subject areas, with those subject areas that generated the income receiving proportionate university funding.

Rental Space Charges in the Science Innovation Centre

Mr J Dallat asked the Minister for Employment and Learning (i) why rental space charges for start-up companies in the Science Innovation Centre have increased; and (ii) to detail how these charges compare to other science park or university campus incubation facilities. (AQW 1829/10)

Minister for Employment and Learning: The University of Ulster has indicated that the increase in charges for fully serviced accommodation at the Science Innovation Centre is due to the need to recover the full costs involved.

The charges for the Science Innovation Centre accommodation compared to other science park and university campus incubation facilities are as follows:

Science Innovation Centre	Magee Campus
£24.00 per sq ft per annum	£28.25 per sq ft per annum

The Department of Enterprise, Trade and Investment has indicated that the Northern Ireland Science Park provides a range of accommodation solutions at its Queens Island Belfast site from "hot desk" and single desk solutions on monthly contracts, to 400sq ft to 50,000 sq ft space leased on a fully serviced basis from £22.50 per sq ft per annum.

Maternity Leave

Mrs I Robinson asked the Minister for Employment and Learning what financial support his Department provides to small businesses to cover maternity leave. (AQW 1833/10)

Minister for Employment and Learning: For clarity I should point out initially that, while statutory maternity leave falls within the remit of my Department, policy responsibility for Statutory Maternity Pay rests with the Department for Social Development.

Employers who are liable to pay Statutory Maternity Pay to a mother taking maternity leave may claim reimbursement for 92% of the statutory payment. In the case of small employers, the amount that may be claimed back is 104.5% of the statutory payment. A small employer, for this purpose, is one who is liable to pay gross Class 1 National Insurance Contributions of £45,000 or less in the individual employee's qualifying tax year.

My Department is not involved in the administration of these payments. Payments are administered on a UK-wide basis by HM Revenue and Customs.

Staff Travel Costs: DEL

Mr A Easton asked the Minister for Employment and Learning how much was spent by his Department on staff travel cost claims in the last financial year. (AQW 1864/10)

Minister for Employment and Learning: In Financial year 2008-2009, my Department has recorded travel expenditure of £1,005,114.80.

Mobile Workers Scheme

Ms S Ramsey asked the Minister for Employment and Learning if he has consulted with HM Revenue and Customs on the legalities and quality issues arising from agencies supplying Government Departments, Trusts, Agencies or Non-Departmental Public Bodies using the Mobile Workers Scheme for agency nurses. (AQW 1916/10)

Minister for Employment and Learning: I have not consulted with HM Revenue and Customs (HMRC) on this matter. However I understand that HMRC is aware that some temporary workers are engaged through Employment Businesses or umbrella companies which operate Mobile Worker Schemes, and that HMRC has confirmed it is currently looking at these to determine whether or not they are legally compliant. HMRC has published a briefing on this matter which is available at <http://www.hmrc.gov.uk/briefs/income-tax/brief5009.htm>

My officials meet regularly with their counterparts in HMRC and discussed the Mobile Workers Scheme in general terms at their last meeting in September. Departmental officials plan to meet with HMRC officials in November and will discuss the point raised in respect of agency nurses.

Blind and Partially-Sighted People: Access to Documents

Mr P Weir asked the Minister for Employment and Learning what provision is made by his Department to make documents accessible to blind and partially sighted people. (AQW 1930/10)

Minister for Employment and Learning: My Department continues to give priority to promoting equality of opportunity. Much of what the Department does addresses the needs of those who are most disadvantaged in society, including those who are blind or partially sighted. The Department offers to make its printed material available in different formats on request. This is stated on all printed material that the Department issues and is intended to make information accessible to all. Material can be provided in Braille, large print or audio format on request. Other internet facilities such as the Careers Service website provide the "BrowseAloud" technology and the facility to enlarge font size if the client wishes.

University of Ulster's Magee Campus

Mr P Ramsey asked the Minister for Employment and Learning, pursuant to AQW 1328/10, whether he intends to make a bid to the Executive for resources to support the development of the University of Ulster's Magee Campus as described in the University's Development Plan. (AQW 1947/10)

Minister for Employment and Learning: As I stated in my answer to AQW 1328/10, if resources were to be made available by the Executive in the future to support developments in the north west, I would consider submitting a bid for Higher Education development.

Blind and Partially-Sighted People: Access to Services

Mr P J Bradley asked the Minister for Employment and Learning what action his Department has taken, or intends to take, to provide a level of service to blind and partially-sighted people equal to that of fully-sighted people. (AQW 1989/10)

Minister for Employment and Learning: My Department continues to give priority to promoting equality of opportunity and to good relations, and ensuring fair and inclusive delivery of all its programmes and services. This is in keeping with its responsibilities in implementing equality and good relations duties.

The Department provides a range of support for blind and partially sighted people to allow them to make use of the Department's services.

This range includes:-

Careers Service – Advisers who are trained in disability awareness to support all clients to help them make effective career decisions.

Disability Advisory Service - provides a range of employment and pre-employment programmes to meet the needs of disabled people. These include Access to Work(NI), Workable(NI), New Deal for Disabled People and the Job Introduction scheme.

Steps to Work and Pathways to Work - seek to tailor services and remove barriers to work for each individual

Further Education and Higher Education Institutions – provide a range of services through pastoral care to help individual students with disabilities to access courses. Funding is made available for students with a disability, including those who are blind and partially sighted to help pay the extra costs which may be incurred as a direct result of a disability.

Employment and Learning Facilities in North Belfast

Ms C Ní Chuilín asked the Minister for Employment and Learning (i) to outline any proposals to locate services or develop facilities in (a) the Harbour; (b) York Road; and (c) the Cathedral Quarter areas of north Belfast; and (ii) if he has had any discussions with Executive colleagues or their officials regarding their plans for these areas. (AQW 2015/10)

Minister for Employment and Learning: The Department, in partnership with the Social Security Agency, is taking forward plans for the development of a Jobs & Benefits office in the North Belfast area to ensure that clients benefit from the same enhanced, joint, work-focused service which is available elsewhere in Northern Ireland. A number of options are currently being considered which include: the demolition of the existing Corporation Street Social Security Office and redevelopment of part, or all, of the site to deliver the new office; or the development of the Jobs & Benefits office in a refurbished Northland House on Frederick Street.

Turning to higher education, as the Member will be aware, the University of Ulster announced earlier this year a proposed strategic development plan for the university's four campuses over the next decade. A key element of the plan is a major development of the University's Belfast campus in York Street to facilitate the move of the vast majority of course provision from the Jordanstown campus.

In support of the proposal, the university has submitted an economic appraisal to the Department which is currently the subject of discussion between officials.

However, I should point out that funding for the proposed development of the Belfast campus has not been agreed by my Department and I will not be taking any formal decisions about any capital contributions until the economic appraisal has been approved fully.

I have not had any discussions with Executive colleagues regarding their plans for the areas outlined in the question.

Belfast Metropolitan College: Northwin Construction Contract

Mr P Butler asked the Minister for Employment and Learning (i) how much has been paid to Northwin Construction to date, since it completed the Belfast Metropolitan College at Millfield, under the Private Finance Initiative contract; (ii) how much is outstanding to Northwin Construction under this contract; and (iii) how many years are left on the contract. (AQW 2023/10)

Minister for Employment and Learning: BMC's Millfield Building has been in service since Aug 2002 and since that date a total of £22m plus VAT has been paid to Northwin. The unitary payment is currently £3.4m plus VAT per annum and the contract runs to Aug 2027. The unitary payment is subject to an annual re-indexation, based on changes in the retail price index, so a further £61m plus VAT and re-indexation could be paid to Northwin.

The unitary payment pays for the design, building, financing and operation (which includes security, cleaning, portering, caretaking, general and lifecycle maintenance, etc) of the facility to specified standards for the term of the contract. At the end of the contract ownership of the facility reverts to the College.

Belfast Metropolitan College

Mr P Butler asked the Minister for Employment and Learning to detail Belfast Metropolitan College's strategy for further education in the Belfast region, for the next five years. (AQW 2025/10)

Minister for Employment and Learning: My Department has set the strategic direction for Further Education in Northern Ireland, in 'FE Means Business', and provides funding to colleges on that basis.

The Governing Body of Belfast Metropolitan College is responsible for determining the college's response to that strategy. As part of that process, the college prepares and agrees an annual College Development Plan (CDP) with the Department, and is funded accordingly. Further information about the contents of its annual Plan may be obtained from the College.

Media Training

Mr T Lunn asked the Minister for Employment and Learning how much his Department has spent on media training for staff in each of the last five financial years. (AQW 2053/10)

Minister for Employment and Learning: The table below provides information on the total amount spent on media training for staff in each of the last five financial years:

Year	Total Expenditure
2004/05	Nil
2005/06	Nil
2006/07	£510
2007/08	Nil
2008/09	£2185

Titanic Quarter Project: Recruitment

Mr M McLaughlin asked the Minister for Employment and Learning if his Department has agreed a recruitment strategy for the Titanic Quarter Project, and if so, to indicate how, where and when jobs will be advertised. (AQW 2068/10)

Minister for Employment and Learning: My Department is working closely with the East Belfast Partnership Board and has participated fully in the “Employability” sub group to develop an action plan that aims to ensure that the job opportunities arising in Titanic Quarter, and indeed in other developments in East Belfast, are accessible across Northern Ireland.

The skills and needs of all of the potential investors in the Titanic Quarter are not yet known, therefore a specific recruitment strategy has not been developed for this project at this stage. Once these needs have been established, the Department will be in a better position to gauge its response to specific employers.

Ultimately it will be the employer’s choice as to how they will advertise future vacancies. However, to try to ensure that these vacancies are as widely advertised as possible, my officials will be encouraging employers in the project to avail of the JobCentre Online system, which can be accessed by jobseekers through Jobpoint terminals in our network of offices throughout Northern Ireland. Officials have already secured agreement that JobCentre Online will be the tool for advertising the Titanic Signature Project vacancies themselves. The Department has recently agreed that an official will shortly be seconded to Belfast City Council to take this work forward.

Titanic Quarter Project: Recruitment

Mr M McLaughlin asked the Minister for Employment and Learning if a recruitment policy is in place for the Titanic Quarter Project, and if so, how she will ensure that construction jobs are advertised across Northern Ireland. (AQW 2070/10)

Minister for Employment and Learning: My Department is working closely with the East Belfast Partnership Board and has participated fully in the “Employability” sub group to develop an action plan that aims to ensure that the job opportunities arising in Titanic Quarter, and indeed in other developments in East Belfast, are accessible across Northern Ireland.

The skills and needs of all of the potential investors in the Titanic Quarter are not yet known, therefore a specific recruitment strategy has not been developed for this project at this stage. Once these needs have been established, the Department will be in a better position to gauge its response to specific employers.

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Training Provided to Personal Advisors

Ms D Purvis asked the Minister for Employment and Learning to outline the training provided to personal advisors on mitigating potential negative impacts of the implementation of the Lone Parent Regulations, particularly in relation to the issue of lack of childcare provision. (AQW 2108/10)

Minister for Employment and Learning: All Department Advisers receive a comprehensive training programme that includes knowledge of the products designed to support clients back into work (eg Steps to Work), labour market information, interviewing skills, signposting clients to other sources of assistance and awareness of welfare benefits. Advisers have been provided with extensive online guidance and briefing on the changes introduced by the Lone Parent Regulations. They have also received e-learning packages on provision designed specifically to support lone parents as they move back into work.

Lone parents who are affected by the changes in regulations are contacted in advance of any potential cessation of Income Support. They are invited to meet an Adviser and a member of Social Security Agency staff who will explain their options for claiming benefit in future and the support that will be made available if and when they make a claim to Jobseeker’s Allowance.

The regulations for Jobseeker’s Allowance have been amended in Northern Ireland to allow more flexibility for all persons with childcare responsibilities, not just lone parents. For example a lone parent who is claiming Jobseeker’s Allowance, as a direct result of the new regulations, has an option to engage by post if they do not have a reasonable chance of gaining employment due to a lack of affordable and available childcare.

To support Lone Parents in returning to work, the Department has introduced the Return to Work Credit for Lone Parents and the In Work Emergency Fund. Return to Work Credit pays a Lone Parents £40 per week for the first 52 weeks they are in employment. The In Work Emergency Fund allows an Adviser to make one off discretionary payments of up to £300 to Lone Parents to enable them to retain employment.

Advisers are provided with lists of available childcare providers in their area and contact details for Early Years Teams in their local HSS Trusts which is made available to lone parents.

Steps to Work Programme

Ms D Purvis asked the Minister for Employment and Learning how many lone parents participating in Steps to Work have transferred from (i) Income Support; and (ii) Jobseekers Allowance into work. (AQW 2112/10)

Minister for Employment and Learning: The Steps to Work programme was introduced on 29 September 2008.

To date 79 lone parents have transferred from Income Support/Jobseeker's Allowance into work after having participated in Steps to Work. It is not currently possible to provide a separate figure for Income Support and Jobseeker's Allowance.

Swine Flu

Mr J Craig asked the Minister for Employment and Learning (i) what immediate action; and (ii) what follow up action has been taken with staff in colleges who have suspected or confirmed cases of swine flu. (AQW 2165/10)

Minister for Employment and Learning: In line with published official guidance, Colleges have confirmed that any member of staff with suspected swine flu will be advised to stay at home and seek medical advice, as appropriate.

Each College has its own Continuity Plan in place for the Swine Flu Pandemic, which is regularly reviewed to ensure that it continues to reflect official guidance.

Committee on Climate Change

Mr D Ford asked the Minister for Employment and Learning if his Department has sought advice from the Committee on Climate Change with regard to its obligations under the Programme for Government. (AQW 2168/10)

Minister for Employment and Learning: DEL has not sought advice directly from the Committee on Climate Change.

My Department is not in direct control of energy policies in the Government estate and its contribution relates largely to its commitment to relevant more general aspects of Sustainable Development. However, I can confirm that the Department has been instrumental in encouraging Further and Higher Education institutions to move towards carbon neutral buildings .

I acknowledge the importance in principle of reducing NI's carbon footprint and contribution to meeting the UK's climate change targets and my Department will continue to do what it can in support of this agenda.

University of Ulster's Magee Campus

Ms M Anderson asked the Minister for Employment and Learning to provide an assessment of the 'Magee Strategic Development Plan' submitted to his Department on 1 June 2009; and to detail what steps his Department is taking to implement this plan and to relax the 'Maximum Aggregate Student Number' cap as requested by the University. (AQO 294/10)

Minister for Employment and Learning: At the outset, I must stress that it is for the University of Ulster to determine how its Maximum Student Number allocation is divided across the various campuses. My Department cannot intervene in this process. I would also point out that there is no restriction on part-time places at the university.

Members will be aware that finances are particularly difficult at this time. There are many pressures on the public purse and, while I am a strong advocate for the Higher Education sector, I am also mindful of the poor record that Northern Ireland has in essential skills. There is a need to grow apprenticeships to ensure a ready supply of technicians and advanced technicians and, therefore, a need to maintain a balance of provision and funding.

In responding to the Strategic Development Plan for Magee, my Department has indicated that there is no additional money available to support an expansion in student numbers at this time. The Department is, however, prepared to consider developing funding bids as part of the next CSR round.

Until future funding settlements are known, the priority of my Department is to protect, as far as possible, funding for the current Maximum Student Number allocation in Northern Ireland.

Further and Higher Education: Courses

Mr B Wilson asked the Minister for Employment and Learning what measures his Department is taking to encourage Further and Higher Education Institutes to provide courses relevant to the development of a new green economy. (AQO 295/10)

Minister for Employment and Learning: My Department issued guidance to the Further Education Sector on the promotion of Sustainable Development in January 2009. This guidance encouraged Colleges to develop curricula that enabled students to develop the skills and knowledge which would contribute to sustainable development.

In allocating the quality related research funding to the universities, this year I have specifically directed 5% (£2m) of the funding to focus on new projects which encompass the theme of sustainability and alternative/renewable energy sources.

In addition, £3.5 million is being provided to the universities to support similar “green economy” issues, through other research programmes.

Student Fees

Mr P Butler asked the Minister for Employment and Learning when the report on student fees will be made available. (AQO 296/10)

Minister for Employment and Learning: Joanne Stuart, independent chairperson of the review of variable fees and student finance arrangements, is currently finalising her interim report following extensive engagement with stakeholders, including the Northern Ireland political parties.

I expect to receive her report very soon and I will then bring it before the Employment and Learning Committee prior to a public consultation scheduled for later in the year.

Titanic Quarter

Ms D Purvis asked the Minister for Employment and Learning what steps his Department is taking to ensure that the community in East Belfast is participating in, and benefiting from, the Titanic Quarter development, particularly in terms of training, apprenticeships and employment. (AQO 297/10)

Minister for Employment and Learning: My Department continues to be in discussion with Harcourt Construction, the Titanic Quarter developer, individual companies based in the Titanic Quarter and InvestNI regarding their current and future skills needs, to ensure that employers are helped to recruit people with the specific skills they require.

The Department encourages those companies choosing to use its recruitment services to actively consider Employment Service clients who may be unemployed and/or are deemed economically inactive, including those who reside in the local area.

My Department has participated fully in the “Employability” sub-group of the East Belfast Partnership Board. Officials have contributed to the development of an action plan to ensure that job opportunities arising in Titanic Quarter and indeed in other developments in East Belfast are accessible to the local community.

South Eastern Regional College: Courses

Mr K McCarthy asked the Minister for Employment and Learning why the Bachelor of Sciences Honours degree in Social Work has been withdrawn from the South Eastern Regional College, Newtownards. (AQO 298/10)

Minister for Employment and Learning: The University of Ulster delivers its three-year Bachelor of Science Honours Social Work programme at its Magee Campus and in collaboration with four Regional Further Education Colleges. The Northern Ireland Social Care Council has undertaken two major reviews which will impact on the future delivery and content of the degree, including a future requirement for a part time route to qualification.

The decision to withdraw provision from the South Eastern Regional College was prompted by a reconfiguration of the existing overall numbers to ensure a more equitable geographical spread of places across Northern Ireland, to widen participation and to prioritise the centres with the highest level of applications. This approach has been agreed with the Department of Health, Social Services and Public Safety and the Northern Ireland Social Care Council.

Student Loans

Mr A Maginness asked the Minister for Employment and Learning what steps he has taken to assist those students who were affected by the delays in student loan payments; and to detail any discussions he has held with the Student Loans Company to ensure that payments are made on time in future. (AQO 299/10)

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.

Employment Dispute Resolution System

Mr D Kennedy asked the Minister for Employment and Learning to provide an update on the Review of the Northern Ireland Employment Dispute Resolution System. (AQO 301/10)

Minister for Employment and Learning: Public consultation on the review ran for a period of 13 weeks, ending on 4th September 2009. The consultation sought to gather views on a range of topics relevant to employment dispute resolution, and I am delighted to say that there has been a healthy response, with 38 formal submissions received. I would like to thank consultees for their valuable contributions to what has been a very worthwhile and informative process.

Officials from my Department recently gave a presentation to the Employment and Learning Committee outlining progress to date, and I welcome the Committee's offer of further engagement before policy proposals are finalised.

Officials are currently working to analyse responses on behalf of the Consultation Steering Group, representative of the key stakeholder organisations, which I established in May 2008. I would like to pay tribute to the work of the Steering Group, which is due to report on the consultation process in November 2009. I then hope to be in a position to bring a paper to the Executive Committee setting out policy recommendations by the end of the year.

Apprenticeships

Mr K Robinson asked the Minister for Employment and Learning how many people are currently taking part in Programme-Led Apprenticeships. (AQO 302/10)

Minister for Employment and Learning: Between the introduction on 7 September until 6 October 2009 there are 2,666 people taking part in Programme-Led apprenticeships.

DEPARTMENT OF ENTERPRISE, TRADE AND INVESTMENT

Staff Travel Costs: DETI

Mr A Easton asked the Minister of Enterprise, Trade and Investment how much was spent by her Department on staff travel cost claims in the last financial year. (AQW 1970/10)

Minister of Enterprise, Trade and Investment (Mrs A Foster): During 2008/09 DETI paid £271,662 in respect of staff travel claims which included £86,484 paid to staff working in Health and Safety Executive for NI.

During the same period the following amounts were paid by DETI's Non Department Public Bodies in respect of staff travel claims: Invest NI £672,694; Northern Ireland Tourist Board £97,423; and Consumer Council for NI £14,538

Rose Energy Proposal

Mr T Burns asked the Minister of Enterprise, Trade and Investment which part of the Rose Energy proposal meets the 'additionality' criterion required in Invest Northern Ireland's client selection process. (AQW 1997/10)

Minister of Enterprise, Trade and Investment: Invest Northern Ireland applies the additionality criterion each time that support is offered including the potential of support for the Rose Energy project.

The question that must be satisfied is that the project would not or could not proceed without Invest NI financial support.

In each case the criterion is applied to a project as a whole, not discrete parts.

Invest NI publishes a brochure entitled "Assistance for your Business" that contains an explanation of project eligibility criteria and approval process.

Waste Management Facilities

Mr T Burns asked the Minister of Enterprise, Trade and Investment, pursuant to AQW 325/10, if she intends to undertake a formal procurement process to source waste management facilities or solutions for the disposal of chicken litter, to ensure best value is achieved. (AQW 2001/10)

Minister of Enterprise, Trade and Investment: My Department has no plans to undertake a formal procurement process to source waste management facilities or solutions for the disposal of chicken litter at this time.

Invest NI Funding

Mr T Burns asked the Minister of Enterprise, Trade and Investment to confirm if every possible effort is being made to ensure that Invest NI funding in new enterprise is subject to financial scrutiny to ensure public money is well spent. (AQW 2006/10)

Minister of Enterprise, Trade and Investment: Invest NI supports new enterprise in Northern Ireland in a variety of ways including direct financial support to new Northern Ireland start-up companies, the expansions of Northern Ireland businesses and also inward investment projects. Invest also runs a number of programmes to stimulate enterprise and entrepreneurship across the region.

All Invest NI funding, whether offered directly to businesses or committed to the delivery of enterprise programmes, is subject to proportionate appraisal (often independent of Invest NI) which must conclude that the proposed funding offers value for money.

Depending on the scale of funding proposed towards an initiative, commitment of Invest NI's funds may, in addition to its own internal approval mechanisms, require the consent from DETI's Minister or that of the Department of Finance and Personnel.

All companies in receipt of financial support are monitored over the lifetime of a project's implementation both in respect of the individual project's progress and the company's financial health. Further, financial support packages to companies and Invest NI enterprise programmes are subject to post project evaluation to determine whether or not value for money was achieved and to learn and disseminate any important lessons for the future.

Blind and Partially-Sighted People: Access to Documents

Mr P Weir asked the Minister of Enterprise, Trade and Investment what provision is made by her Department to make documents accessible to blind and partially-sighted people. (AQW 2044/10)

Minister of Enterprise, Trade and Investment: All DETI documents which are published in hard copy and made available for download on the Department's website include the following or similar message:

"This publication can be made available in alternative formats. To receive copies in alternative formats, such as large print, Braille or audio cassette, or in another language, please contact XXX to discuss your requirements".

Demand for alternative formats has been relatively low to date but any requests received are actioned as quickly as possible. A recent request for an information pack in Braille was delivered within two working days and requests for large print are usually delivered within one day. DETI also gives consideration to proactively producing certain key documents in more accessible formats for people with visual impairments. The Department's current Disability Action Plan has been produced, for example, in a larger print (font 14).

The Department would be happy to discuss these issues with members of the Right to Read alliance.

Employment-Related Projects

Mr S Gardiner asked the Minister of Enterprise, Trade and Investment why her Department spent £116.71 million to assist employment-related projects in Belfast in the past five years, compared to £30.82 million in Craigavon and £2.10 million spent in Banbridge, from an overall total of £377.42 million. (AQW 2054/10)

Minister of Enterprise, Trade and Investment: DETI, through Invest NI, spent the sums outlined in the question because the financially supported-businesses in these areas submitted eligible grant claims that were then duly vouched and paid.

The geographical pattern of expenditure outturn is a direct function of draw down of grants from eligible businesses with active Financial Assistance Agreements with Invest NI.

In addition, higher levels of financial assistance paid are in areas where there are a large number of Invest NI clients. On this point Invest NI has limited scope for 'directing' new investment, including foreign direct investment, to specific areas. In the case of established businesses, reinvestment patterns will almost exclusively be determined by the existing location of the business.

District Council Areas are not self-contained labour markets and a project assisted in a particular location has the potential to create benefits across a much wider area. Northern Ireland is a relatively small place and evidence indicates that many investments draw their workforce from areas beyond constituency and council area boundaries.

In terms of foreign investment, Invest NI's role is to promote Northern Ireland as a whole as an attractive and viable location, capable of providing solutions to the business needs of new investors wishing to establish here in Northern Ireland. Invest NI does not determine locations for visits for a potential investor and the location for an investment project; this decision is taken solely by the investor.

Titanic Centenary: Tourism

Mr S Gardiner asked the Minister of Enterprise, Trade and Investment to detail her Department's plans to maximise the tourist potential of the Titanic centenary. (AQW 2055/10)

Minister of Enterprise, Trade and Investment: One of the Northern Ireland Tourist Board's (NITB) five signature projects, identified in its Strategic Framework for Action 2004-2007, is the Titanic Signature Project (TSP). This project will maximise the tourist potential of all Titanic related attractions, including existing authentic heritage sites and the forthcoming Titanic Signature Building (TSB) due to be completed in 2012 to coincide with and commemorate the Titanic centenary. The Signature Building will be a catalyst to the whole theme of the maritime heritage of the city. It will be the focus of tourism in the Titanic Quarter and complement proposals for industrial and maritime heritage trails.

NITB is working closely with Belfast City Council to support and promote events to commemorate the centenary, which will encourage tourists to visit from all over the world. The draft events programme builds from May 2011, when Titanic was launched in Belfast, to ensure that the full life of Titanic is celebrated and appropriate momentum is built up.

Belfast City Council has developed a Memorandum of Understanding (MOU) with other cities with Titanic links such as Southampton, Cherbourg and Cobh. NITB is actively supporting this MOU which encourages 'Titanic cities' to reap the benefits of partnership working in terms of creating a fitting commemorative programme for the centenary, economies of scale in marketing and promotion.

NITB are also in the final stages of developing a Titanic focused marketing and communications strategy, to ensure that the tourist potential of the centenary and beyond is captured. It is vital that the world is made fully aware that Titanic was built in Belfast – to encourage them to visit not only to commemorate the historical past but to also take an innovative look at how the past informed the present and is driving our future.

Tourism Ireland (TIL) also features Northern Ireland prominently across all markets in its extensive destination marketing programme. TIL will work closely with NITB and the industry in Northern Ireland to maximise the tourism potential of the Titanic centenary. TIL has identified a range of overseas promotional opportunities for Titanic in Belfast in the lead up to the Titanic centenary, including, for example, a mobile exhibition, a feature in the Tourism Ireland market books and a series of broadcasts to mark the centenary itself. These will be implemented in accordance with the communications strategy currently being finalised by NITB.

Titanic Related Tourism

Mr S Gardiner asked the Minister of Enterprise, Trade and Investment to detail any market research undertaken by her Department or its agencies in relation to the demand from international visitors for Titanic related tourism. (AQW 2056/10)

Minister of Enterprise, Trade and Investment: In 2006 NITB commissioned market research which revealed a considerable level of interest in the Titanic Signature Project among potential international visitors from the Republic of Ireland and GB. Their expectations of the concept were high, particularly the attraction of the proposed building and the way it would relay the Titanic story through interactive elements and the story being told from the real-life perspectives of those involved. The research concluded that there is definite potential for the project to encourage Republic of Ireland residents to make more frequent visits to Belfast and that it could play a key role in attracting visitors from GB to Belfast.

This market research involved testing the initial concepts for the Titanic Signature Project through focus groups, carried out by an independent market research agency. This research included focus groups in the Northern Ireland market and has not been implemented among potential international visitors beyond GB and Republic of Ireland.

This research enabled the design team to further develop concepts for the overall project and the exhibition galleries taking consumer perceptions into account and assisted in the development of the marketing strategy for the project.

NITB also commissioned an independent external provider to develop projected visitor numbers to the Titanic Signature Project. This was based on forecasts for growth of domestic and international visitors to Northern Ireland and their potential levels of visitation to the project. This projected that up to 400,000 domestic and international visitors will come to see the Titanic attraction element within the Titanic Signature Building. The

building will be capable of handling around 900,000 visitors per annum including those who will be availing of the banqueting facilities.

Productivity of the International Offices: DETI

Mr S Gardiner asked the Minister of Enterprise, Trade and Investment to assess the relative productivity of the international offices operated (i) directly by her Department and (ii) by external local agencies. (AQW 2057/10)

Minister of Enterprise, Trade and Investment:

- (i) My Department operates no international offices.
- (ii) External Local Agencies – Invest NI – See Below:

International offices and representatives

Invest NI currently has a network of 11 offices located outside Northern Ireland:

- Invest NI has a network of Foreign Direct Investment (FDI) offices located in North America (Boston, New York, San Jose), Europe (London, Brussels, Dublin) and South Asia (Mumbai). These offices focus on promoting Northern Ireland as a location capable of providing solutions to the business needs of new investors.
- Invest NI operates Trade Development Centres in Boston, Dubai, Mumbai, Dusseldorf, Taipei and Shanghai which provide practical assistance to Northern Ireland companies seeking to develop and secure new business and strategic business partnerships in those markets. These offices are responsible for developing trade opportunities for Northern Ireland companies and strengthen R&D technology link. FDI is outside the scope of these offices.
- The above offices are directly managed by Invest NI and staffed by a combination of Invest NI staff, locally engaged staff and service providers/contractors.

Invest NI also has a part-time representative in Tokyo who focuses on promotional activities.

In Seoul, Invest NI has a part-time representative who focuses on promoting technology development and university links. Again, FDI is outside the scope of this representative.

Inward investment

Inward investment is the culmination of a process involving the participation of many Invest NI teams, often from across different offices. As such, it is not possible to align each investment with a particular office. The tables below detail the number of jobs promoted and planned investment in the last five financial years by source region.

2004-05

	Offers	New Jobs Promoted	Safeguarded Jobs	Planned Investment £'m
Continental Europe	6	181	133	11.86
Great Britain	8	1,154	12	36.56
North America	17	1,044	785	123.36
Republic of Ireland	16	238	382	22.61
India	2	850	0	15.22
Asia Pacific	2	0	0	0.06
Total	51	3,467	1,312	209.67

2005-06

	Offers	New Jobs Promoted	Safeguarded Jobs	Planned Investment £'m
Continental Europe	3	641	278	73.26
Great Britain	11	670	33	27.12
North America	10	1,412	2,812	211.53

	Offers	New Jobs Promoted	Safeguarded Jobs	Planned Investment £'m
Republic of Ireland	5	179	95	32.98
India	1	158	0	7.43
Asia Pacific	1	40	63	9.88
Total	31	3,100	3,281	362.20

2006-07

	Offers	New Jobs Promoted	Safeguarded Jobs	Planned Investment £'m
Continental Europe	3	398	90	15.66
Great Britain	4	93	0	5.90
North America	8	885	93	60.89
Republic of Ireland	8	818	21	47.42
India	3	1,227	0	42.70
Asia Pacific	1	30	0	3.23
Total	27	3,451	204	175.80

2007-08

	Offers	New Jobs Promoted	Safeguarded Jobs	Planned Investment £'m
Continental Europe	3	298	276	35.70
Great Britain	7	308	67	12.32
North America	14	422	1,102	119.56
Republic of Ireland	7	324	30	41.09
India	2	834	0	19.96
Asia Pacific	2	552	0	27.50
Total	35	2,738	1,475	256.13

2008-09

	Offers	New Jobs Promoted	Safeguarded Jobs	Planned Investment £'m
Continental Europe	6	775	2	85.67
Great Britain	12	262	3	17.02
North America	11	1,667	0	574.81
Republic of Ireland	13	1,345	152	107.38
India	0	0	0	0
Asia Pacific	1	6	0	0.39
Total	43	4,055	157	785.27

TOTAL 2004/05 - 2008/09

	Offers	New Jobs Promoted	Safeguarded Jobs	Planned Investment £'m
Continental Europe	21	2,293	779	222.14
Great Britain	42	2,487	115	98.91
North America	60	5,430	4,792	1,090.15
Republic of Ireland	49	2,904	680	251.48
India	8	3,069	0	85.31

	Offers	New Jobs Promoted	Safeguarded Jobs	Planned Investment £'m
Asia Pacific	7	628	63	41.07
Total	187	16,811	6,429	1,789.06

Notes:

1. Figures include offers of assistance towards both first-time inward investments and reinvestments by existing externally-owned clients.
2. New jobs promoted represent the number of jobs expected to be promoted by the project.
3. Safeguarded jobs represent the number jobs that would have been lost if the project was not supported.
4. Total planned investment includes planned investment by the client and total assistance offered by Invest NI.

Blind and Partially-Sighted People: Access to Services

Mr P J Bradley asked the Minister of Enterprise, Trade and Investment what steps have been, or will be, taken by her Department to ensure that the same level of service is provided to blind and partially-sighted people as that provided to fully-sighted people. (AQW 2085/10)

Minister of Enterprise, Trade and Investment: In line with the Department's obligations under the Disability Discrimination Act and Section 75 of the Northern Ireland Act 1998, DETI is committed to providing a high quality service to all customers, including those with disabilities. Key customer-facing areas of DETI have met with disability organisations to discuss the provision of information and services to people with a disability, including those with a visual impairment. DETI's Consumer Affairs Branch officials have, for example, met with the Royal National Institute of Blind People (RNIB) and with a number of local groups for the blind in Belfast, Banbridge, Bangor and Newtownards to provide information on basic consumer rights and the work of Trading Standards Service (TSS) and to offer TSS assistance to help resolve any consumer complaints.

Information packs relating to public appointments, in addition to stating that alternative formats can be made available upon request, state that "All reasonable adjustments will be made to accommodate the needs of applicants/candidates with a disability". Appropriate assistance was made available to an applicant with a visual impairment who attended for interview earlier this year.

The potential for further action will be explored, in liaison with the local disability organisations, including members of the Right to Read alliance, as part of the development of future DETI Disability Action Plans.

Northern Ireland Tourist Board's New Corporate Campaign

Mr L Cree asked the Minister of Enterprise, Trade and Investment, in relation to the Northern Ireland Tourist Board's new corporate campaign, to detail (i) above and below the line promotional and advertising costs; (ii) the estimated benefits to the economy; and (iii) the estimated number of visitors expected from each target market. (AQW 2094/10)

Minister of Enterprise, Trade and Investment:

- (i) The Northern Ireland Tourist Board (NITB) has recently launched an autumn consumer marketing campaign in both the Northern Ireland (NI) and Republic of Ireland (ROI) markets. This campaign aims to improve perceptions of NI as a place to visit for a short break or day trip and ultimately increase visitor numbers and revenue to NI, from these key markets for which NITB has responsibility. The campaign expenditure has been projected at £1,337,205. The campaign activity is primarily above the line, although there are also crucial below the line elements designed to underpin the core activity. The projected split in activity is as follows: c£1.265million above the line and c£72k below the line. The above the line activity includes TV, Radio, Press, Outdoor and Online advertising, while our below the line activity includes shopping centre promotions, direct mail (on & offline) and promotional collateral. This media mix has been selected and developed using Target Group Index (TGI) planning software to identify those media platforms most relevant to our core audiences.

This expenditure forms part of an annual marketing campaigns budget of £4m across both markets. In addition this campaign activity is supplemented by a rolling programme of below the line PR activity in both NI and ROI aimed at addressing lingering perception issues.

[Note the split between above and below the line is an estimate, as some costs associated with the campaign cut across all platforms.]

- (ii) A full evaluation of the campaign will be produced upon completion of the activity. This will provide a detailed insight into the impact of the campaign both in terms of perception change, visitors and revenue generated as well as an overall estimate of return on investment.

Evaluation of NITB's recent marketing activity shows encouraging results, the spring 2009 campaign (also targeting both NI & ROI residents) generated £18.4million revenue, which represented a return of £7.92 for each £1 of investment based on an expenditure of £2.327million. The summer 2009 campaign which focused on ROI residents generated £10.6million revenue, which represented a return of £13 for each £1 of investment based on an expenditure of £820,000.

- (iii) The campaign forms part of NITB's ongoing efforts to contribute to growth in the Northern Ireland and ROI markets. A rolling programme of market activity is implemented across the year. Following very positive growth in 2008, NITB has set targets to increase the number of holiday visitors from the Republic of Ireland by 25% in 2009. Domestic holidays are targeted to recover from recent declines and grow by 5% in 2009.

NITB also carries out 'Gateway' marketing campaigns aimed at influencing those visitors from GB and overseas entering the island of Ireland via the Republic of Ireland to travel to Northern Ireland during their stay. This activity takes place at key tourist sites and points of entry and is concentrated around the summer months which is the key period for these visitors.

Go for It Programme

Mr L Cree asked the Minister of Enterprise, Trade and Investment, in relation to the Go for It programme, to detail (i) the estimated uptake in the next 18 months, by constituency; and (ii) the anticipated return to the economy. (AQW 2097/10)

Minister of Enterprise, Trade and Investment: The table below shows the projected uptake of lead in assessment meetings by parliamentary constituency for the Go For It programme until March 2011 (programme end date).

All programme participants who wish to proceed with a business start idea receive an initial assessment with a business advisor to determine their needs and develop an appropriate programme path.

As the programme only commenced in April 2009, the projected outturns are based on trends to date and take account of seasonal factors where relevant.

The projections below take account of the number of lead-in assessment meetings only as the programme is still not embedded enough to have visibility on conversion right through to start-up. However, KPMG and Oxford Economics as part of their Monitoring Agent role, are currently examining this area in more depth for Invest NI.

Parliamentary constituency	Apr – Sep 09	Oct 09 – March 2011	Total Apr 09 – March 2011	% of Northern Ireland
Belfast East	269	1,061	1,330	5.51%
Belfast North	237	575	812	3.36%
Belfast South	199	1,370	1,569	6.51%
Belfast West	495	1,238	1,733	7.18%
East Antrim	236	1,149	1,385	5.74%
East Londonderry	261	840	1,101	4.56%
Fermanagh & South Tyrone	351	1,304	1,655	6.86%
Foyle	294	928	1,222	5.07%
Lagan Valley	241	707	948	3.93%
Mid Ulster	257	1,149	1,406	5.83%
Newry & Armagh	398	1,591	1,989	8.25%

Parliamentary constituency	Apr – Sep 09	Oct 09 – March 2011	Total Apr 09 – March 2011	% of Northern Ireland
North Antrim	251	818	1,069	4.43%
North Down	202	464	666	2.76%
South Antrim	336	1,017	1,353	5.61%
South Down	218	641	859	3.56%
Strangford	431	1,326	1,757	7.28%
Upper Bann	399	1,216	1,615	6.69%
West Tyrone	328	1,326	1,654	6.86%
Northern Ireland	5,403	18,719	24,122	100.00%

Whilst it is too early to report on any of the economic impacts of the programme, its key target will be the creation of 3,800 new business starts that will lead to the creation of 4,940 new jobs for the local economy. The programme will also provide support to 800 existing businesses to aid growth potential. This growth drive will be in both home and export markets leading to increased employment and sales.

A key focus is on the development of the skills and capacity of business owners in Northern Ireland as well as promoting social inclusion and equality of access to underrepresented or disadvantaged groups. This Pre-Start stage will offer specific support to over 5,000 individuals to improve confidence, capability and drive to take a business idea forward, which will contribute to stimulating economic growth in deprived areas.

Media Training for Departmental Staff

Mr T Lunn asked the Minister of Enterprise, Trade and Investment how much her Department has spent on media training for staff in each of the last five financial years. (AQW 2128/10)

Minister of Enterprise, Trade and Investment: The amounts spent by the Department of Enterprise Trade and Investment including its NDPBs in each of the last five financial years on media training is as follows:

2008/09	£ 6,761
2007/08	£ 7,873
2006/07	£ 7,724
2005/06	£ 705
2004/05	£12,250

Invest NI: Proof of Concept Programme

Mr S Gardiner asked the Minister of Enterprise, Trade and Investment what proportion of its overall budget has Invest NI spent on the Proof of Concept programme in the last three years. (AQW 2143/10)

Minister of Enterprise, Trade and Investment: Summary of Proof of Concept programme budget/ expenditure as compared to the overall Invest NI budget/ expenditure is as follows:

Year	Overall INI budget/expenditure	PoC budget/expenditure	
2007/08	£130M (expenditure)	£1.435M (expenditure)	1.10%
2008/09	£129M (expenditure)	£0.549M (expenditure)	0.40%
2009/10	£179M (budget)	£2.5M (budget)	1.14%

Invest NI: Proof of Concept Programme

Mr S Gardiner asked the Minister of Enterprise, Trade and Investment how many jobs were created in the 57 firms supported by Invest NI's Proof of Concept programme in the last 2 years. (AQW 2144/10)

Minister of Enterprise, Trade and Investment: The objective of the Proof of Concept programme is to increase the level and quality of commercialisation of research carried out within Northern Ireland's Universities and Research Institutes through the provision of funding for early stage development activity. It is not a job creation programme and is not open to businesses.

Employment-Related Projects

Mr S Gardiner asked the Minister of Enterprise, Trade and Investment why Invest NI spent only 1.8% of its budget on assistance to employment-related projects in Banbridge, which is the fastest growing town in Northern Ireland. (AQW 2146/10)

Minister of Enterprise, Trade and Investment: Invest NI has limited scope for 'directing' investment to specific areas and assistance patterns are demand-led by businesses wishing to improve their competitiveness and gain a larger share of international markets. In the case of established businesses, reinvestment patterns will usually be determined by the existing location of the business.

Individual cities and towns are not self-contained labour markets and a project assisted in a particular location has the potential to create benefits across a much wider area. Northern Ireland is a relatively small place and evidence indicates that many investments draw their workforce from areas beyond their immediate location.

In terms of foreign investment, Invest NI's role is to promote Northern Ireland as a whole as an attractive and viable location, capable of providing solutions to the business needs of new investors wishing to establish here in Northern Ireland. Invest NI does not determine locations for visits for a potential investor and the location for an investment project; this decision is taken solely by the investor. Invest NI does, however, work closely with the company when preparing a draft visit programme to ensure that the locations to be visited meet their requirements and also provide the best opportunity for Invest NI to sell the Northern Ireland proposition.

Committee on Climate Change

Mr D Ford asked the Minister of Enterprise, Trade and Investment if her Department has sought advice from the Committee on Climate Change with regard to its obligations under the Programme for Government. (AQW 2169/10)

Minister of Enterprise, Trade and Investment: The Department of the Environment has lead policy responsibility for Climate Change and is the primary point of contact with the Committee on Climate Change.

To date, the Department of Enterprise, Trade and Investment has not sought advice from the Committee on Climate Change with regard to its obligations under the Programme for Government.

Renewable Energy Targets

Mr P Weir asked the Minister of Enterprise, Trade and Investment to provide an update on his Department's progress in relation to achieving renewable energy targets. (AQO 344/10)

Minister of Enterprise, Trade and Investment: Our renewable energy target is that, by 2012, 12% of our electricity consumption will come from indigenous renewable sources and that, of that renewable element, 15% will be from non-wind sources. By the end of September 2009 we had reached 8.9% on the main target with a 2.4% non-wind contribution.

Presbyterian Mutual Society

Mr G Savage asked the Minister of Enterprise, Trade and Investment (i) on what date did the Financial Services Authority inspect and audit the Presbyterian Mutual Society; and (ii) to detail the results. (AQW 2384/10)

Minister of Enterprise, Trade and Investment: The Financial Services Authority's (FSA) normal practice is neither to confirm nor deny that it is investigating a particular firm or individual. However, in the light of the information already in the public domain about the FSA's involvement and the public interest in the Presbyterian Mutual Society (PMS), the FSA confirmed in a statement in April of this year that it had investigated the activities of PMS to consider if it was conducting regulated activities without the necessary authorisation or exemption.

The FSA concluded its investigation and decided that the PMS was conducting regulated activities without the necessary authorisation or exemption. However, on the basis of the information available to it, and applying the criteria in the Code for Crown Prosecutors, the FSA decided that it would not be right to take a case against any of those involved in running the PMS. However, the FSA remains in touch with the administrator and, if further information comes to light relating to the issues investigated, the FSA will look into it.

Northern Ireland Tourist Board: Advertising

Mr B Armstrong asked the Minister of Enterprise, Trade and Investment if the NI Tourist Board plans to carry out a public opinion poll on the effectiveness of its new television campaign, to determine public perception, relevance and enthusiasm. (AQO 305/10)

Minister of Enterprise, Trade and Investment: The Northern Ireland Tourist Board evaluates marketing campaign activity on an ongoing basis. As such the autumn campaign, which features a series of new television advertisements, will be evaluated through detailed surveys within the key target markets of Northern Ireland and the Republic of Ireland.

This evaluation will determine both people's perceptions and awareness of the marketing and also the return on investment that it has generated. This evaluation will be carried out independently by a professional research agency.

The evaluation of NITB's most recent campaign in summer 2009 in the Republic of Ireland market identified:

- High levels of recall of promotional activity, with 86% of ROI population recalling at least one advert from the Summer 2009 campaign
- Adverts were reported to be appealing, believable and 2/3 of those surveyed felt that they provided new information about Northern Ireland and 55% felt that they changed the way they thought about Northern Ireland.
- The large majority (89%) felt that the campaign demonstrated that Northern Ireland was 'worth a visit' and that Northern Ireland 'offers a unique and distinctive experience' (63%)
- Those ROI residents who took or planned a short break or day trip as a result of the campaign generated an estimated £10.6 million
- With a total cost of £820,000, this represents a return on investment of £1:£13

Electricity Costs

Mr S Hamilton asked the Minister of Enterprise, Trade and Investment what impact the 40% renewable energy target will have on the cost of electricity for businesses and consumers. (AQO 311/10)

Minister of Enterprise, Trade and Investment: When the Strategic Energy Framework issued for consultation in July 2009, it indicated the estimated cost of the proposed 40% renewable electricity target could be in the region of £99 per household per annum.

However, I am now pleased to be able to report that further detailed analysis of the work on the cost of the renewable electricity target has indicated that the figure is more likely to be around £50 per household per annum.

There still remain issues about how the most vulnerable customers and those in fuel poverty can be helped to deal with increasing fuel costs – and my officials continue to work with DSD counterparts on this matter.

It is more difficult to forecast the impact of increased renewables on business consumers as it is harder to define the average business energy user, but clearly there will be increased costs from increasing the renewables contribution.

However, we should be aware that oil and gas prices are likely to increase in the future as demand continues to increase globally and stocks dwindle. So reducing our dependence on these fuels and increasing our use of renewables should help protect Northern Ireland consumers, across all sectors, from global price fluctuations.

Natural Gas

Mr S Neeson asked the Minister of Enterprise, Trade and Investment what plans her Department has to extend the availability of natural gas. (AQO 312/10)

Minister of Enterprise, Trade and Investment: The Department, in co-operation with the Utility Regulator, has engaged consultants to carry out a study into the technical and economic feasibility of extending the natural gas network to the west and remaining areas of the north-west of Northern Ireland. The consultants report is expected by the end of December 2009.

Additionally, the Department has agreed with the gas industry to establish a Natural Gas Strategic Development Group to consider issues relating to development of the natural gas industry in Northern Ireland.

The Department will continue to consider any application received to extend the natural gas network, and is likely to be supportive of proposals which are economically viable.

Independent Review of Economic Policy

Mr A Bresland asked the Minister of Enterprise, Trade and Investment if any of the recommendations of the Independent Review of Economic Policy build on work being done by Invest NI, and if so, to outline them. (AQO 313/10)

Minister of Enterprise, Trade and Investment: I commissioned the Independent Review of Economic Policy to undertake a root and branch assessment of how we support business in Northern Ireland. The report was published at the end of September 2009, with 58 wide-ranging recommendations.

The report requires careful consideration, and it is for this reason that I have issued the report for a short period of consultation, ending on 16 November 2009.

Now it is important to recognise that the Review Panel states that, while it is possible that performance could and should be improved, DETI and Invest NI are on the right policy path.

Invest NI's primary aim in its 2008-11 Corporate Plan has shifted, in line with the Programme for Government, towards an explicit focus on improving business productivity. The agency has committed to increasing the focus on, and budget directed at, Innovation & R&D and encouraging the development of higher value-added sectors.

Indeed, the Review Panel recognised in their report that the pattern of offers is moving toward these priority areas. In particular, they pointed to the fact that assistance for Innovation and R&D projects in 2008/09 – the first year of the current Corporate Plan – was 20% higher than the preceding years.

However, as I said earlier it is important that the report is given detailed consideration and that we do not jump to any early conclusions.

Short-Term Aid Scheme

Mr G Campbell asked the Minister of Enterprise, Trade and Investment how many companies have been assisted since the introduction of the Short Term Assistance Scheme. (AQO 314/10)

Minister of Enterprise, Trade and Investment: The Short Term Aid Scheme was launched in June to assist businesses to retain key staff while they plan, and where necessary, restructure for the future so that they are ready to take advantage of improved economic circumstances.

The scheme is due to run until 31 December 2010 and to date a total of 23 applications have been approved with financial support totalling £3.3 million.

The Short Term Aid Scheme is designed to assist those businesses that are most in need and that can deliver the greatest return to the NI economy for the support provided. Therefore, the scheme is not just open to Invest NI Clients but to all businesses within the manufacturing and tradable services sectors who can meet, or have the

potential to meet by 31 December 2010, the criteria of a minimum of £100,000 annual turnover, of which 25% (or greater than £250,000) are sales external to Northern Ireland

Invest NI continues to work closely with businesses in investigating the potential options available to address their current needs and has deployed a number of programmes to specifically assist companies through the current economic conditions. These include the Accelerated Support Fund which has offered £3.2 million of support for 101 companies since its launch in September 2008.

Over 100 businesses have also been supported by the Business Improvement through Training Programme in the current financial year, representing a 26% increase when compared to the same period last year.

Fourteen Navigating Challenging Times seminars were held across Northern Ireland for client companies resulting in over 700 businesses registering for free diagnostic support. A further 10 events were also held which targeted the wider business base and which attracted 700 people representing 400 companies.

Saint Patrick Signature Project

Mr W Irwin asked the Minister of Enterprise, Trade and Investment to provide an update on the Saint Patrick's Signature Project and the development of the Saint Patrick's trail. (AQO 315/10)

Minister of Enterprise, Trade and Investment: The Saint Patrick's Trail is a signed driving route from Bangor to Armagh. The route ties together several key Patrician sites which form the basis of the St Patrick's Signature Project. 23 applications for financial assistance to improve access, interpretation and visitor servicing are currently being assessed by NITB who hope to issue Letters of Offer to successful applicants in early 2010.

Renewable Energy

Mr D McClarty asked the Minister of Enterprise, Trade and Investment what plans her Department has to make investment in renewable energy viable in comparison to other fossil fuels. (AQO 316/10)

Minister of Enterprise, Trade and Investment: The Northern Ireland Renewables Obligation (NIRO) continues to be the primary support mechanism for encouraging the generation of electricity from renewable sources. It has successfully helped to double the amount of renewable electricity generated in Northern Ireland over the past 4 years and I am confident that it will continue to enable renewables generation to compete with conventional generation.

My Department is currently consulting on some proposed changes to the NIRO from 2010. That consultation is inviting comments on, among other things, possible alternative methods of supporting the viability of smaller scale renewables generation.

DETI is simultaneously initiating a study into the options for a future support regime – including the NIRO - as we aim to meet challenging 2020 renewables targets.

The main renewables focus has, until now, been on the generation of electricity from renewable sources but my Department is currently also initiating research into the potential for the development of a renewable heat market in Northern Ireland. This research will look into all types of renewable heat and will consider how best a renewable heat market in NI may be encouraged. This work will also help to inform a strategy for developing a renewable heat market in NI.

Presbyterian Mutual Society

Mr D Kennedy asked the Minister of Enterprise, Trade and Investment when a resolution is likely to be agreed with the Treasury concerning the Presbyterian Mutual Society. (AQO 317/10)

Minister of Enterprise, Trade and Investment: As a member of the Ministerial Working Group, I together with my Executive colleagues met with our Westminster counterparts at the Treasury on 14 October 2009 to review progress on finding a solution to help PMS members and to receive an update from officials on progress. The Northern Ireland Executive members of the Group emphasised the need to find an acceptable resolution as quickly as possible. Initial discussions at official level have begun with the local banks and it was highlighted that it would be necessary to progress those talks further.

The outcome of the discussions should be known shortly and I am expecting a full paper on the options open to resolve the PMS problem to be presented to the Ministerial Working Group by early November.

DEPARTMENT OF THE ENVIRONMENT

Community Planning

Ms D Purvis asked the Minister of the Environment to outline his vision for community planning.

(AQW 2082/10)

Minister of the Environment (Mr E Poots): The Executive's vision for local government is one of a strong, dynamic local government creating communities that are vibrant, healthy, prosperous, safe, sustainable and have the needs of all citizens at their core. Community Planning will provide a framework whereby Councils, central government Departments, statutory bodies and other relevant agencies and sectors can work together to develop and implement a shared vision for promoting the well-being of their area based on effective engagement with the community.

Our aim is to put community leadership at the heart of every council, and in the hands of every councillor, bringing together public agencies and key stakeholders to act in partnership to secure excellent and efficient services and to address local problems.

Media Training for Departmental Staff

Mr T Lunn asked the Minister of the Environment how much his Department has spent on media training for staff in each of the last five financial years.

(AQW 2129/10)

Minister of the Environment: The table below gives details of my Department's expenditure on media training for staff for each of the last 5 years.

Media Training	2004/05 £	2005/06 £	2006/07 £	2007/08 £	2008/09 £
Total	4,218	600	1,469	970	4,741

Committee on Climate Change

Mr D Ford asked the Minister of the Environment if his Department has sought advice from the Committee on Climate Change with regard to its obligations under the Programme for Government.

(AQW 2187/10)

Minister of the Environment: No advice has been sought from the Committee on Climate Change by my Department with regard to the Programme for Government.

Current Populations of Plant Species

Mr B Wilson asked the Minister of the Environment what measures are in place to monitor the current populations of plant species listed in Schedule 8, Part 1 of the Wildlife (NI) Order 1985.

(AQW 2210/10)

Minister of the Environment: The Northern Ireland Environment Agency (NIEA) does not routinely monitor all populations of Schedule 8 species. However, many of the species on the current Schedule 8 occur within Areas of Special Scientific interest (ASSI). The selection features for these sites are monitored during the six-yearly ASSI monitoring cycle. Of the 55 species listed in the current Schedule, 49 occur on ASSIs and are monitored as part of this process. Only 6 species do not occur on ASSIs and of these, at least 2 are believed to be extinct. Further ASSI declarations are planned and these will include additional sites for Schedule 8 species.

Many of the plant species listed in Schedule 8 are included in the Northern Ireland Biodiversity Strategy and their recording is encouraged by NIEA through its relationship with various voluntary plant recorders and its partnership with CEDaR, the Centre for Environmental Data and Recording.

DEPARTMENT OF HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

Children Missing from Care

Miss M McIlveen asked the Minister of Health, Social Services and Public Safety how many children have gone missing from care in each Health and Social Care Trust area, in the last six months. (AQW 1785/10)

Minister of Health, Social Services and Public Safety (Mr M McGimpsey): The information requested is not collected centrally.

Recruitment or Retention Difficulties within the Pharmacy Profession

Dr A McDonnell asked the Minister of Health, Social Services and Public Safety if there are any recruitment or retention difficulties within the pharmacy profession, and if so, what steps his Department intends to take to rectify these difficulties. (AQW 1806/10)

Minister of Health, Social Services and Public Safety: My Department is not aware of any widespread regional recruitment or retention difficulties within the Pharmacy profession in the HSC at this time.

Patients in Muckamore Abbey Hospital

Mrs I Robinson asked the Minister of Health, Social Services and Public Safety how many patients resident in Muckamore Abbey Hospital are ready for discharge into the community. (AQW 1813/10)

Minister of Health, Social Services and Public Safety: There are currently 20 patients who have received treatment and are now awaiting discharge.

In addition there are 174 patients in long term wards currently awaiting resettlement to ensure that by 2013 no-one with a learning disability remains unnecessarily in hospital.

Province of Ulster Air Ambulance Helicopter

Mr A Easton asked the Minister of Health, Social Services and Public Safety if he will sanction the Ambulance Service Trust opening discussions with regard to the use of the Province of Ulster Air Ambulance helicopter. (AQW 1819/10)

Minister of Health, Social Services and Public Safety: It is entirely a matter for the ambulance service to decide if a meeting with any organisation is necessary or appropriate. I understand that senior NIAS managers have already met representatives of the Province of Ulster Air Ambulance.

Hospital Beds

Mr A Easton asked the Minister of Health, Social Services and Public Safety how many hospital beds there are in the Health Service. (AQW 1823/10)

Minister of Health, Social Services and Public Safety: Data relating to the number of available hospital beds is published annually and can be found online at the following link:

http://www.dhsspsni.gov.uk/index/stats_research/stats-activity_stats-2/hospital_statistics.htm.

Flu Vaccination

Mr A Easton asked the Minister of Health, Social Services and Public Safety the percentage uptake of the flu vaccination by Health Service staff last year. (AQW 1824/10)

Minister of Health, Social Services and Public Safety: The 2008 percentage uptake of the seasonal flu vaccination by Health Service staff was 8.27% as at 31 December 2008. While the figures for 2009 are not yet available early indications suggest the 2009 seasonal flu vaccination programme uptake will be higher this year.

Funding for Home Start

Mr D McNarry asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 841/10, for his assessment of the adequacy of funding allocated by the Health and Social Care Board for Home Start in (i) Ards; (ii) the Peninsula; and (iii) Comber, in each of the next three years. (AQW 1828/10)

Minister of Health, Social Services and Public Safety: The Department of Health, Social Services and Public Safety is committed to providing project funding to Home Start Ards, Comber and the Peninsula Area at its current level until 31st March 2011. However, any allocation of funds beyond March 2011 is dependent on the outcome of the new Comprehensive Spending Review, work on which will get under way in the early part of next year.

Contracted Costs

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety what was the anticipated contracted cost for (i) clinical chemistry tests (analysers and consumables only); and (ii) immunoassay tests (analysers and consumables only) in the Northern Health and Social Care Trust in (a) 2004/5; (b) 2005/6; (c) 2006/7; (d) 2007/8; and (e) 2008/9. (AQW 1834/10)

Minister of Health, Social Services and Public Safety: This information is not available.

Clinical Chemistry and Immunoassay Tests

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety how many (i) clinical chemistry; and (ii) immunoassay tests were conducted in the Northern Health and Social Care Trust in (a) 2004/5; (b) 2005/6; (c) 2006/7; (d) 2007/8; and (e) 2008/9. (AQW 1835/10)

Minister of Health, Social Services and Public Safety: Information for 2007/08 and 2008/09 is provided in the table below. Information for the three earlier years, which pre-date the formation of the Northern Trust, is not readily available and could only be provided at disproportionate cost.

	2007/08	2008/09
Clinical Chemistry Tests	4,819,000	5,281,000
Immunoassay Tests	349,000	404,500

Clinical Chemistry and Immunoassay Tests

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety how many (i) clinical chemistry; and (ii) immunoassay tests were anticipated in pre-agreed contracts for the Northern Health and Social Care Trust in (a) 2004/5; (b) 2005/6; (c) 2006/7; (d) 2007/8; and (e) 2008/9. (AQW 1837/10)

Minister of Health, Social Services and Public Safety: This information is not available.

Clinical Chemistry and Immunoassay Tests

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety what was the actual contractual spend for (i) clinical chemistry tests (analysers and consumables only); and (ii) immunoassay tests (analysers and consumables only) in the Northern Health and Social Care Trust in (a) 2004/5; (b) 2005/6; (c) 2006/7; (d) 2007/8; and (e) 2008/9. (AQW 1838/10)

Minister of Health, Social Services and Public Safety: This information is not available.

Equality Impact Assessment Responses

Ms C Ní Chuilín asked the Minister of Health, Social Services and Public Safety (i) to detail the Equality Impact Assessment responses that each Health and Social Care Trust completed on proposed new budgets; and (ii) if he can give assurances that resources will be targeted to meet need. (AQW 1843/10)

Minister of Health, Social Services and Public Safety: In compliance with statutory equality duties all Health and Social Care Trusts are required to routinely equality screen proposed policies to determine if they are likely to have a significant impact on equality of opportunity and should therefore be subject to equality impact assessments. All such assessments are included as part of the trusts' publication schemes and are available on the Trust websites or directly from the Trusts.

Resources are targeted to meet need by my Department through the use of a statistical tool known as the Capitation formula. This formula is updated periodically following research to reflect the latest need variables of the 9 main health and social services programmes of care. The Health & Social Care Board then use the formula, which is updated annually for factors such as deaths, births, changes in population numbers and age profiles, to target their available resources across geographic areas and services. The periodic capitation formula updates also undergo an Equality Impact Assessment.

My Department has a clear strategy to address any over or under funding that exists within the province. This helps to ensure that resources are targeted to where they are needed most.

Emergency Ambulance: Limavady

Mr G Robinson asked the Minister of Health, Social Services and Public Safety to detail (i) the number of call-outs received for the emergency ambulance in Limavady in the last two years; and (ii) the number of these call-outs that were outside the Limavady Council area. (AQW 1846/10)

Minister of Health, Social Services and Public Safety: This information could only be provided at disproportionate cost.

Emergency Ambulance: Limavady

Mr G Robinson asked the Minister of Health, Social Services and Public Safety to outline his plans for the replacement of the emergency ambulance serving the Limavady area. (AQW 1847/10)

Minister of Health, Social Services and Public Safety: The Northern Ireland Ambulance Service (NIAS) has no plans to replace the emergency ambulance based in Limavady Ambulance Station.

Emergency Ambulance

Mr G Robinson asked the Minister of Health, Social Services and Public Safety to outline the criteria that establish the ‘Platinum 10 Minutes’ on emergency ambulance call-outs. (AQW 1848/10)

Minister of Health, Social Services and Public Safety: The “platinum ten minutes” is a concept and not an accepted performance standard for emergency ambulance response.

EU INTERREG IVA

Mrs D Kelly asked the Minister of Health, Social Services and Public Safety for an update on the delivery of EU Interreg IVa, Priority 2, Theme 1 ‘Putting Patients, Clients and their Families First’; and to identify the projects (a) funded (b) agreed; and the time scale for delivery. (AQW 1852/10)

Minister of Health, Social Services and Public Safety: Last year, the Department of Health, Social Services and Public Safety, in partnership with the Department of Health and Children, successfully secured funding through the INTERREG IVA Programme for its Putting Patients, Clients and Families First project.

The project, which covers a range of activities, will be delivered on behalf of both Departments by Cooperation and Working Together (CAWT). A small number of voluntary groups will also be involved in the delivery of some of the strands of activity.

Implementation of the project has just got under way, and it is envisaged that it will take around three years to roll out in full.

Emergency Ambulance Service Call-outs

Mr G Robinson asked the Minister of Health, Social Services and Public Safety to detail the number of emergency call-outs in the Limavady Council area where a rapid response vehicle was the first response vehicle mobilised, in each of the last three years. (AQW 1856/10)

Minister of Health, Social Services and Public Safety: The speed with which an emergency response is mobilised is recorded as an activation time by the Northern Ireland Ambulance Service. The table below shows the number of occasions when an RRV achieved the best activation time.

Year	RRVs achieving quickest activation
2006/07	18
2007/08	62
2008/09	77

It should be noted that NIAS does not deploy a RRV in Limavady and that RRV responses in the area will, therefore, have come from other stations, most likely Altnagelvin.

Fireworks Injuries

Mr A Ross asked the Minister of Health, Social Services and Public Safety how many people (i) under the age of 20; and (ii) aged 20 and over, were injured as a result of fireworks in each of the last five years. (AQW 1857/10)

Minister of Health, Social Services and Public Safety: Information on the number of patients reporting to A&E Departments and Minor Injuries Units with injuries from fireworks, since 2004, over a selected 4-5 week period covering the end of October and start of November (Halloween period) is available in the Annual Northern Ireland Fireworks Injuries Statistics at the following link:

http://www.dhsspsni.gov.uk/index/stats_research/stats-activity_stats-2/firework_statistics.htm

Multiple Sclerosis

Lord Morrow asked the Minister of Health, Social Services and Public Safety (i) to detail the number of people in the Southern Health and Social Care Trust area diagnosed with Multiple Sclerosis broken down by area; and (ii) how many of these cases would be regarded as severe. (AQW 1868/10)

Minister of Health, Social Services and Public Safety: The information requested is not available.

Prescription Charges

Lord Morrow asked the Minister of Health, Social Services and Public Safety, in light of the financial constraints within the Health Service, if he has any plans to review his decision to abolish prescription charges in 2010. (AQW 1869/10)

Minister of Health, Social Services and Public Safety: I have no plans to review my decision to abolish prescription charges from next year.

Inflammatory Bowel Disease Clinics

Mr A Ross asked the Minister of Health, Social Services and Public Safety how many hospitals have Inflammatory Bowel Disease clinics. (AQW 1870/10)

Minister of Health, Social Services and Public Safety: Information on the number of hospitals that have Inflammatory Bowel Disease clinics is not available.

Inflammatory Bowel Disease

Mr A Ross asked the Minister of Health, Social Services and Public Safety how many people are currently diagnosed with Inflammatory Bowel Disease. (AQW 1871/10)

Minister of Health, Social Services and Public Safety: Information on the number of people, who are currently diagnosed with Inflammatory Bowel Disease is not available.

Irritable Bowel Syndrome

Mr A Ross asked the Minister of Health, Social Services and Public Safety how many people are currently diagnosed with Irritable Bowel Syndrome. (AQW 1873/10)

Minister of Health, Social Services and Public Safety: Information on the number of people, who are currently diagnosed with Irritable Bowel Syndrome is not available.

Inflammatory Bowel Disease

Mr A Ross asked the Minister of Health, Social Services and Public Safety how many specialist nurses are trained in Inflammatory Bowel Disease. (AQW 1874/10)

Minister of Health, Social Services and Public Safety: I refer the member to the answer I gave to AQW 1706/10

Sign Language Interpreting Services

Mr T Lunn asked the Minister of Health, Social Services and Public Safety what steps his Department will take to ensure that spending by Health and Social Care Trusts on sign language interpreting services is used to provide interpreters qualified to 'Member of the Register of Sign Language Interpreters' standard. (AQW 1878/10)

Minister of Health, Social Services and Public Safety: Four of the five Health and Social Care Trusts, as well as the Northern Ireland Ambulance Service Trust, already ensure that any interpreters they employ are

Members of the Register of Sign Language Interpreters. In most cases, interpreting services are contracted through organisations such as the Royal National Institute for the Deaf (RNID) and 'Hands That Talk'.

The Western Health and Social Care Trust currently has a service level agreement with 'Hands That Talk', who employ 11 interpreters who are Members of the Register of Sign Language Interpreters, and an additional 5 who have recently completed the Junior Training Interpreting course (one step away from MRSLI). 'Hands That Talk' aim to have a further 12 interpreters qualified to MRSLI standards by 2012.

Care Matters in Northern Ireland – A Bridge to a Better Future' Consultation

Mr B McElduff asked the Minister of Health, Social Services and Public Safety when he will publish the findings of the 'Care Matters in Northern Ireland – A Bridge to a Better Future' consultation, which opened in March 2007. (AQW 1879/10)

Minister of Health, Social Services and Public Safety: Following endorsement of the Care Matters in Northern Ireland strategy at a meeting of the Executive on 10th September, my Department intends to publish the findings of the Care Matters in Northern Ireland consultation shortly.

Autistic Spectrum Disorder Strategic Plan

Mr M Durkan asked the Minister of Health, Social Services and Public Safety to detail (i) the spending profile for the additional £2.02 million allocated to the Autistic Spectrum Disorder Strategic Plan; and (ii) the total funding available for implementation of the plan. (AQW 1882/10)

Minister of Health, Social Services and Public Safety: An additional £2.02m has been secured specifically for autism services over the next three years. This additional funding will support Trusts in the implementation of the actions outlined in the ASD Strategic Action Plan.

This funding is part of the £17 million secured as part of the Comprehensive Spending Review allocation for learning disability services. This £17m includes general investment in areas such as respite care which will also benefit those affected by autism.

Emergency Ambulance Call-outs

Mr G Robinson asked the Minister of Health, Social Services and Public Safety to detail (i) the number of call-outs received for the emergency ambulance in Limavady in the last three years; (ii) the number of these call-outs that were within the Limavady Council area; and (iii) the number of these calls within the City of Londonderry. (AQW 1885/10)

Minister of Health, Social Services and Public Safety: This information could only be provided at disproportionate cost.

Abortion Guidelines

Mr P Weir asked the Minister of Health, Social Services and Public Safety to outline the circumstances, under current guidelines, in which a hospital can refuse to perform an abortion. (AQW 1891/10)

Minister of Health, Social Services and Public Safety: In Northern Ireland, the only grounds for a termination of pregnancy are where the continuance of the pregnancy threatens the life of the mother, or would adversely affect her physical or mental health. In any other circumstances, where an abortion is sought, hospitals in Northern Ireland must refuse to perform the termination. The adverse effect on her physical or mental health must be 'real and serious', and must also be 'permanent or long term'.

Abortion Guidelines

Mr P Weir asked the Minister of Health, Social Services and Public Safety what provision there is within recently published guidelines for doctors to refuse to perform an abortion on the grounds of conscientious objection. (AQW 1892/10)

Minister of Health, Social Services and Public Safety: In Northern Ireland, there is no legal right to refuse to take part in a termination of pregnancy. However, my Department recognises that no-one should compel staff to actively participate in a termination of pregnancy and section 4 of the Guidance provides guidance to HSC Trusts and staff on conscientious objection in these circumstances.

Abortion Guidelines

Mr P Weir asked the Minister of Health, Social Services and Public Safety what assurances he can give that the current abortion guidelines do not widen the use of abortion. (AQW 1893/10)

Minister of Health, Social Services and Public Safety: In Northern Ireland, the only grounds for a termination of pregnancy are where the continuance of the pregnancy threatens the life of the mother, or would adversely affect her physical or mental health. The adverse effect on her physical or mental health must be 'real and serious', and must also be 'permanent or long term'.

My Department's Guidance on the Termination of Pregnancy: The Law and Clinical Practice in Northern Ireland does not, nor can it, change the law relating to the termination of pregnancy in Northern Ireland.

Abortion Guidelines

Mr P Weir asked the Minister of Health, Social Services and Public Safety what provision exists in the current abortion guidelines to ensure the protection of vulnerable disabled babies. (AQW 1894/10)

Minister of Health, Social Services and Public Safety: In Northern Ireland, the only grounds for a termination of pregnancy are where the continuance of the pregnancy threatens the life of the mother, or would adversely affect her physical or mental health. The adverse effect on her physical or mental health must be 'real and serious', and must also be 'permanent or long term'.

Fetal abnormality is not recognised as a ground for termination of pregnancy in Northern Ireland. It will only be lawful to terminate a pregnancy in the case of actual or possible fetal abnormality if the continuance of the pregnancy threatens the life of the woman, or would adversely affect her physical or mental health. As in other cases, the adverse effect on the woman's physical or mental health must be a real and serious one, and must also be permanent or long term.

Violence and Abuse Against Hospital Staff

Mr G Campbell asked the Minister of Health, Social Services and Public Safety what action he is taking to protect patients and staff in hospitals against acts or threats of violence and abuse from members of the public. (AQW 1897/10)

Minister of Health, Social Services and Public Safety: All Hospital Trusts operate a robust Zero Tolerance policy to protect both patients and staff against acts of violence or abusive behaviour. This includes dedicated staff training and provision of personal protection alarms. In addition there is also a dedicated senior director in each health and social care organisation who has responsibility for staff safety.

New legislation is being introduced which will allow the removal of individuals who create a nuisance or disturbance from hospital premises.

Health and Social Care Trusts: Cost of Staff Surveys

Mr S Moutray asked the Minister of Health, Social Services and Public Safety to detail the amount spent on staff surveys by his Department and in each Health and Social Care Trust, in each of the last five years.

(AQW 1901/10)

Minister of Health, Social Services and Public Safety: The information requested is not all held centrally and can only be provided at disproportionate cost.

Health and Social Care Trusts: Artworks

Mr S Moutray asked the Minister of Health, Social Services and Public Safety to detail the (i) total amount spent by his Department; and (ii) the amount spent in each Health and Social Care Trust, on artworks in each of the last five years.

(AQW 1902/10)

Minister of Health, Social Services and Public Safety: Nothing has been spent by my Department on artworks in the last five years.

Information on expenditure on artworks by Health and Social Care Trusts is not held centrally.

Heroin Replacement Drugs

Mr D Simpson asked the Minister of Health, Social Services and Public Safety to outline his Department's policy on prescribing heroin replacement drugs.

(AQW 1905/10)

Minister of Health, Social Services and Public Safety: My Department's policy is outlined in The Drug Misuse and Dependence: UK Guidelines on Clinical Management developed for the four UK Health Departments in September 2007. These 2007 Clinical Guidelines provide guidance for all clinicians on the effective management of drug misuse, and are especially intended for those clinicians providing pharmacological interventions for drug misusers as part of their overall treatment for opiate dependence. The guidelines are based on the best available evidence and professional consensus on minimising the harm caused by drug misuse to the person, their family and the public.

Alcohol and Drug Rehabilitation

Miss M McIlveen asked the Minister of Health, Social Services and Public Safety how many residential places are available for (i) alcohol; and (ii) drug, rehabilitation, in each Health and Social Care Trust area.

(AQW 1910/10)

Minister of Health, Social Services and Public Safety: Information on the number of residential places available for (i) alcohol; and (ii) drug, rehabilitation, in each Health and Social Care Trust area is not collected centrally.

Alcohol and Drug Rehabilitation

Miss M McIlveen asked the Minister of Health, Social Services and Public Safety how many non-residential places are available for community based (i) alcohol; and (ii) drug rehabilitation, in each Health and Social Care Trust area.

(AQW 1911/10)

Minister of Health, Social Services and Public Safety: Information on the number of non-residential places available for community based (i) alcohol; and (ii) drug rehabilitation, in each Health and Social Care Trust area is not collected centrally.

Assistance Provided to Carers

Mr J O'Dowd asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 1196/10, how his Department determines the support, advice and assistance provided to carers in the Upper Bann constituency in the absence of any statistical information. (AQW 1919/10)

Minister of Health, Social Services and Public Safety: At regional level, the Health and Social Care Board is responsible, through its Local Commissioning Groups (LCGs), for assessing the health and social care needs of local populations.

At individual level, the Carers and Direct Payments Act (Northern Ireland) 2002 imposed a duty on Health and Social Care (HSC) Trusts to inform carers of their right to an assessment of their own needs, and gave Trusts power to supply services directly to carers. This holistic assessment identifies what information, training or services are required to support the carer in their caring role.

Carers

Mr J O'Dowd asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 1196/10, if his Department holds any statistical information on carers in any of the 18 Assembly constituencies. (AQW 1920/10)

Minister of Health, Social Services and Public Safety: Statistical information on carers is not available in the format requested.

Blind or Partially-Sighted People: Access to Documents

Mr P Weir asked the Minister of Health, Social Services and Public Safety what provision is made by his Department to make documents accessible to partially sighted and blind people. (AQW 1923/10)

Minister of Health, Social Services and Public Safety: Documents can be made available on request in alternative formats for partially sighted and blind people, for example, Braille, Large Print, Moon, Makaton, Easy Read and audio CD/cassette and, if required, in an alternative language. In addition, this information can also be supplied electronically via email as appropriate.

Cost of Drugs

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety what discussions he has had with pharmaceutical companies in relation to reducing the cost of drugs, particularly drugs to treat HIV. (AQW 1927/10)

Minister of Health, Social Services and Public Safety: In December 2008 the Department of Health, acting on behalf of the Health Departments of England, Northern Ireland, Scotland and Wales, agreed with the Association of the British Pharmaceutical Industry a new Pharmaceutical Price Regulation Scheme (PPRS). The PPRS is the UK-wide price regulation scheme for branded prescription medicines supplied to the NHS and applies to all four nations in the UK. The PPRS introduced a price cut of 3.9% from 1 February 2009 with a further cut of 1.9% scheduled for 1 January 2010.

Trusts will take advantage of available discounts when purchasing prescribed medicines including HIV drugs.

Belfast Health and Social Care Trust Contracts

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety how many contracts the Belfast Health and Social Care Trust has with the private sector; (ii) the total cost associated with these contracts; and (iii) why the contracted work cannot be carried out 'in house'. (AQW 1928/10)

Minister of Health, Social Services and Public Safety: It is assumed that the contracts referred to are those that the Belfast Health and Social Care Trust have with Independent Sector healthcare providers.

(i) There are a total of 38 contracts held with Independent Sector Provider organisations.

- (ii) The total cost of these contracts in the current financial year to end August is £12.5m. This is the most recent figure currently available.
- (iii) The Elective Care Reform initiative has meant that Trusts have been asked to treat extra patients to reduce waiting times. Where Trusts have not been able to identify sufficient capacity within their own hospitals to treat all of these patients within the timescales required they have procured additional capacity from the independent sector.

Belfast Health and Social Care Trust: Reduction of Beds

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety for his assessment of the impact of the reduction of 152 beds in the Belfast Health and Social Care Trust on front-line care and waiting times.
(AQW 1936/10)

Minister of Health, Social Services and Public Safety: The proposal for the reduction of 152 beds in Belfast HSC Trust has not been approved.

Swine Flu Vaccinations

Mr J Shannon asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 786/10, what discussions he has had with the Minister of Enterprise, Trade and Investment to ensure that, in prioritising swine flu vaccinations, full consideration is given to the potential impact on self-employed people and the economy from periods of absence from work.
(AQW 1943/10)

Minister of Health, Social Services and Public Safety: I met with the Minister for Enterprise, Trade and Investment, Arlene Foster, on 14 September to discuss Swine Flu and the implications for employers.

The decision to prioritise certain groups of the population was a national decision, based on advice from the Joint Committee on Vaccination and Immunisation. The decision was made on purely clinical grounds, as these groups are at greater risk of developing complications if infected with swine flu virus. Decisions have not been made to vaccinate on business continuity grounds and it is important that the vaccine is not seen as an alternative to robust business continuity planning.

There are no intentions at this stage to prioritise particular occupational groups or businesses for the vaccine. The UK Health Ministers are currently considering the options for extension of the programme beyond the initial priority groups. Advice has been sought from the Joint Committee on Vaccination and Immunisation and the UK Chief Medical Officers to inform decisions.

Erne Hospital: Consultant Posts

Dr K Deeny asked the Minister of Health, Social Services and Public Safety (i) how many consultant posts there are in the Paediatric Department in the Erne Hospital; and (ii) how many of these posts are currently filled.
(AQW 1948/10)

Minister of Health, Social Services and Public Safety: The requested information is provided in the table below.

Erne Hospital Department	Number of consultant posts		Number of consultant posts currently filled	
	Headcount	WTE	Headcount	WTE
Paediatric ¹	4	3.5	5	4.5
Obstetric & Gynaecology ²	4	4.0	4	4.0
Medical	8	8.0	8	8.0
Surgery ³	6	6.0	6	6.0
Accident & Emergency	2	2.0	2	2.0

Source: Western Health & Social Care Trust

Notes:

1. One consultant is working reduced duties and work is currently being supplemented by a full-time long-term NHS locum consultant on a temporary basis.
2. One post in Obstetrics & Gynaecology is being job shared on a trial basis by 2 consultants.
3. One consultant in Surgery is on secondment and their post is being filled by a long-term NHS locum consultant.

Erne Hospital: Consultant Posts

Dr K Deeny asked the Minister of Health, Social Services and Public Safety (i) how many consultant posts there are in the Obstetric and Gynaecology Department in the Erne Hospital; and (ii) how many of these posts are currently filled. (AQW 1950/10)

Minister of Health, Social Services and Public Safety: The requested information is provided in the table below.

Erne Hospital Department	Number of consultant posts		Number of consultant posts currently filled	
	Headcount	WTE	Headcount	WTE
Paediatric ¹	4	3.5	5	4.5
Obstetric & Gynaecology ²	4	4.0	4	4.0
Medical	8	8.0	8	8.0
Surgery ³	6	6.0	6	6.0
Accident & Emergency	2	2.0	2	2.0

Source: Western Health & Social Care Trust

Notes:

1. One consultant is working reduced duties and work is currently being supplemented by a full-time long-term NHS locum consultant on a temporary basis.
2. One post in Obstetrics & Gynaecology is being job shared on a trial basis by 2 consultants.
3. One consultant in Surgery is on secondment and their post is being filled by a long-term NHS locum consultant.

Erne Hospital: Consultant Posts

Dr K Deeny asked the Minister of Health, Social Services and Public Safety (i) how many consultant posts there are in the Medical Department in the Erne Hospital; and (ii) how many of these posts are currently filled. (AQW 1951/10)

Minister of Health, Social Services and Public Safety: The requested information is provided in the table below.

Erne Hospital Department	Number of consultant posts		Number of consultant posts currently filled	
	Headcount	WTE	Headcount	WTE
Paediatric ¹	4	3.5	5	4.5
Obstetric & Gynaecology ²	4	4.0	4	4.0
Medical	8	8.0	8	8.0
Surgery ³	6	6.0	6	6.0
Accident & Emergency	2	2.0	2	2.0

Source: Western Health & Social Care Trust

Notes:

1. One consultant is working reduced duties and work is currently being supplemented by a full-time long-term NHS locum consultant on a temporary basis.
2. One post in Obstetrics & Gynaecology is being job shared on a trial basis by 2 consultants.
3. One consultant in Surgery is on secondment and their post is being filled by a long-term NHS locum consultant.

Erne Hospital: Consultant Posts

Dr K Deeny asked the Minister of Health, Social Services and Public Safety (i) how many consultant posts there are in the Surgery Department in the Erne Hospital; and (ii) how many of these posts are currently filled. (AQW 1952/10)

Minister of Health, Social Services and Public Safety: The requested information is provided in the table below.

Erne Hospital Department	Number of consultant posts		Number of consultant posts currently filled	
	Headcount	WTE	Headcount	WTE
Paediatric ¹	4	3.5	5	4.5
Obstetric & Gynaecology ²	4	4.0	4	4.0
Medical	8	8.0	8	8.0
Surgery ³	6	6.0	6	6.0
Accident & Emergency	2	2.0	2	2.0

Source: Western Health & Social Care Trust

Notes:

1. One consultant is working reduced duties and work is currently being supplemented by a full-time long-term NHS locum consultant on a temporary basis.
2. One post in Obstetrics & Gynaecology is being job shared on a trial basis by 2 consultants.
3. One consultant in Surgery is on secondment and their post is being filled by a long-term NHS locum consultant.

Erne Hospital: Consultant Posts

Dr K Deeny asked the Minister of Health, Social Services and Public Safety (i) how many consultant posts there are in the Accident and Emergency Department in the Erne Hospital; and (ii) how many of these posts are currently filled. (AQW 1953/10)

Minister of Health, Social Services and Public Safety: The requested information is provided in the table below.

Erne Hospital Department	Number of consultant posts		Number of consultant posts currently filled	
	Headcount	WTE	Headcount	WTE
Paediatric ¹	4	3.5	5	4.5
Obstetric & Gynaecology ²	4	4.0	4	4.0
Medical	8	8.0	8	8.0
Surgery ³	6	6.0	6	6.0
Accident & Emergency	2	2.0	2	2.0

Source: Western Health & Social Care Trust

Notes:

1. One consultant is working reduced duties and work is currently being supplemented by a full-time long-term NHS locum consultant on a temporary basis.
2. One post in Obstetrics & Gynaecology is being job shared on a trial basis by 2 consultants.
3. One consultant in Surgery is on secondment and their post is being filled by a long-term NHS locum consultant.

Blind or Partially-Sighted People: Access to Hospital Information

Mr A Easton asked the Minister of Health, Social Services and Public Safety what arrangements are in place for blind or partially-sighted people who are unable to read appointment cards or letters from hospitals. (AQW 1972/10)

Minister of Health, Social Services and Public Safety: Health and Social Care Trusts are engaged in ongoing work with the Patient Administration System to provide appointment information in the most accessible and suitable format to meet the needs and preferences of patients who are known to be visually impaired. This

includes: direct telephone contact with the patient; the provision of appointment cards in large print, Braille or Moon; the transcription of appointments and letters onto audio CD/cassette; or the use of email.

Hospital Re-Admissions

Mr A Easton asked the Minister of Health, Social Services and Public Safety how many people have been discharged from hospital and then re-admitted, with the same condition, having been discharged too soon, in each of the last three years. (AQW 1973/10)

Minister of Health, Social Services and Public Safety: The Information requested is not available.

Surgical Site Infections

Mr G Robinson asked the Minister of Health, Social Services and Public Safety how many patients have been re-admitted to hospital with surgical site infections in each of the last five years. (AQW 1974/10)

Minister of Health, Social Services and Public Safety: Information on the number of patients that have been re-admitted to hospital with surgical site infections in each of the last five years is not available.

Antisocial Behaviour

Lord Morrow asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 941/10, to detail the role played by his Department when a minor has been involved in antisocial behavior and cannot be dealt with by the PSNI. (AQW 1979/10)

Minister of Health, Social Services and Public Safety: The PSNI, Public Prosecution Services and the Courts are the agencies with primary responsibility for dealing directly with young people who engage in anti-social behaviour. I am not aware of any circumstances in which antisocial behaviour cannot be responded to by the PSNI.

Ambulance and Rapid Response Vehicle Provision

Mr A Attwood asked the Minister of Health, Social Services and Public Safety to detail (i) the ambulance; and (ii) rapid response vehicle provision throughout west Belfast, including Falls, Anderstown and Colin; and including details of where they are stationed. (AQW 1980/10)

Minister of Health, Social Services and Public Safety: The Northern Ireland Ambulance Service (NIAS) deploys its emergency response resources using a dynamic tactical deployment plan to ensure that the nearest resource responds to an emergency call. This means that the response to an emergency call in particular areas might not necessarily be provided by the emergency response resource based in those areas.

While the nearest ambulance stations to the west Belfast area are at Ardoyne, with 3 A&E ambulances and 2 rapid response vehicles (RRVs), and Broadway, with 5 A&E ambulances and 2 RRVs, responses may also originate from other Belfast ambulance stations at Purdysburn or Bridge End (Ballymacarrett) and deployment points at Ballyowen Health Centre, Forster Green Hospital and Carryduff. In addition, responses might also originate from stations and deployment points in the adjacent South Eastern and Northern Health and Social Care Trust areas.

ME/Chronic Fatigue Syndrome

Mr J Craig asked the Minister of Health, Social Services and Public Safety how many people have been diagnosed with ME or Chronic Fatigue Syndrome in each Health and Social Care Trust area in each of the last ten years. (AQW 1982/10)

Minister of Health, Social Services and Public Safety: The information requested is not available

Tracheotomy Beds

Mrs I Robinson asked the Minister of Health, Social Services and Public Safety how many tracheotomy beds there are in the head injuries unit of Thompson House Hospital in Lisburn; and if these beds are divided amongst the Health and Social Care Trusts. (AQW 1987/10)

Minister of Health, Social Services and Public Safety: Thompson House Hospital currently has three beds used for tracheotomy patient care within the severe brain injury unit in the hospital.

The beds are not divided amongst the Health and Social Care Trusts but are allocated on the basis of a comprehensive application and screening assessment process, based on the patients assessed needs and multi-professional decision making.

Injuries Resulting from Lifting Patients

Miss M McIlveen asked the Minister of Health, Social Services and Public Safety how many (i) nurses; and (ii) other Trust employees have sustained an injury while lifting patients, in each Health and Social Care Trust, in each of the last five years. (AQW 1996/10)

Minister of Health, Social Services and Public Safety: Information on the number of injuries sustained by HSC staff while lifting patients is not collected centrally and could only be provided at disproportionate cost.

Injuries Resulting from Lifting Patients

Miss M McIlveen asked the Minister of Health, Social Services and Public Safety how many (i) nurses; and (ii) other Trust employees, have left the Trust due to long-term injuries sustained whilst lifting patients, in each Health and Social Care Trust, in each of the last five years. (AQW 1998/10)

Minister of Health, Social Services and Public Safety: This information is not available centrally and could only be provided at disproportionate cost.

Injuries Resulting from Lifting Patients

Miss M McIlveen asked the Minister of Health, Social Services and Public Safety how many working days were lost in each Health and Social Care Trust through staff absence as a result of injuries sustained whilst lifting patients, in each of the last five years. (AQW 2000/10)

Minister of Health, Social Services and Public Safety: Information on number of sick days taken by HSC staff with regard to specific work related injuries is not collected centrally and could only be provided at disproportionate cost.

Delays for Ambulances: A6

Mr P McGlone asked the Minister of Health, Social Services and Public Safety what evaluations his Department has undertaken on delays for ambulances bound for Antrim Area Hospital along the A6 between Toome and the M2. (AQW 2005/10)

Minister of Health, Social Services and Public Safety: The evaluation of traffic conditions affecting emergency ambulance response is a matter for the Northern Ireland Ambulance Service.

Terminations of Pregnancies

Mr P Ramsey asked the Minister of Health, Social Services and Public Safety how many terminations of pregnancies have been carried out in the last five years broken down by the reasons for the terminations. (AQW 2010/10)

Minister of Health, Social Services and Public Safety: The number of terminations of pregnancies (medical abortion) carried out in each of the last five years are;

Year	Terminations
2003/04	67
2004/05	64
2005/06	80
2006/07	79
2007/08	92

Source: Hospital Inpatient System

Information is not available on the reasons for the terminations.

Staff Employed in the Belfast Health and Social Care Trust: Staff Reductions

Ms C Ní Chuilín asked the Minister of Health, Social Services and Public Safety to detail (i) how many staff are currently employed in the Belfast Health and Social Care Trust, broken down by grade and department; (ii) the number of staff that will lose their job as a result of proposed cuts; and (iii) the professional areas and areas of service where he expects the cuts to be implemented. (AQW 2017/10)

Minister of Health, Social Services and Public Safety: (i) I would refer the member to my response to AQW 1934/2010. (ii) My Department will be monitoring the progress of the Trust's proposals to ensure that staff changes are consistent with the service's strategic direction. It is my intention that any reductions in staff numbers will be managed through normal staff turnover and accordingly I am confident that these reductions will be achieved with no compulsory redundancies. (iii) I will not compromise on safety or quality and I will ensure that Trusts have the right numbers of staff, in the right place, at the right time, to deliver the care that is required.

Mater Hospital

Ms C Ní Chuilín asked the Minister of Health, Social Services and Public Safety (i) what front-line services will be cut in the Mater Hospital in north Belfast; and (ii) will these cuts be subject to an equality impact assessment. (AQW 2022/10)

Minister of Health, Social Services and Public Safety: There are currently no approved proposals to cut front-line services in the Mater Hospital.

Agency Nursing Staff

Lord Browne asked the Minister of Health, Social Services and Public Safety if any qualitative evaluation has been carried out on the efficiency and effectiveness of nursing agency staff as compared to nurses employed directly by the Health and Social Care Trusts. (AQW 2024/10)

Minister of Health, Social Services and Public Safety: As part of an ongoing programme of Value for Money audits, I have commissioned a review of the Use of Temporary Staff in the HSC to be undertaken during 2009/10.

Mobile Worker Scheme

Lord Browne asked the Minister of Health, Social Services and Public Safety if there are any legal issues involved in using the mobile workers' scheme for the provision of nurses. (AQW 2026/10)

Minister of Health, Social Services and Public Safety: Mobile Worker Schemes which seek to gain tax or National Insurance advantage for Agency staff who would not otherwise be entitled to this tax relief are illegal.

I would encourage all Health and Social Care employers to cooperate fully with HM Revenue and Customs in the identification of Agencies operating in this way. It remains however the responsibility of HMRC to pursue non-compliant companies.

Provision of Agency Nurses

Lord Browne asked the Minister of Health, Social Services and Public Safety if there are any outstanding issues arising from the legal action by nursing recruitment agencies regarding the framework contract for the provision of agency nurses. (AQW 2027/10)

Minister of Health, Social Services and Public Safety: I understand that all of the outstanding issues have been resolved.

Building of the New Erne Hospital

Mrs I Robinson asked the Minister of Health, Social Services and Public Safety for an update on the building of the new Erne Hospital, including costs to date and the projected total cost. (AQW 2029/10)

Minister of Health, Social Services and Public Safety: Construction of the New Acute Hospital for the South West began in May 2009. The construction programme is currently focusing on the sub-structure works, piling and external works. Piling works, which started in June 2009, are now nearing completion. The construction of the frame for the main hospital building will commence in early November 2009.

To date costs of £30.8m have been incurred on this project and the total costs for the construction of the New Acute Hospital remain at £270 million. No additional unexpected costs have been incurred and the project will be managed within the contract sum. .

The new hospital remains on target for completion in 2012 as planned.

People Resident in the Republic of Ireland

Mrs I Robinson asked the Minister of Health, Social Services and Public Safety how many people resident in the Republic of Ireland have availed of the Health Service in each Health and Social Care Trust area, in each of the last five years. (AQW 2030/10)

Minister of Health, Social Services and Public Safety: The information requested is not collected centrally. To provide this data would incur a disproportionate cost.

Building Work at the Ulster Hospital

Mrs I Robinson asked the Minister of Health, Social Services and Public Safety for an update on the building work at the Ulster Hospital. (AQW 2031/10)

Minister of Health, Social Services and Public Safety: A major capital investment programme has been ongoing at the Ulster Hospital over recent years to upgrade the hospital's clinical facilities and site infrastructure.

The redevelopment and modernisation programme at the Hospital has included a new renal unit, maternity unit, terraced car park, main stores, refurbishment of the Care of the Elderly Unit and a new Critical care Complex.

Blind or Partially-Sighted People: Access to Hospital Information

Mr P Butler asked the Minister of Health, Social Services and Public Safety what steps his Department is taking to communicate with blind and partially-sighted people in an appropriate format in relation to hospital appointments, medical conditions, and treatment. (AQW 2032/10)

Minister of Health, Social Services and Public Safety: If a patient is known to be visually impaired, staff working in Health and Social Care Trusts make every effort to communicate with the patient in the most accessible and suitable way to meet their individual needs and preferences. This can include: direct telephone contact with the patient; the provision of appointment cards and other medical information in large print, Braille or Moon; the transcription of appointments, letters and other documents onto audio CD/cassette; and the use of email.

Blind or Partially-Sighted People: Hospital Appointments

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety how many blind or partially-sighted people missed their hospital appointments in each Health and Social Care Trust, in each of the last three years. (AQW 2033/10)

Minister of Health, Social Services and Public Safety: The information requested is not available.

Blind or Partially-Sighted People: Access to Hospital Information

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety what steps his Department has taken to ensure partially-sighted or blind people receive notification of appointments (i) in large print; (ii) by email; and (iii) by telephone. (AQW 2034/10)

Minister of Health, Social Services and Public Safety: If a patient is known to be visually impaired, staff working in Health and Social Care Trusts make every effort to communicate with the patient in the most accessible and suitable way to meet their individual needs and preferences. This can include: the provision of appointment cards in large print, Braille or Moon; the use of email as appropriate; direct telephone contact with the patient; and the transcription of appointment notifications onto audio CD/cassette.

Alcohol Abuse: Cost to the Health Services

Mr A Easton asked the Minister of Health, Social Services and Public Safety to detail the estimated annual cost to the Health Service of alcohol abuse. (AQW 2039/10)

Minister of Health, Social Services and Public Safety: A 1998 report undertaken by my Department concluded that alcohol misuse was costing Northern Ireland Society approximately £770 million per year, and of this the direct cost to the Health Service was deemed to be in the region of £25 million per year.

Bangor Hospital Site

Mr A Easton asked the Minister of Health, Social Services and Public Safety to outline any future plans for the Bangor Hospital site. (AQW 2040/10)

Minister of Health, Social Services and Public Safety: As I have stated previously I have been allocated £3.3bn across the 10-year ISNI period ending in 2017/18 against a need estimated at more than £7.8bn. In the current CSR period I received just over £700m against a bid of £1bn. I also have to manage Swine Flu pressures from within my existing resources.

In the context of these funding constraints there are no immediate plans for future developments at the Bangor Hospital site. However, as part of the Review of Capital Priorities, funding has been identified for a new Health and Care Centre in Bangor within the 10-year Investment Strategy for Northern Ireland (ISNI) period.

Equality Impact Assessments

Mr A Easton asked the Minister of Health, Social Services and Public Safety to detail the cost to the Health Service of conducting equality impact assessments in each of the last three financial years. (AQW 2041/10)

Minister of Health, Social Services and Public Safety: The information requested is not held centrally and could only be provided at disproportionate cost.

Swine Flu Vaccination

Mr A Easton asked the Minister of Health, Social Services and Public Safety if the Health Service is covered for liability should members of the public experience negative side-effects after receiving the swine flu vaccination. (AQW 2042/10)

Minister of Health, Social Services and Public Safety: Most vaccinations are given without any trouble at all, but very rarely there may be problems. From 10th October, H1N1 swine flu vaccine has been included in the Vaccine Damage Payments Scheme, which is managed by the Department of Work and Pensions.

This scheme is designed to help with the present and future financial burdens on the person affected and their family. It covers the routine childhood vaccines and is being extended to include swine flu vaccines. The scheme covers the use of H1N1 vaccination in Northern Ireland.

Speech and Language Therapy Task Force Report

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety for an update on the implementation of the recommendations of the Speech and Language Therapy Task Force Report. (AQW 2065/10)

Minister of Health, Social Services and Public Safety: My Department has established a Speech and Language Therapy Action Plan Project Team, which meets regularly to develop and agree an Action Plan, taking account of the recommendations in the Speech and Language Therapy Task Force Report. A number of focus group events have been held to pre-consult with health and education professionals, children with communication difficulties and their parents, to hear their views. It is anticipated that an agreed Action Plan will be launched for full public consultation before the end of 2009.

Ireland Air Ambulance

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety to provide details of his Department's recent discussions with Ireland Air Ambulance. (AQW 2066/10)

Minister of Health, Social Services and Public Safety: While there has been a number of telephone calls from representatives of Ireland Air Ambulance to my Department over the summer, there have been no formal discussions or meetings with the charity since March 2009.

Communication Disability

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety what assistance is provided by his Department to people with a communication disability. (AQW 2067/10)

Minister of Health, Social Services and Public Safety: Health and Social Care Trusts carry out an individual needs assessment for people diagnosed with a communication disability. This assessment, which is undertaken by a multidisciplinary team, focuses on the social, emotional, and practical needs of the person with a communication disability. Subsequently, services are provided commensurate with the individual's particular needs.

Patients Resettled into the Community

Mr M McLaughlin asked the Minister of Health, Social Services and Public Safety how many patients resettled into the community from Muckamore Abbey Hospital have been re-admitted within (i) three months; (ii) six months; and (iii) twelve months of their resettlement date, in each of the last five years. (AQW 2079/10)

Minister of Health, Social Services and Public Safety: In the period from 2005 to 2008 only 3 patients have been readmitted to Muckamore for treatment.

In 2005, one patient was readmitted within three months and one within 12 months.

No patients were readmitted in 2006 or 2007 and, in 2008 one patient was readmitted within 12 months.

Blind or Partially-Sighted People: Access to Services

Mr P J Bradley asked the Minister of Health, Social Services and Public Safety what steps have been, or will be, taken by his Department to ensure that the same level of service is provided to blind and partially-sighted people as that provided to fully-sighted people. (AQW 2087/10)

Minister of Health, Social Services and Public Safety: Health and Social Care Trusts make every effort to ensure that their services are provided on an equitable basis and that they are accessible to all patients and clients irrespective of whether or not they have a physical or sensory disability. Trusts can provide information in a range of accessible formats for people with a visual impairment such as large print, Braille or Moon, email, and audio CD or cassette. In addition, services are provided for people with sensory support needs, including those with a visual impairment, through Trust sensory support teams on the basis of a patient's individual needs assessment. These services include day care, supported living options, multidisciplinary team support, and the provision of sensory aids and equipment. Furthermore, my Department is currently developing a Physical and Sensory Disability Strategy, which will provide the future strategic direction of physical and sensory disability services in Northern Ireland.

Publication of a Draft Disability Strategy

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety for an update on the publication of a draft disability strategy. (AQW 2103/10)

Minister of Health, Social Services and Public Safety: It is anticipated that my Department will publish a draft Physical and Sensory Disability Strategy for public consultation by 31 March 2010.

Consultation on a Specialist Brain Injury Action Plan

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety for an update on the consultation on a specialist brain injury action plan. (AQW 2104/10)

Minister of Health, Social Services and Public Safety: The consultation on the Acquired Brain Injury Action Plan closed on 8 June 2009 and responses were received from a broad range of professional, statutory, local government and voluntary bodies, as well as a number of individuals. The responses have helped to inform work being undertaken by my officials to finalise the Acquired Brain Injury Action Plan. A summary of the consultation responses is expected to be published, together with the finalised Action Plan, by the end of 2009.

Staffing Levels in the Health Service

Ms D Purvis asked the Minister of Health, Social Services and Public Safety if he has talked to the recognized trade unions about staffing levels in the Health Service, particularly in relation to the shortage of nurses. (AQW 2109/10)

Minister of Health, Social Services and Public Safety: I would refer the Member to my answer to AQW 747/2010 in relation to my ongoing discussions with Trade Unions.

Blind or Partially-Sighted People: Access to Hospital Information

Mr P Weir asked the Minister of Health, Social Services and Public Safety what provision is made to ensure blind and partially-sighted people receive notice of hospital or doctors appointments in an appropriate format. (AQW 2116/10)

Minister of Health, Social Services and Public Safety: Health and Social Care Trusts are engaged in ongoing work with the Patient Administration System to provide appointment information in the most accessible and suitable format to meet the needs and preferences of patients who are known to be visually impaired. This includes: direct telephone contact with the patient; the provision of appointment cards in large print, Braille or Moon; the transcription of appointments and letters onto audio CD/cassette; or the use of email.

Blind People: Data Sharing

Mr P Weir asked the Minister of Health, Social Services and Public Safety to outline the procedures, for the sharing of data with other Departments on blind people, undertaken by his Department to ensure better tailored delivery of services. (AQW 2118/10)

Minister of Health, Social Services and Public Safety: My Department's Physical and Sensory Disability Unit shares such data as required by other Departments, where it is available. Data is also shared through my Department's participation at interdepartmental and interagency working groups, which deal with issues in respect of physical and sensory disability policy development, including the provision of services for blind people.

Media Training for Departmental Staff

Mr T Lunn asked the Minister of Health, Social Services and Public Safety how much his Department has spent on media training for staff in each of the last five financial years. (AQW 2123/10)

Minister of Health, Social Services and Public Safety: Departmental expenditure on media training is as follows:-

Year	£
2008/09	0
2007/08	1,120
2006/07	2,840
2005/06	0
2004/05	800

Mid-Ulster Hospital Staff Cuts

Mr P McGlone asked the Minister of Health, Social Services and Public Safety if there will be cuts in the numbers of (i) administrative staff; (ii) catering or domestic staff; (iii) nursing staff; and (iv) medical staff, in the Mid-Ulster Hospital, Magherafelt. (AQW 2127/10)

Minister of Health, Social Services and Public Safety: I am fully aware of the concerns of staff and I would reassure them that the service changes taking place over the coming months will not lead to any compulsory redundancies for staff working on the Mid-Ulster site. Staff may however be offered redeployment to other posts on the Mid-Ulster site or to posts at Causeway or Antrim Area Hospitals.

EU INTERREG IVA Program

Mrs D Kelly asked the Minister of Health, Social Services and Public Safety to detail the spend to date of the EU Interreg IVA program, and to provide an update on the (i) Cross-Border Acute Hospital Services; (ii) Cross Border Eating Disorder Network; (iii) Cross-Border Outcomes for Children Project; (iv) Cross-Border Disability Project; (v) Cross-Border Diabetes and High Risk Clients Project; (vi) Cross-Border Workforce Mobility Project; (vii) Cross-Border GUM Services; (viii) Cross-Border Multiagency Alcohol Harm Reduction Project; (ix) Cross Border Older People Project; (x) Cross-Border Social Inclusion and Health Inequalities Project; (xi) Cross Border Obesity Project; and (xii) Cross-Border Autism Project. (AQW 2132/10)

Minister of Health, Social Services and Public Safety: The Department of Health, Social Services and Public Safety, in partnership with the Department of Health and Children, successfully secured funding of £24 million through the INTERREG IVA Programme for its Putting Patients, Clients and Families First project.

The project aims to undertake a range of activity and, to date, has spent around £250,000 of its award, largely around the purchase of capital equipment and some small preparatory expenses.

A project manager has now been appointed for each strand of activity.

Paramedic Rapid Response

Mr J Shannon asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 1213/10, if he would consider introducing paramedic rapid response hours at Kircubbin, or elsewhere, to enable better ambulance provision. (AQW 2134/10)

Minister of Health, Social Services and Public Safety: I refer the member to the answer I gave to AQW 1618/10 on 28 October 2009.

Swine Flu

Mr J Craig asked the Minister of Health, Social Services and Public Safety what follow up, and what action, has been taken with staff in hospitals and health centres, who have been working with patients or staff who have suspected or confirmed cases of swine flu. (AQW 2163/10)

Minister of Health, Social Services and Public Safety: Personal protective equipment (masks, gloves, aprons and gowns) have been purchased for use by staff when caring for patients with suspected or confirmed swine flu. Training programmes are in place to ensure that all staff in Trusts, primary care and the independent sector are appropriately trained in the use of this equipment and have been fit tested for facemasks. National guidelines on infection control have been developed and are available on the DHSSPS website, www.dhsspsni.gov.uk, along with a wide range of other planning documents and letters from the Chief Medical Officer.

Antiviral medicines are available to treat the symptoms of swine flu if people become infected. In addition, the swine flu vaccination programme began on 21st October. Frontline health and social care workers will be offered vaccination through occupational health clinics. Vaccination provides longterm protection against infection.

It is important to recognise that swine flu virus is now circulating widely in the community and people can contract the swine flu infection outside healthcare settings.

Allegations of Harassment or Bullying

Miss M McIlveen asked the Minister of Health, Social Services and Public Safety how many allegations of harassment or bullying have been reported by staff in his Department in each of the last five years. (AQW 2175/10)

Minister of Health, Social Services and Public Safety: The table below sets out the number of allegations of harassment and bullying made by DHSSPS staff in each of the last 5 years.

Calendar Year	Number of Harassment Allegations		Number of Bullying Allegations	
	Formal	Informal	Formal	Informal
2004	0	0	1	1
2005	0	0	0	7
2006	1	0	2	4
2007	0	0	1	1
2008	0	3	0	0

Swine Flu Vaccinations

Mr T Clarke asked the Minister of Health, Social Services and Public Safety if his Department has enough swine flu vaccinations. (AQW 2243/10)

Minister of Health, Social Services and Public Safety: I refer the Member to my response to AQW 814/10, in which this information was provided.

DEPARTMENT FOR REGIONAL DEVELOPMENT

Horse Riders

Mr P Weir asked the Minister for Regional Development what action he is taking to increase access for horse riders on publicly owned land and roads. (AQW 1804/10)

Minister for Regional Development (Mr C Murphy): I can advise the Member that responsibility for the assertion, protection and provision of bridleways lies with District Councils under the Access to the Countryside (NI) Order 1983. Responsibility for the relevant legislation lies with the Department of the Environment. In addition, the Department of Agriculture and Rural Development's Forest Service, manages in excess of 100 kilometres of designated pony trekking trails.

I can also advise that the Minister of Agriculture and Rural Development, Michelle Gildernew MP MLA, recently launched a strategy to develop the recreational and social use of forests. In this, DARD committed to producing operational guidelines in relation to developing cycling and horse riding trails in forests. The strategy places greater emphasis on forest recreation provision, as part of forest management planning, and seeks to increase the accessibility of forests to the public. The provision of additional horse riding access will be considered by Forest Service where there is a demand and where additional access can be accommodated.

From a roads perspective, my Department's Roads Service is aware of powers given to local authorities in England and Wales, under the Transport Act 2000, to designate minor rural roads as 'quiet lanes', appropriate for shared use by walkers, cyclists, horse riders and other vehicles. I have no plans to take similar powers for here.

Staff Travel Costs: DRD

Mr A Easton asked the Minister for Regional Development how much was spent by his Department on staff travel cost claims in the last financial year. (AQW 1865/10)

Minister for Regional Development: My Department (including Roads Service) spent £3,080,263 on staff travel cost claims in the 2008/09 financial year. This amount includes expenditure on all staff travel cost claims including subsistence, excess fares and overtime travel.

Parking Tickets for Blue Badge Holders

Mr J Dallat asked the Minister for Regional Development how many blue badge drivers (i) have received parking tickets; and (ii) have had their appeals upheld, since National Car Parks staff were introduced. (AQW 1883/10)

Minister for Regional Development: Officials in my Department's Roads Service have advised that information on Penalty Charge Notices (PCNs) is not held in a format that identifies the number of PCNs issued to Blue Badge holders, as drivers or passengers, or on the number of appeals upheld made by Blue Badge holders.

However, I can advise that 10,265 PCNs have been cancelled as a consequence of a driver making an appeal on the basis of the non or incorrect display of a Blue Badge. In all cases the appellant had to provide a copy of the valid Blue Badge in question. Roads Service's Parking Enforcement Processing Unit operates a "waive and warn" policy, whereby on the first occasion, the PCN is cancelled, but drivers are reminded of their responsibility for displaying the Blue Badge correctly.

Parking Tickets: Disabled Parking Bays

Mr J Dallat asked the Minister for Regional Development how many tickets have been issued to drivers incorrectly parking in disabled parking bays since National Car Parks staff were introduced. (AQW 1884/10)

Minister for Regional Development: My Department's Roads Service became responsible for parking enforcement at the end of October 2006. Enforcement services are provided by NSL Services Group (formerly NCP). In the period since then to 30 September 2009, a total of 16,856 Penalty Charge Notices have been issued

to vehicles parked in a designated disabled persons parking place, without clearly displaying a valid disabled persons badge.

Leakage and Water Pipe Repair

Mr G Savage asked the Minister for Regional Development (i) how much NI Water has spent, since its inception, on preventing leakage and water pipe repair; and to list (ii) each company involved in this work; (iii) the project each company worked on; and (iv) how much each company was paid for their services.

(AQW 1942/10)

Minister for Regional Development: I have been advised by Northern Ireland Water that it has spent around £20 million on leakage prevention and water pipe repair between 1 April 2007 and 31 March 2009. A list of all the companies involved, projects each worked on and the amount each company was paid could only be provided at disproportionate cost. However, the table below includes these details for each company that was paid more than £50,000 in any single year:

Supplier	Total (£)	Work Area
Biwater Treatment Ltd	169,917	Leakage Detection
Burdens	156,337	Leakage Infrastructure
Crowder & Co Ltd	474,481	Leakage Investment Programme
DRD Roads Service	139,425	Leakage Repairs
Halcrow Water Services	686,651	Leakage Investment Programme
IPL Group	345,178	Leakage Infrastructure
Meridian Utilities Ltd	6,106,808	Leakage Repairs & Infrastructure Improvements
Park Electrical Services	65,877	Leakage Electrical Installation
Primayer Ltd	258,552	Leakage Equipment
RPS Water Services Ltd	2,521,476	Leakage Detection
Technolog Ltd	64,770	Leakage Equipment
TES (NI) Ltd	89,635	Leakage Electrical Infrastructure
Vector Resourcing Ltd	57,750	Leakage Technology Projects
Vodafone	56,053	GSM/Mobile Costs
Williams Ind Services Ltd	402,421	Leakage Meter Calibration & Repairs
Total	11,595,331	

An additional £1 million was paid during the two year period on smaller contracts of less than £50,000 in any single year.

Sewage Odour: Killyleagh

Mr J Shannon asked the Minister for Regional Development following our meeting 18 months ago, to detail (i) the reasons for the delay in addressing the sewage odour at Innisowen and the Downpatrick Road in Killyleagh; and (ii) what action he intends to take if this persists.

(AQW 1944/10)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that in late 2007 a new chemical dosing regime was introduced at Crossgar Wastewater Pumping Station to reduce malodours in the Innisowen and Downpatrick Road areas of Killyleagh. Initial monitoring of the new dosing regime and lack of complaints from the area suggested that the new arrangements had been effective.

However, as a problem is still evident, NIW is now proposing to install a vent stack at a suitable location on the pumping main to disperse malodours. It is intended to have the vent stack installed and operational by 13 November 2009.

Car-Share Scheme

Mr S Moutray asked the Minister for Regional Development how many civil servants have utilised the Car-Share Scheme in each year since it was introduced. (AQW 1954/10)

Minister for Regional Development: The Travelwise Car Share Scheme was introduced by my Department in 2005. Data is recorded as an accumulated figure showing the number of participants who have registered to share journeys. The following information is available in relation to members of the Northern Ireland Civil Service (NICS) who have registered using NICS e-mail addresses:

Year	No of new registrations from members of NICS
2005	650
2006	334
2007	258
2008	241
2009 (to date)	93
Currently known total of NICS staff participating	1576

A further, unknown, number of Civil Servants may have chosen to register in the scheme using personal e-mail addresses.

Parking Spaces in Clarence Court

Mr S Moutray asked the Minister for Regional Development to detail the occupancy levels of the reserved car-share parking spaces in Clarence Court since they were created. (AQW 1955/10)

Minister for Regional Development: Whilst precise details of usage are not recorded, informal inspections have shown that occupancy levels have been in the region of 80% since the introduction of the facility.

Car-Share Scheme

Mr S Moutray asked the Minister for Regional Development how many civil servants have (i) accessed his Department's on-line Car-Share Scheme since it was created; and (ii) arranged to car-share as a result of the scheme. (AQW 1956/10)

Minister for Regional Development:

- (i) Data in the Travelwise Car Share Scheme introduced by my Department in 2005 is recorded as an accumulated figure showing the number of participants that have registered to share journeys. Data available shows that, to date, 1576 members of the NICS have registered to share journeys using NICS e-mail addresses. It is not possible to identify how many other members of NICS accessed the scheme but chose not to register or how many accessed the scheme and chose to register with personal e-mail addresses.
- (ii) It is not possible to state how many of those who registered arranged to car share as a result of the scheme, but data on the members identified at (i) shows a journey match-rate of 68%.

Park and Share Sites

Mr S Moutray asked the Minister for Regional Development for his assessment of the success of each of the free Park and Share sites set up by his Department. (AQW 1958/10)

Minister for Regional Development: My Department's Roads Service encourages higher car occupancy through the provision of Park and Share facilities to allow drivers to share journeys to common destinations, and in conjunction with transport operators to allow linkage with public transport services at Park and Ride sites.

At present some 3,800 Park and Share/Ride spaces are provided at 48 sites across the North. Approximately 1,500 of these spaces are provided at 27 Park and Ride sites at bus/rail stations. A further 21 Park and Share/Ride sites situated at strategic locations, generally at key junctions on the motorway and trunk road network, provide the remaining spaces.

Details of the usage of Park and Share/Ride sites in 2008, provided in the following tables, indicate that, generally the existing facilities are very well used and that the majority of sites operate at either full capacity, or are over-subscribed.

CURRENT PARK AND RIDE SITES AT BUS AND RAIL STATIONS WITHIN BELFAST METROPOLITAN AREA

Location	No of Spaces	Usage	Utilisation
Ballyclare Bus Station	10	10	100%
Bangor Park and Ride	123	143	116%
Carnalea Rail Halt	10	10	100%
Carrickfergus Rail Station	120	130	108%
Greenisland Rail Halt	13	13	100%
Helen's Bay Rail Halt	12	12	100%
Hollywood Rail Halt	37	40	108%
Lisburn Rail Station	47	47	100%
Moira Rail Station	99	119	120%
Moira Overflow	80	Not Available	
Mossley West Rail Halt	59	79	133%
Whiteabbey Rail Halt	16	25	156%
Whitehead Rail Halt	50	45	90%
Yorkgate Park and Ride	16	17	106%
Total	692	690	100%

CURRENT PARK AND RIDE SITES AT BUS AND RAIL STATIONS OUTSIDE BELFAST METROPOLITAN AREA

Location	No of Spaces	Usage	Utilisation
Antrim Park and Ride	60	60	100%
Ballymena Bus Station	135	193	143%
Ballymoney Rail Station	27	27	100%
Castlerock Rail Halt	6	Not Available	
Coleraine Bus Station	21	38	181%
Dungannon Bus Station	47	67	143%
Larne Bus Station	8	8	100%
Larne Railway Station	68	60	88%
Londonderry Rail Station	58	61	105%
Lurgan Rail Station	170	176	104%
Newry Rail Station	80	80	100%
Portadown Rail Station	110	110	100%
Strabane Bus Station	45	40	89%

Location	No of Spaces	Usage	Utilisation
Total	835	920	110%

CURRENT PARK AND RIDE/SHARE SITES ADJACENT TO THE STRATEGIC ROAD NETWORK WITHIN BELFAST METROPOLITAN AREA

Location	No of Spaces	Usage	Utilisation
Sprucefield Park and Ride	320	320	100%
Blacks Road Park and ride	220	179	81%
Eastside Park and Ride	297	247	83%
Northside Park and Ride	394	Not Available	
Ravenscroft Avenue	109	Not Available	
Saintfield Road M1 Lisburn/Junction 6	38	Not Available	
Shore Road Whiteabbey	73	Not Available	
Total	1451		

CURRENT PARK AND RIDE/SHARE SITES ADJACENT TO THE STRATEGIC ROAD NETWORK OUTSIDE BELFAST METROPOLITAN AREA

Location	No of Spaces	Usage	Utilisation
Dunsilly, A26/M22 Antrim	258	100	39%
A6 Altnagelvin, Londonderry	30	Not Available	
Ballee, Ballymena	75	Not Available	
Templepatrick Village	70	90	129%
Ballygrooby, Randalstown	35	Not Available	
A6/U105, The Elk, Castledawson	18	Not Available	
A6 Castledawson Rounaboutt	61	61	100%
A6 Craigadick (South)	70	36	51%
A6 Toome	100	100	100%
Lough Road, Lurgan	104	104	100%
A5/U1745 Bankmore Road, Omagh	10	Not Available	
A5/B46 Curr	10	Not Available	
A24 Newcastle Road/Clogh Roundabout	16	Not Available	
Maguiresbridge	10	Not Available	
Total	867		

A5 Corridor Route

Lord Morrow asked the Minister for Regional Development (i) if an Environmental Impact Assessment has been commissioned on the preferred A5 Corridor route; and (ii) for his assessment of the effect this route will have on the Clogher Valley countryside. (AQW 1959/10)

Minister for Regional Development: The A5WTC has been identified as a formal Environmental Impact Assessment (EIA) project under European Directives and has accordingly been subject to an EIA process since project inception.

The detailed EIA assesses impacts on the countryside along the full length of the proposed road corridor, including the countryside of the Clogher Valley, as well as the need for mitigation in the form of landscape measures.

It is expected that the completed EIA, including the findings, will be published as an Environmental Statement by Autumn 2010.

Uneven Pavements and Footways

Mr J Craig asked the Minister for Regional Development how much compensation has been paid to pedestrians who have been injured due to uneven pavements and footways, in each Roads Service section office, in each of the last five years. (AQW 1991/10)

Minister for Regional Development: The amount of compensation paid to pedestrians who have been injured due to uneven pavements and footways, in each Roads Service Section Office, in each of the last five financial years is shown in the table below.

Roads Service Section Office	2004/05	2005/06	2006/07	2007/08	2008/09
Antrim	£11,500.00	£17,889.29	£26,250.00	£16,000.00	£25,100.00
Ards	£27,906.95	£82,478.92	£43,006.82	£13,500.00	£31,362.35
Armagh	£25,000.00	£42,833.00	£7,500.00	£15,000.00	£107,657.74
Ballymena & Larne	£6,500.00	£20,250.00	£8,875.00	£1,750.00	£10,500.00
Ballymoney & Moyle	£3,750.00	£3,000.00	£10,787.50	Nil	£19,166.00
Banbridge	£5,750.00	£750.00	Nil	£21,835.00	£15,750.00
Belfast North	£239,346.48	£172,923.87	£215,315.25	£163,991.60	£310,302.81
Belfast South	£132,603.77	£160,400.88	£67,900.00	£157,149.42	£147,250.00
Castlereagh	£48,500.00	£84,000.00	£18,083.00	£33,030.33	£23,583.33
Coleraine	£19,750.00	£4,789.98	£7,000.00	£2,000.00	£1,250.00
Cookstown	£6,750.00	£17,000.00	£2,000.00	£15,000.00	Nil
Craigavon	£66,061.66	£57,500.00	£13,250.00	£26,750.00	£15,000.00
Down	£42,250.00	Nil	£16,600.00	Nil	£17,715.78
Dungannon	Nil	£8,333.33	£25,250.00	£10,750.00	£7,500.00
Fermanagh	Nil	£11,800.00	Nil	£17,000.00	£3,250.00
Limavady	Nil	£17,000.00	£6,850.00	Nil	£11,500.00
Lisburn	£34,750.00	£41,200.00	£19,166.66	£48,710.00	£78,750.00
Londonderry	£26,450.00	£57,750.00	£44,346.50	£54,750.00	£17,000.00
Magherafelt	Nil	Nil	Nil	Nil	£1,500.00
Newry & Mourne	£36,100.00	£12,250.00	£12,941.64	£41,333.00	£27,250.00
Newtownabbey & Carrick	£88,750.00	£37,915.66	£76,970.41	£44,062.50	£38,621.00
North Down	£31,500.00	£35,500.00	£44,670.80	£42,400.00	£14,325.02
Omagh	£3,500.00	Nil	£38,750.00	£16,250.00	£17,250.00
Strabane	£11,000.00	£23,083.33	£1,750.00	Nil	£35,000.00
Strangford Ferry	Nil	Nil	Nil	Nil	Nil

A6

Mr P McGlone asked the Minister for Regional Development what research has been carried out in relation to delays in Belfast bound traffic on the A6 between Toome and the M2. (AQW 2004/10)

Minister for Regional Development: My Department's Roads Service has advised that traffic flows on the A6 between Toome and the M22 are monitored as part of the Annual Traffic Census. Analysis of traffic volumes using this route indicates that weekday volumes have increased by just over 8%, when 2008 data is compared to 2004 data. During 2008 just over 20,500 vehicles used this part of the A6 each weekday. This included 1544 vehicles during the morning peak period and 1682 vehicles during the afternoon peak period.

The existing road is approaching its capacity, and the heavy traffic volumes in the peak periods result in the traffic speed being significantly reduced. Any other events, such as right turning movements, or movements associated with the primary school on this stretch of road will, therefore, have an increasing effect on traffic progression.

The Member will be aware that The Investment Delivery Plan for Roads includes a scheme for the upgrading of the A6 between Randalstown and Castledawson to dual carriageway standard. The scheme is programmed to start 2011/2012, subject to completion of the statutory processes, and the availability of funding.

The Harbour, York Road and Cathedral Quarter Areas of North Belfast

Ms C Ní Chuilín asked the Minister for Regional Development (i) to outline any proposals his Department has for (a) the Harbour; (b) York Road; and (c) the Cathedral Quarter areas of north Belfast; and (ii) if he has had any discussions with Executive colleagues or their officials regarding their plans for these areas. (AQW 2013/10)

Minister for Regional Development:

- (i)(a) My Department has no major proposals at present for the Belfast Harbour Area. However, the impact of the NIW Belfast City Centre Watermain Rehabilitation at an estimated cost of £3.7million will benefit the Harbour, York Road and Cathedral Quarter areas.
- (i)(b) A number of improvements for pedestrians are programmed for the York Road corridor during 2009-10. The works, extending from Limestone Road to Donegall Street, will comprise the realignment of street furniture, enhanced pedestrian crossing facilities at signalised junctions, and the provision of facilities such as tactile paving and dropped kerbs.

My Department's Roads Service is currently undertaking minor road works to improve the capacity of the Westlink / York Street Junction. Roads Service has also developed preliminary proposals to provide a grade-separated junction at York Street that would improve access and provide direct links between Westlink and the M2 and M3 motorways and along York Street.

These are included in the Investment Delivery Plan for Roads, which envisages the works being delivered between 2013/14 and 2017/18. Construction will be dependent upon the successful completion of the necessary statutory procedures, a detailed economic appraisal and the availability of funding through the normal budgetary process.

As part of a Roads Service project to upgrade the Westlink/York Street junction, NIW will investigate the existing water and wastewater assets at an estimated total cost of £300,000.

- (c) Some of the projects already mentioned will also impact on the Cathedral Quarter.
 - (ii) Roads Service was a consultee with the Department for Social Development (DSD), on the Masterplan Steering Group for the North West Quarter of Belfast City Centre, which included the Cathedral Quarter. The Masterplans for both the North West, and North East Quarters were adopted by DSD in August 2005, and development briefs issued to Ewart Properties Ltd and Westfield Shoppingtowns Ltd. Roads Service's subsequent involvement in any planning applications would be as a consultee to the DOE Planning Service.

Blind or Partially-Sighted People: Access to Documents

Mr P Weir asked the Minister for Regional Development what provision is made by his Department to make documents accessible to blind and partially-sighted people. (AQW 2043/10)

Minister for Regional Development: My Department has developed a Guide to Making Information Accessible to ensure that its information and services are accessible to people with physical, sensory and learning difficulties, and those whose first language is not English. This was reviewed in September 2009 and is available on my Department's website. It includes advice on communicating with blind and partially sighted people and reflects recent guidance from RNIB.

In accordance with the Guide, my Department offers to provide, on request, information and documents in accessible formats such as audio disc and Braille. All publications and documents issued state this prominently at the front, in line with best practice recommendations.

My Department's website complies with rigorous accessibility standards, which are designed to ensure users with sight or hearing impairments can effectively access information. All new websites are audited by the Delivery and Innovation Division within the Department for Finance and Personnel, to ensure that accessibility standards are maintained. The Department's website also provides access to Browsealoud software which reads web pages aloud for people who find it difficult to read on line.

The Department is currently developing a suite of new SmartPass application forms, including those for the Blind and Half Fare SmartPass. Once these are finalised large print versions will be made available to those who require this format. In addition Departmental staff will, where feasible, make reasonable adjustments to facilitate completion of forms by blind or partially sighted applicants by means of telephone calls or face-to-face visits.

Responsibility for Local Roads

Mr B Wilson asked the Minister for Regional Development if he can confirm that responsibility for local roads will be transferred to the new councils in 2011. (AQW 2061/10)

Minister for Regional Development: In March 2008 the Minister of the Environment announced the Executive's decision on the local government aspects of the Review of Public Administration. In the announcement, it was confirmed that responsibility for local roads and the motorway and trunk road network would remain with my Department's Roads Service, and that the new Councils would have formal and direct input to local roads decision making.

The Environment Minister also advised that a number of public realm aspects of local roads functions would transfer to the 11 new Councils to be created in 2011. The public realm functions that will transfer include alleygating, pedestrian permits, permitting local events on roads, off-street car parking and on-street parking enforcement.

Roads Service are continuing to work with local government officials to develop a mechanism that will facilitate greater input by Councils into the decision making process on local roads issues. This process will be incorporated within the proposed community planning framework.

Car Clamping: Appeal Process

Mr J Shannon asked the Minister for Regional Development if there is an appeal process for those who have had their car clamped. (AQW 2071/10)

Minister for Regional Development: My Department's Roads Service has advised that details of the appeal process for the owners of vehicles clamped, due to outstanding debt relating to the non-payment of Penalty Charge Notices, are contained within the Traffic Management (NI) Order 2005. Articles 25, 26 and 27 of the Order deal with representations made following the clamping of a vehicle and Article 28 provides for an appeal to an independent adjudicator in the Traffic Penalty Tribunal.

Enterprise 20-Single-Journey Concession Tickets

Mr T Burns asked the Minister for Regional Development how many Enterprise 20 single journey concession tickets have been sold each week in the last year. (AQW 2074/10)

Minister for Regional Development: Translink do not hold this information in the format requested. However, the information is available on a monthly basis and is provided below. Translink have assumed that '20 single journey' concession tickets is a reference to contract tickets and have answered accordingly.

	1st Class Tickets Sold	2nd Class Tickets Sold	Total Tickets Sold
p/e 26/10/08	4,900	1,500	6,400
p/e 23/11/08	3,600	140	3,740
p/e 28/12/08	2,460	1,460	3,920
p/e 25/01/09	3,700	280	3,980
p/e 22/02/09	3,760	1,640	5,400
p/e 29/03/09	3,320	740	4,060
p/e 26/04/09	1,640	1,340	2,980
p/e 29/05/09	3,460	400	3,860
p/e 28/06/09	3,220	1,460	4,680
p/e 26/07/09	860	600	1,460
p/e 23/08/09	2,940	580	3,520
p/e 28/09/09	380	480	860

Enterprise Cross-Border Weekly Tickets

Mr T Burns asked the Minister for Regional Development (i) how many Enterprise cross-border weekly tickets for adults, children and students departing (a) Belfast; (b) Portadown; and (c) Newry have been sold each week in the last year; and (ii) how many Enterprise cross-border weekly tickets for adults, children and students have been sold each week in the last year in (a) Northern Ireland; and (b) the Republic of Ireland. (AQW 2076/10)

Minister for Regional Development: Translink do not hold the NIR information in the weekly format requested. However, the information is available on a monthly basis and is provided below.

Central	Month	Cross Border Weekly Ticket Type	Tickets Sold
	Oct 08	Adult Weekly	5
		Student Weekly	1
		Adult Weekly 10% Discount	12
		Student Weekly 10% Discount	1
	Oct 08 Total		19
	Nov 08	Adult Weekly	11
		Adult Weekly 10% Discount	1
	Nov 08 Total		12
	Dec 08	Adult Weekly	13
		Student Weekly	2
	Dec 08 Total		15

Central	Month	Cross Border Weekly Ticket Type	Tickets Sold
	Jan 09	Adult Weekly	15
		Student Weekly	1
		Adult Weekly 10% Discount	7
	Jan 09 Total		23
	Feb 09	Adult Weekly	14
		Adult Weekly 10% Discount	5
	Feb 09 Total		19
	March	Adult Weekly	7
	March 09 Total		7
	April 09	Adult Weekly	17
		Student Weekly	2
	April 09 Total		19
	May 09	Adult Weekly	14
	May 09 Total		14
	June 09	Adult Weekly	11
		Student Weekly	2
	June 09 Total		13
	July 09	Adult Weekly	11
	July 09 Total		11
	August 09	Adult Weekly	9
	August 09 Total		9
	Sept 09	Adult Weekly	10
	Sept 09 Total		10
Central Total			171
Newry	Oct 08	Adult Weekly	40
		Student Weekly	8
	Oct 08 Total		48
	Nov 08	Adult Weekly	46
		Student Weekly	6
	Nov 08 Total		52
	Dec 08	Adult Weekly	45
		Student Weekly	5
	Dec 08 Total		50
	Jan 09	Adult Weekly	51
		Student Weekly	1
		Adult Weekly 10% Discount	1
	Jan 09 Total		53
	Feb 09	Adult Weekly	35
		Student Weekly	1

Central	Month	Cross Border Weekly Ticket Type	Tickets Sold
	Feb 09 Total		36
	March	Adult Weekly	37
		Adult Weekly 10% Discount	1
	March 09 Total		38
	April 09	Adult Weekly	29
	April 09 Total		29
	May 09	Adult Weekly	34
	May 09 Total		34
	June 09	Adult Weekly	43
		Child Weekly	1
	June 09 Total		44
	July 09	Adult Weekly	30
	July 09 Total		30
	August 09	Adult Weekly	30
	August 09 Total		30
	Sept 09	Adult Weekly	12
		Student Weekly	1
	Sept 09 Total		13
	Newry Total		457
Portadown	Oct 08	Adult Weekly	18
		Student Weekly	5
		Adult Weekly 10% Discount	1
	Oct 08 Total		24
	Nov 08	Adult Weekly	16
		Student Weekly	1
		Adult Weekly 10% Discount	3
	Nov 08 Total		20
	Dec 08	Adult Weekly	11
		Adult Weekly 10% Discount	2
	Dec 08 Total		13
	Jan 09	Adult Weekly	11
		Student Weekly	4
		Adult Weekly 10% Discount	4
	Jan 09 Total		19
	Feb 09	Adult Weekly	11
		Student Weekly	4
		Adult Weekly 10% Discount	2
	Feb 09 Total		17

Central	Month	Cross Border Weekly Ticket Type	Tickets Sold
	March	Adult Weekly	20
		Student Weekly	5
	March 09 Total		25
	April 09	Adult Weekly	13
		Student Weekly	3
	April 09 Total		16
	May 09	Adult Weekly	14
	May 09 Total		14
	June 09	Adult Weekly	12
		Student Weekly	2
	June 09 Total		14
	July 09	Adult Weekly	12
	July 09 Total		12
	August 09	Adult Weekly	9
	August 09 Total		9
	Sept 09	Adult Weekly	2
		Student Weekly	1
	Sept 09 Total		3
Portadown Total			186
Grand Total			814

Regarding the South of Ireland information, Translink receive a hard copy print-out in the post which only provides a ticket analysis between 1st Class and Standard Class by boarding and alighting/destination stage. Translink do not have access to the reporting system to extract the specific information asked in the AQWs.

Enterprise Cross-Border Monthly Tickets

Mr T Burns asked the Minister for Regional Development (i) how many Enterprise cross-border monthly tickets for adults, children and students departing (a) Belfast; (b) Portadown; and (c) Newry have been sold each week in the last year; and (ii) how many Enterprise cross-border monthly tickets for adults, children and students have been sold each week in the last year in (a) Northern Ireland; and (b) the Republic of Ireland. (AQW 2077/10)

Minister for Regional Development: Translink do not hold the NIR information in the weekly format requested. However, the information is available on a monthly basis and is provided in the table below.

Station	Month	Monthly Cross Border Ticket Type	Tickets Sold
Central	Oct 08	Adult Monthly	2
		Adult Monthly 10% Discount	4
	Nov 08	Adult Monthly	5
		Adult Monthly 10% Discount	1
	Dec 08	Adult Monthly	5
	Jan 09	Adult Monthly	4
		Adult Monthly 10% Discount	1

Station	Month	Monthly Cross Border Ticket Type	Tickets Sold
	Feb 09	Adult Monthly	5
		Adult Monthly 10% Discount	2
	March	Adult Monthly	8
	April 09	Adult Monthly	5
		Adult Monthly 10% Discount	1
	May 09	Adult Monthly	10
	June 09	Adult Monthly	10
	July 09	Adult Monthly	6
	August 09	Adult Monthly	4
	Sept 09	Adult Monthly	6
	Central Total		79
Newry	Oct 08	Adult Monthly	9
Portadown	Nov 08	Adult Monthly	3
	Dec 08	Adult Monthly	1
	Jan 09	Adult Monthly	8
	Feb 09	Adult Monthly	6
	March 09	Adult Monthly	3
	April 09	Adult Monthly	5
		Adult Monthly 10% Discount	1
	May 09	Adult Monthly	9
	June 09	Adult Monthly	10
	July 09	Adult Monthly	7
	August 09	Adult Monthly	1
	Sept 09	Adult Monthly	1
	Newry Total		64
Portadown	Oct 08	Adult Monthly	3
	Nov 08	Adult Monthly	4
	Dec 08	Adult Monthly	2
	Jan 09	Adult Monthly	3
		Adult Monthly 10% Discount	2
	Feb 09	Adult Monthly	3
		Adult Monthly 10% Discount	2
	March 09	Adult Monthly	4
		Adult Monthly 10% Discount	3
	April 09	Adult Monthly	3
		Adult Monthly 10% Discount	3
	May 09	Adult Monthly	3
		Adult Monthly 10% Discount	2
	June 09	Adult Monthly	2

Station	Month	Monthly Cross Border Ticket Type	Tickets Sold
	July 09	Adult Monthly	3
	August 09	Adult Monthly	0
	Sept 09	Adult Monthly	1
	Portadown Total		43
Grand Total			186

Regarding the South of Ireland information, Translink receive a hard copy print-out in the post which only provides a ticket analysis between 1st Class and Standard Class by boarding and alighting/destination stage. Translink do not have access to the reporting system to extract the specific information asked in the AQWs.

Blind or Partially-sighted People: Access to Services

Mr P J Bradley asked the Minister for Regional Development what steps have been, or will be, taken by his Department to ensure that the same level of service is provided to blind and partially-sighted people as that provided to fully-sighted people. (AQW 2088/10)

Minister for Regional Development: My Department has taken a number of steps to ensure that blind and partially sighted people can fully access services.

My Department has developed a Guide to Making Information Accessible to ensure that its information and services are accessible to people with physical, sensory and learning difficulties, and those whose first language is not English. This was reviewed in September 2009 and is available on my Department's website. It includes advice on communicating with blind and partially sighted people and reflects recent guidance from RNIB.

In accordance with the Guide, my Department offers to provide, on request, information and documents in accessible formats such as audio disc and Braille, when required.

At present, I am glad to say that my Department is continuing to revise its Accessible Transport Strategy draft Action Plan 2009-2012. This addresses a wide range of barriers that impede use of the transport system by people with disabilities. These barriers include physical, attitudinal or psychological, the availability of information, the type of services and affordability. Public consultation on the most recent draft action plan has recently been completed and it is anticipated that this will be published towards the end of the year.

People who are registered as blind with a Health and Social Care Trust are eligible for free travel on public transport. People registered as partially sighted with a Trust are eligible for a half fare concession. SmartPass application forms are available in a number of alternative formats and Departmental staff will, where feasible, make reasonable adjustments to facilitate completion of these forms by means of telephone calls or face-to-face visits.

Translink's newer C3K train sets feature a number of measures designed to aid people with sight impairment, such as Braille signage at toilets, doors and safety notices, and audible as well as visual passenger information on board. They also feature high contrast interiors, emergency call buttons and conductors on board who can assist people with disabilities if necessary. It is hoped that all Translink trains will be equipped with these features by 2012. All main railway stations are fully accessible, and improvements have been made to ensure improved access to all railway halts. This followed consultation with Disability Action, to ensure all varieties of disability and sensory impairment are taken into consideration.

My Department is also working with Translink to develop options for the introduction of audio visual systems on Translink buses, which will aid bus usage for people with sight impairments. Work is ongoing and a business case will be developed in due course. A pilot scheme will be introduced subject to the outcome of the business case and the availability of resources.

All appropriate public transport staff, including booking centre staff for the Door-to-Door scheme, are trained in disability equality, etiquette and attitude, equal rights, passenger handling and customer services.

My Department also funds Imtac, the Inclusive Mobility and Transport Advisory Committee, who are the main source of independent advice to Government and others in the North on issues affecting transport and disability.

I have met regularly with Imtac and a number of other disability group representatives, including the East Belfast Sight Support Team and Guide Dogs.

My Department's website complies with rigorous accessibility standards, which are designed to ensure users with sight or hearing impairments can effectively access information. All new websites are audited by the Delivery and Innovation Division within the Department for Finance and Personnel, to ensure that accessibility standards are maintained. The Department's website also provides access to Browsealoud software which reads web pages aloud for people who find it difficult to read on line.

NI Water

Mr R Beggs asked the Minister for Regional Development to outline the procedures NI Water must follow when accessing private land to relay pipes. (AQW 2099/10)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that before accessing land which is in private ownership to alter any relevant pipes it must (under Article 220(5) (b) of the Water and Sewerage Services (Northern Ireland) Order 2006) give the owner and occupier of the land a minimum of 42 days period of notice. This notice period does not apply in the case of an emergency or when altering a service pipe.

When working on private land NIW will consult the owner and occupier of the land and, by the use of good working practice, seek to minimise damage. NIW will undertake reinstatement following the work to restore the land to its original condition and where this is not practicable it will pay compensation for any loss or damage caused by, or in consequence of, the execution of the works.

Public Hire Taxis parking Outside Official Ranks

Ms D Purvis asked the Minister for Regional Development if plans to limit traffic movement and to provide priority traffic lanes at the front of City Hall, Belfast have taken into account the current problem of blockages caused by Public Hire Taxis parking outside official ranks in the area; and whether he has plans to tackle this issue. (AQW 2113/10)

Minister for Regional Development: My Department's Roads Service has advised that the developing proposals for traffic movements in Belfast city centre will make provision for public hire taxis. However, new legislation will be required in order to implement the traffic proposals for the streets around the City Hall. As with any legislation, there will be an associated enforcement role to be undertaken.

I understand that Roads Service officials meet with representatives of the taxi industry on a regular basis, to discuss issues of concern. Recently, Belfast City Centre Management has set up a Taxi forum to facilitate the taxi industry, involving representatives from Roads Service, DOE, DVA, PSNI, taxi associations and the trade union Unite. This forum discourages public hire taxi drivers from parking illegally, outside the taxi-rank at Donegall Square North.

In relation to illegally parked Public Hire Taxis, officials have advised that it can be difficult to issue PCNs to public-hire taxis, as the drivers normally stay with their vehicles and, will move off before a PCN can be issued. I am assured, however, that Traffic Attendants do engage with the drivers and attempt to provide enforcement at this location.

Recently, ten new spaces have been provided for public hire taxis in Chichester Street and ongoing works in Glengall Street will also provide further space for taxis. In addition, Roads Service has been working with representatives of the public hire taxi industry and is actively considering a number of other locations for the provision of further spaces.

Media Training for Departmental Staff

Mr T Lunn asked the Minister for Regional Development how much his Department has spent on media training for staff in each of the last five financial years. (AQW 2130/10)

Minister for Regional Development: DRD has spent the following amounts on media training for staff:

Year	Costs
2004/2005	£4109
2005/2006	£3102
2006/2007	£1293
2007/2008	£431
2008/2009	£7733

Road Signs

Mr S Gardiner asked the Minister for Regional Development what is the criteria for deciding which road signs are erected. (AQW 2140/10)

Minister for Regional Development: My Department's Roads Service provides a number of different types of traffic signs and the three most prevalent are regulatory signs, warning signs and direction signs.

Regulatory signs indicate requirements, restrictions and prohibitions and are provided whenever the Department amends or makes a new traffic regulation order. Examples include stop signs, no entry signs, speed limit signs and parking signs.

Warning signs are used to alert drivers to potential danger ahead and are generally provided along with new works or in response to requests. These signs indicate a need for special caution by road users that may require a reduction in speed or some other manoeuvre. Examples include junction ahead, bend ahead and road narrows ahead signs.

Direction signs provide direction to possible destinations and are provided with new works or as part of route improvements. These signs include the standard flag type sign, used at, or in advance of a junction, with either a chevron or an arrow indicating the direction of travel. They also include advance direction signs which, in many cases, show the junction layout ahead, and route confirmation signs. Occasionally direction signs are provided in response to requests and can also be provided to private premises, primarily tourism related. The provision of direction signs is controlled by set policy and procedure guides.

The type, size and shape of traffic signs provided are prescribed in the Traffic Signs Regulations (Northern Ireland) 1997, and Roads Service uses a combination of its own policy and procedure guides, the Department for Transport's Traffic Signs Manual and, to a lesser extent, the Highways Agency's Design Manual for Roads and Bridges, in deciding when and where to locate signs.

Road Signs

Mr S Gardiner asked the Minister for Regional Development, pursuant to AQW 795/10, how much was spent last year on road signage in new road schemes. (AQW 2142/10)

Minister for Regional Development: Expenditure on road signage in new road schemes is not recorded separately, within the overall costs of road schemes and, therefore, I am unable to provide the information requested by the Member.

Free Public Transport for People Aged 60 to 65

Mr T Burns asked the Minister for Regional Development (i) for his assessment on the uptake of free travel on public transport for people aged 60-65 since it was introduced; (ii) to detail how many (a) bus; and (b) rail journeys have been taken by people in this age group to date; and (iii) to detail how much the introduction of free travel on public transport for people in this age group has cost to date. (AQW 2151/10)

Minister for Regional Development: There are approximately 90,000 people aged 60-64 living in the North and there are currently 56,690 valid 60+ SmartPasses in circulation. The application rate is lower but the number of journeys by SmartPass holders is greater than had been anticipated.

Since the introduction of 60+ free travel to the end of September 2009, concessionaires have made (a) 2,427,550 bus and (b) 396,992 rail journeys. The cost of reimbursement to transport operators for this travel has been £4.3 million. In addition the cost of producing 60+ SmartPasses was approximately £340,000.

Speed Restrictions

Mr T Burns asked the Minister for Regional Development how many miles of (i) motorway; and (ii) dual carriageway are currently under (a) temporary; and (b) permanent speed restrictions lower than the national speed limit; and to outline what percentage of the total motorway and dual carriageway network this represents. (AQW 2152/10)

Minister for Regional Development: My Department's Roads Service has advised that they do not maintain details of the number of miles of motorway or dual carriageway under temporary or permanent speed restrictions, therefore I am unable to provide the information requested by the Member.

Speed Limit at Mallusk Primary School

Mr D Kinahan asked the Minister for Regional Development for his assessment of the speed limit at Mallusk primary school; and if plans exist to lower the limit. (AQW 2167/10)

Minister for Regional Development: My Department's Roads Service has advised that the current speed limit on the B95 Mallusk Road, outside Mallusk Primary School, is 40 mph. This speed limit was last reviewed in 2006, when it was confirmed as still being appropriate to the road environment. However, my officials are currently carrying out a further review and I have asked the Divisional Roads Manager, Mr Tom McCourt, to advise you directly of the outcome.

Traffic Attendants, Belfast

Mr D Kinahan asked the Minister for Regional Development for his assessment of how comprehensive the coverage by traffic attendants of Belfast city centre is. (AQW 2170/10)

Minister for Regional Development: My Department's Roads Service has advised that there are currently adequate levels of Traffic Attendants deployed in Belfast City Centre, to provide an effective parking enforcement service in that area.

Public Hire Taxi Ranks, Belfast

Mr D Kinahan asked the Minister for Regional Development to list (i) the location of each Public Hire Taxi rank in Belfast; and (ii) the maximum number of vehicles each rank holds. (AQW 2171/10)

Minister for Regional Development: Details of the locations of Public Hire Taxi ranks in Belfast and the maximum number of vehicles each rank holds are provided in the table below.

Location	Operating Times	Number of spaces
Amelia Street	At all times	7
Bedford Street	7:00 pm to 7:00 am	6
Bradbury Place (East) (1)	7:00 pm to 7:00 am	1
Bradbury Place (East) (2)	7:00 pm to 7:00 am	3
Bradbury Place (West)	7:00 pm to 7:00 am	4
Brunswick Street	7:00 pm to 7:00 am	4
Chichester Street	At all times	10
Corporation Square (North) (1)	At all times	4

Location	Operating Times	Number of spaces
Corporation Square (North) (2)	At all times	3
Donegall Street	7:00 pm to 7:00 am	3
Donegall Quay (West)	At all times	1
Donegall Square East	At all times	8
Donegall Square North	At all times	6
Dublin Road (Elbow)	7:00 pm to 7:00 am	3
Dublin Road (Cinema)	7:00 pm to 7:00 am	8
Fisherwick Place	At all times	3
Glengall Street (North)	At all times	2
Glengall Street (South)	At all times	5
Great Victoria Street (West)	At all times	3
Great Victoria Street (East)	7:00 pm to 7:00 am	3
Lisburn Road - Kings Hall	At all times	3
Malone Road (West)	7:00 pm to 7:00 am	4
Malone Road (East)	7:00 pm to 7:00 am	2
May's Meadow	At all times	16
University Road	7:00 pm to 7:00 am	5
University Street	6:00 pm to 8:00 am	4
Waring Street	7:00 pm to 7:00 am	6

Parking Tickets

Mr D Kinahan asked the Minister for Regional Development how many parking tickets have been issued in Donegall Square North in Belfast, in each of the last 24 months. (AQW 2172/10)

Minister for Regional Development: Details of the number of Penalty Charge Notices issued in Donegall Square North, Belfast, in each of the last 24 months to the end of September 2009, are provided in the table below.

Month	Penalty Charge Notices issued	Month	Penalty Charge Notices issued
October 2007	6	October 2008	1
November 2007	5	November 2008	2
December 2007	4	December 2008	1
January 2008	7	January 2009	4
February 2008	2	February 2009	1
March 2008	2	March 2009	3
April 2008	2	April 2009	1
May 2008	7	May 2009	8
June 2008	3	June 2009	3
July 2008	2	July 2009	3
August 2008	3	August 2009	4
September 2008	1	September 2009	2

Committee on Climate Change

Mr D Ford asked the Minister for Regional Development if his Department has sought advice from the Committee on Climate Change with regard to its obligations under the Programme for Government.

(AQW 2188/10)

Minister for Regional Development: In line with the Executive's Programme for Government target to reduce greenhouse gas emissions by 25% below 1990 levels by 2025 I have set out my commitment through the review of the Regional Transportation Strategy to ensure more sustainable transport arrangements which provide for a proper balance between the needs of people, business and the environment. To inform the review in this regard, my Department has taken forward work to establish the greenhouse gas emissions of road transport arrangements in the North of Ireland, with a view to identifying and costing an appropriate policy and strategy response. The first stage of that work has now been completed, and a report prepared setting out the 1990 baseline and 2006 position on greenhouse gas emissions from road transport here. This will shortly be updated to reflect the release of 2007 data. To ensure a robust assessment, the findings of the baseline report have been independently validated by the Sustainable Development Commission.

Drawing on the findings of the baseline report, I have initiated further studies to identify and cost a range of options to reduce greenhouse gas emissions from road transport locally. That work will draw on a range of sources of expertise and in that context, my officials have confirmed, through DOE, that as we progress we would wish to look at the potential to engage the Committee for Climate Change. In the interim, my Department has requested that we be kept informed of any work the Committee is undertaking in relation to transport and sustainability.

Parking Tickets

Mr D Kinahan asked the Minister for Regional Development if he has considered having Traffic Attendants issue automatic parking tickets to Public Hire Taxis parked outside official taxi ranks.

(AQW 2191/10)

Minister for Regional Development: My Department's Roads Service has advised that, in relation to parking enforcement, the same rules and policies apply to illegally parked taxis, as apply to other vehicles that may be parked illegally. If a Traffic Attendant detects any illegally parked vehicle he/she will attempt to take the necessary enforcement action and issue a Penalty Charge Notice (PCN). There are currently no plans for this to change.

Roads Service has also advised that it can be difficult to issue a PCN to a public-hire taxi, as the driver normally stays with the vehicle and, if it is parked illegally, will move off before a PCN can be issued. However, Traffic Attendants do engage with taxi drivers and attempt to provide enforcement at these locations.

In addition, Roads Service officials meet regularly with representatives of the taxi industry to discuss issues of concern. Recently, Belfast City Centre Management has set up a Taxi forum to facilitate the taxi industry involving representatives from Roads Service, DOE, DVA, PSNI, taxi associations and the trade union Unite. This forum encourages public hire taxi drivers not to park illegally outside taxi-ranks.

Draft Rathlin Island Policy

Mr M Storey asked the Minister for Regional Development to provide an update on the action plan for the draft Rathlin Island policy.

(AQW 2196/10)

Minister for Regional Development: Public consultation on the draft Rathlin Island Policy closed on 18 September this year. A total of 14 responses were received and a consultation workshop was held on the Island. In light of the responses received, amendments to the draft Policy are now being considered.

It is my intention to bring a final version of this Executive Policy back to the Executive before the end of the year.

The Action Plan to implement the policy will be completed within six months of the publication of the final Rathlin Island Policy document.

Road Resurfacing Schemes in North Down

Mr P Weir asked the Minister for Regional Development which groups Roads Service intends to consult before deciding on the timing of road resurfacing schemes in the North Down area. (AQW 2199/10)

Minister for Regional Development: My Department's Roads Service advises all statutory undertakers, such as NI Water, NIE and BT, on an annual basis, as an integral part of the planning process associated with the implementation of the annual resurfacing and reconstruction works programme. Roads Service's Divisional Roads Managers are also responsible for informing the various Councils, on a six-monthly basis, of scheme proposals and details of their completion.

During the planning of any major resurfacing schemes, including those within the North Down area, considerable effort is made by Roads Service, to consult with the PSNI and to liaise with members of the public and business community, if it is considered that they may be affected by the scheme.

In addition, any associated road closures are supported by the publication of advance press releases, in the media and local newspapers.

Non-domestic Water Charges

Mrs I Robinson asked the Minister for Regional Development which organisations are exempt from non-domestic water charges. (AQW 2208/10)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that there are no exemptions from non domestic water charges. All non domestic premises are subject to water and sewerage charges and trade effluent charges where applicable. This includes farms; small medium and large businesses; industrial users; voluntary organisations; charities; public bodies and places of worship, as well as any property not intended for permanent household use.

Phoenix Gas

Mr S Gardiner asked the Minister for Regional Development how many road openings have been facilitated for Phoenix Gas in each constituency in the past 12 months. (AQW 2221/10)

Minister for Regional Development: My Department's Roads Service does not hold the requested information on a Constituency basis. However, I enclose details of the number of road openings carried out by Phoenix Natural Gas, by Roads Service Section Office, for the period 1 October 2008 to 30 September 2009. This information is taken from the NI Streetworks Registration and Notification System (NISRANS), and represents all areas covered by Phoenix Natural Gas's operating licence.

Section Office	Number of Openings
Ards	397
Ballymena and Larne	123
Belfast North	1017
Belfast South	1383
Castlereagh	402
Lisburn	497
Newtownabbey and Carrickfergus	652
North Down	605
Total	5076

Phoenix Gas

Mr S Gardiner asked the Minister for Regional Development to list any incidences when Phoenix Gas opened newly constructed roads within 12 months of the road being completed. (AQW 2222/10)

Minister for Regional Development: I can advise the Member that road openings, carried out by Phoenix Gas, in newly constructed roads were included in the figures I quoted in my answer to his recent question AQW 2221/09. Unfortunately, incidences of openings, carried out within 12 months of the road being completed, are not recorded separately from other street works on the NI Streetworks Registration and Notification System (NISRANS). Therefore, I am not in a position to provide a list of such incidences.

My Department's Roads Service works closely with utilities to ensure that, as far as possible, appropriate provision is made for utilities' apparatus in advance of substantial road works, or as part of construction of new roads. This provision includes any necessary diversion or upgrade of utilities' apparatus.

I can further advise that the Department has powers to place restrictions on street works following substantial road works. However, street works relating to emergency works, or providing new customer connections, where those connections had not been requested in time to be incorporated in the new road, are exempt from these restrictions.

DEPARTMENT FOR SOCIAL DEVELOPMENT

Disabled Facilities for NI Housing Executive Tenants

Mr J Shannon asked the Minister for Social Development what action she is taking to address the lack of disabled facilities for NI Housing Executive tenants in the Ards area. (AQW 1907/10)

Minister for Social Development (Ms M Ritchie): Upon recommendation of an adaptation by an Occupational Therapist (OT), the Housing Executive will, in relation to any individual, carry out such works of adaptation to his/her home as are necessary to meet any duty which is owed to that person by the DHSS&PS within the relevant legislation.

As the disabled adaptation service is a demand led service the budget is allocated on an area basis and not by District Office. Details of the Housing Executive's programme of disabled adaptations for the Ards Council Area for the current financial year 2009/10 to date are detailed below.

ADAPTATIONS SPEND

Ards Council Area	2009/10 Spend (k)
Extensions	406
Lifts	0
Heating	26
Showers	82
Others	51
Total	565,000

The Harbour, York Road and Cathedral Quarter areas of North Belfast

Ms C Ní Chuilín asked the Minister for Social Development (i) to outline any proposals to locate services or develop facilities in (a) the Harbour; (b) York Road; and (c) the Cathedral Quarter areas of north Belfast; and (ii) if she has had any discussions with Executive colleagues or their officials regarding their plans for these areas. (AQW 2020/10)

Minister for Social Development:

- (i) The Social Security Agency in partnership with the Department for Employment & Learning is taking forward plans for the development of a Jobs & Benefits office in the North Belfast area to ensure that clients benefit from the same enhanced work focused service which is available elsewhere in Northern Ireland. A number of options are currently being considered which include the demolition of the existing Corporation Street Social Security Office and redevelopment of part, or all, of the site to deliver the new office; or the development of the Jobs & Benefits office in a refurbished Northland House, on Frederick Street.
- (a) My Department and the Strategic Investment Board are currently developing a draft physical regeneration masterplan for the Greater Clarendon/Sailortown area of Belfast which will set out proposals for development and land use to promote the regeneration of the area. When completed the draft masterplan will be issued for public consultation and as part of this consultation other Northern Ireland Departments will be invited to comment on the draft masterplan.
- (b) On 29 October 2009 my Department published for public consultation the 'York Road/Shore Road Draft Physical Regeneration Concept Masterplan' which sets out proposals for the physical regeneration of this area. The Department of the Environment and the Department for Regional Development were represented at official level on the project steering group for this draft masterplan. Northern Ireland Departments will be invited to comment on the draft masterplan as part of the public consultation.
- (c) My Department has no new proposals for further physical regeneration in Cathedral Quarter over and above those projects which transferred from the former Laganside Corporation to my Department in 2007. These included the 'Four Corners' development, St. Anne's Square and 'The MAC' performing arts centre. The Department for Culture, Arts and Leisure is the lead Department for 'The MAC' and my Department is represented at official level on the project management board.

Blind or Partially-Sighted People: Access to Documents

Mr P Weir asked the Minister for Social Development what provision is made by her Department to make documents accessible to blind and partially-sighted people. (AQW 2038/10)

Minister for Social Development: My Department is committed to ensuring that the information it provides is accessible to all Section 75 groups. My Department has mechanisms in place for providing information in alternative formats such as Braille and large print and is currently producing guidance for staff on issues relating to accessibility and information. This guide, which includes advice on communicating with those with sensory disabilities, will promote best practice throughout my Department and help to ensure that we provide our diverse customer base with their information requirements as quickly and efficiently as possible.

Blind or Partially-Sighted People: Access to Services

Mr P J Bradley asked the Minister for Social Development what steps have been, or will be, taken by her Department to ensure that the same level of service is provided to blind and partially-sighted people as that provided to fully-sighted people. (AQW 2089/10)

Minister for Social Development: My Department is committed to providing a service to all customers throughout Northern Ireland and a range of steps have been taken to ensure that the service provided to blind and partially sighted customers is equal to that provided to fully sighted customers. My Department has:

- ensured that buildings where customers are provided with a face to face service are universally accessible in accordance with legislation, that all signage conforms to Royal National Institute for the Blind (RNIB) standards and that the availability of assistance for those who may experience difficulties accessing our services is highlighted at the Welcome desk;
- put in place systems to allow customers to be visited in their own homes to assist with the completion of application forms and answer queries on complex or difficult cases;
- consulted and worked with a wide range of voluntary organisations throughout Northern Ireland, including the Royal National Institute for the Blind, when taking forward projects and promoting benefit entitlement; and
- put in place mechanisms for providing information in alternative formats and is currently producing guidance for staff on issues relating to accessibility and information. This guide will promote best practice throughout my

Department and help to ensure that we provide our diverse customer base with their information requirements as quickly and efficiently as possible.

My Department will continue to meet its Section 75 obligations in relation to the level of service provided to our customers.

Commissioners of the Charity Commission

Miss M McIlveen asked the Minister for Social Development to detail the remuneration for Commissioners of the Charity Commission. (AQW 2101/10)

Minister for Social Development: The Charity Commission for Northern Ireland was established 1 June 2009. I have appointed six Commissioners to date and they will receive the following annual remuneration:

Chief Commissioner	£5,000
Deputy Chief Commissioner	£3,000
Commissioners	£2,000

Charity Commission

Miss M McIlveen asked the Minister for Social Development to detail the cost of establishing the Charity Commission. (AQW 2102/10)

Minister for Social Development: The Charity Commission for Northern Ireland was established on 1 June 2009 and total expenditure to date in 2009/10 amounts to £101k. The Commission is an NDPB sponsored by DSD and has an annual budget of £800k.

Programme Protection Unit

Mr J Shannon asked the Minister for Social Development to detail how many Disability Living Allowance reviews carried out by Programme Protection Unit have resulted in (i) reductions; and (ii) increases in DLA payments in each of the last two years. (AQW 2135/10)

Minister for Social Development: The number of Disability Living Allowance cases reviewed by Programme Protection Unit which have resulted in a reduction or increase in payment is set out in the table below.

Year	Number of DLA Cases Reduced	Number of DLA Cases Increased
2007/2008	696	1113
2008/2009	1141	1569

Programme Protection Unit

Mr J Shannon asked the Minister for Social Development (i) how many Disability Living Allowance reviews have been carried out by Programme Protection Unit; and (ii) how many additional staff have been recruited to PPU, in each of the last two years. (AQW 2136/10)

Minister for Social Development: The table below details the number reviews carried out by Programme Protection Unit (PPU) in Disability and Carers Service (DCS) in the last two years and the number of staff engaged on these reviews. However, as no staff have been recruited specifically for PPU activity within DCS it is not possible to address part (ii) of the question directly.

Year	Number of Reviews	Staff in PPU
2007/2008	3847	21
2008/2009	5407	25

Disability Living Allowance Expenditure

Mr J Shannon asked the Minister for Social Development to detail the increase or decrease in the amount of Disability Living Allowance expenditure, following DLA reviews by Programme Protection Unit, in each constituency, in each of the last two years. (AQW 2137/10)

Minister for Social Development: The information is not available in the format requested as it is not possible to determine the exact amount of increases or decreases in Disability Living Allowance (DLA) expenditure that are attributable to reviews under the Programme Protection process. The table below however, details the number of increases or decreases in the amount of DLA paid to individual customers following reviews under the Programme Protection process, in each constituency, in each of the last two years.

Parliamentary Constituency	2007/08		2008/09	
	Increase	Decrease	Increase	Decrease
Belfast East	42	35	75	50
Belfast North	95	46	134	63
Belfast South	44	29	70	49
Belfast West	109	69	147	104
East Antrim	42	21	48	67
East Londonderry	36	32	63	77
Fermanagh and South Tyrone	53	20	70	41
Foyle	98	79	114	106
Lagan Valley	48	27	72	66
Mid Ulster	73	30	80	52
Newry and Armagh	67	49	105	62
North Antrim	57	35	70	56
North Down	27	22	52	31
South Antrim	47	31	55	60
South Down	61	40	94	56
Strangford	55	35	80	58
Upper Bann	67	47	120	59
West Tyrone	81	37	110	79
Unallocated Post Code*	11	12	10	5
Total	1113	696	1569	1141

Small Pockets of Deprivation Funding

Mr A Easton asked the Minister for Social Development if she intends to expand the Small Pockets of Deprivation funding for the Rathgill area of North Down after April 2010. (AQW 2147/10)

Minister for Social Development: Funding of the Small Pockets of Deprivation Programme will continue until 31 March 2010 with funding of £640,000 allocated for 2009/10. An independent evaluation report of the first three years of the Programme (up to 31 March 2009) received by my Department is currently under consideration. I will make a decision on the future of the Programme before the end of this year.

Areas at Risk Programme

Mr A Easton asked the Minister for Social Development for an update on the areas at risk programme for the Beechfield Estate, Donaghadee. (AQW 2179/10)

Minister for Social Development: A community survey, to help identify local needs and inform the development of an area based action plan, was carried out by the NIHE Research Unit over the summer.

The findings were sent to the NIHE local District Office and my Department's Voluntary and Community Unit (VCU) on 1 October 2009 and then forwarded to Beechfield Residents Association for consideration.

A meeting between the Residents Association, NIHE and my Department has been arranged for 5 November to discuss the findings and agree the next steps.

Queen's Parade Project

Mr A Easton asked the Minister for Social Development for an update on the Queen's Parade project in Bangor. (AQW 2180/10)

Minister for Social Development: The findings from the consultation exercise on the proposed Queen's Parade development were presented to North Down Borough Council on 22 September 2009. A report detailing the consultation findings and the department's response to the issues identified will be published in November 2009. I will take my decision on whether the department should support the scheme after that report is published.

NI Housing Executive Land Sales

Mr A Easton asked the Minister for Social Development for an update on land sales by the NI Housing Executive in the North Down area. (AQW 2181/10)

Minister for Social Development: The position in relation to land sales in the North Down area (including the Newtownards and Bangor Districts) is;

Sites on market for sale;

- Ballycrochan Road, Bangor
- Main Street, Greyabbey

Sites agreed for sale (no contract signed);

- Old Belfast Road, Bangor
- Ashfield Drive, Donaghadee
- Cypress Park, Donaghadee

Contract signed;

- Cuan Avenue, Portaferry

Sites sold;

- Loughries, Ballywatticock, Newtownards
- Kathleen Drive, Newtownards

Committee on Climate Change

Mr D Ford asked the Minister for Social Development if her Department has sought advice from the Committee on Climate Change with regard to its obligations under the Programme for Government. (AQW 2186/10)

Minister for Social Development: As Minister for Social Development I have not sought advice from the United Kingdom Committee for Climate Change. However, we have been very active in advancing our sustainability agenda across the Department.

Media Training for Departmental Staff

Mr T Lunn asked the Minister for Social Development how much her Department has spent on media training for staff in each of the last five financial years. (AQW 2189/10)

Minister for Social Development: In the last five years Department for Social Development expenditure on media training for staff is as follows:

Year	Costs
2004/05	Nil
2005/06	Nil
2006/07	Nil
2007/08	£600
2008/09	£3300

Credit Unions

Mr S Gardiner asked the Minister for Social Development if she has had discussions with Credit Unions in the past twelve months in relation to housing; and to detail the outcomes of these discussions. (AQW 2217/10)

Minister for Social Development: I met with the President of the Irish League of Credit Unions and an ICLU Board member on 8 June 2009. This discussion centred on the impact of proposed legislation on credit unions and how credit unions can contribute to social development initiatives including issues regarding housing.

Following on from this meeting officials from Housing Division met with representatives of the Credit Union movement on 25 June.

Whilst the Credit Union movement was keen to explore how it could invest in a range of social projects across the North, including housing, no detailed proposals were tabled.

The issue here is that any borrowing would need to be guaranteed by the Department and would score as public expenditure. This would ultimately mean the Departmental Expenditure Limit for my Department would exceed that set by the Northern Ireland Executive.

NI Housing Executive Homes

Mr G Savage asked the Minister for Social Development how many NI Housing Executive homes in the Banbridge district were unoccupied in each day of the last six months. (AQW 2220/10)

Minister for Social Development: The information is not available in the format requested. However, at 30 September 2009 there were twenty six Housing Executive properties vacant for more than 26 weeks, the majority of which were held vacant for major repairs/improvements or decant purposes.

NORTHERN IRELAND ASSEMBLY

Friday 13 November 2009

Written Answers to Questions

OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

Policing and Justice: Funding

Mr W Irwin asked the First Minister and deputy First Minister for an update on negotiations with Her Majesty's Government regarding funding for policing and justice after it is devolved. (AQO 237/10)

First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness): The Prime Minister published his proposals on funding the devolution of policing and justice on Wednesday 21 October. The document is available on www.number10.gov.uk.

North/South Ministerial Council: Aquaculture and Marine

Miss M McIlveen asked the First Minister and deputy First Minister when the last meeting of the North South Ministerial Council took place in the Aquaculture and Marine sectoral format. (AQO 324/10)

First Minister and deputy First Minister: The last meeting of the North South Ministerial Council in the Aquaculture and Marine sectoral format took place on 20 July 2009.

A further meeting had been scheduled for 23 October but was postponed until 18 November to allow for full legal scrutiny of the Foyle Area and Carlingford Area (Amendment) Regulations 2009 and the Foyle Area and Carlingford Area (Coarse Angling) Regulations 2009.

Departmental Budgets

Mr A McFarland asked the First Minister and deputy First Minister for an assessment of the potential impact on Programme for Government targets of a reduction in Departments' projected budget allocations or reduced revenue streams. (AQO 326/10)

First Minister and deputy First Minister: The Executive has in place a formal monitoring framework for the Programme for Government. Structures and processes have been established across departments to monitor and report on performance in delivering against targets.

Our first delivery report, showing the position as at the end of March 2009 has been made available to Assembly Members and Committees. That report acknowledged that the economic position has radically changed from the time when the PfG was first agreed and endorsed by the Assembly. It also highlights where performance in hitting targets is threatened by the changed economic and financial outlook.

The PfG is ambitious and challenging and the Executive is ever vigilant to any changes that might threaten the promises it makes. The changing financial and economic outlook is difficult. However, to quote from our published Delivery Report "While it may be appropriate in some cases to review our targets, this is not the time to limit ambitions." [Page 12, para 2.4, last sentence]

Child Abuse

Mr D Simpson asked the First Minister and deputy First Minister whether the Children's Commissioner requested a meeting with them to discuss the issue of child abuse in care homes. (AQO 327/10)

First Minister and deputy First Minister: The Commissioner has not requested a meeting to discuss the issue of child abuse in care homes.

We share concerns about allegations of abuse against children and want to see full investigations into any alleged incidents. We would strongly urge anyone who has evidence of abuses committed within this jurisdiction to bring it to the attention of the PSNI or social services for investigation.

This matter will also be tabled at the next meeting of the Ministerial Sub-Committee on Children and Young People for Ministerial discussion.

Policing and Justice Powers

Ms J McCann asked the First Minister and deputy First Minister to provide an update on the ongoing work regarding the transfer of Policing and Justice. (AQO 328/10)

First Minister and deputy First Minister: Preparations for the devolution of policing and justice powers have continued to progress in line with the process paper which we made public following our attendance at the Assembly and Executive Review Committee (AERC) on 18 November last year.

Subsequently the AERC published in January 2008 a First Report on arrangements for the devolution of policing and justice matters, and this report was endorsed by the Assembly. Legislative changes have been enacted at Westminster to reflect the recommendations of that report. The AERC has continued to examine a wider range of issues linked to devolution of policing and justice responsibilities.

A Bill was introduced in the Assembly on 14 September to facilitate the future creation of a Department of Justice and make arrangements for the appointment of a Minister of Justice. The Bill has passed its second stage and Committee scrutiny, and Consideration stage. The Bill is preparatory in nature and its commencement provision will ensure that it is only brought into operation on a date determined by us.

One of the essential steps identified in the November 2008 process paper was the satisfactory conclusion to financial discussions involving ourselves, the NIO, the Treasury and the Prime Minister. These discussions have been pursued intensively in recent months. An offer of a financial package to meet the pressures faced by bodies responsible for the delivery of policing and justice functions has now been set out in a letter from the Prime Minister, which he made public on 21 October.

We re-emphasise our commitment to working faithfully through the remaining steps identified in the November process paper, so that devolution can be achieved without undue delay.

Cohesion, Sharing and Integration Strategy

Mr T Lunn asked the First Minister and deputy First Minister how long publication of the Cohesion, Sharing and Integration Strategy has been delayed and the reasons for the delay. (AQO 330/10)

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 those would be met. However, it was not possible to meet that date. Reaching agreement on the Cohesion, Sharing and Integration strategy (CSI) remains one of the top policy priorities of OFMDFM. We have now agreed a process and officials within OFMDFM are working on a revised draft of the Programme. This process will identify areas of agreement and outstanding areas of contention.

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 us 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.

- Junior Minister Gerry Kelly and Junior Minister Robin Newton 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. Overall, since devolution in 2007, we have spent £1.5m on this intervention work.
- In our District Councils Community Relations Programme we have spent since May 2007 £4.372m and have committed a further £2.759m this financial year.
- 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.
- We have also chaired meetings relating to issues in Craigavon and Lurgan.
- Finally, we have provided further funding within the past two weeks for specific intervention work in east and north Belfast.

US Investment

Mr M McLaughlin asked the First Minister and deputy First Minister to outline the investments that have been secured following their visits to the United States. (AQO 331/10)

First Minister and deputy First Minister: We have been lobbying hard in the United States (US) for more investment over the past year. We visited the US in March and September to promote investment opportunities and to support InvestNI in its negotiations with potential investors and leads generated from the US Economic conference.

Our participation at key meetings with prospective investors, and those who influence investment decisions helped strengthen InvestNI's sales message. We used these opportunities to explain the Executive's commitment to growing the economy and to encourage prospective investors to choose here as their preferred European location.

We are pleased with the outcome of our interventions in bringing major film and television projects to Belfast from Home Box Office and Universal Studios. In April, the New York Comptrollers Office also announced a \$30m package to be made available for potential investment by the New York state retirement fund.

During our recent visit to New York on 23rd and 24th September at the invitation of former President Bill Clinton, we attended a seminar on inward investment opportunities at a special session of the Clinton Global Initiative's Annual conference. The event, Chaired by President Clinton, presented us with an unprecedented opportunity to promote investment here to over 350 senior corporate executives from major financial institutions and the media. We also attended a business breakfast, arranged by Declan Kelly and chaired by Don Keough, the former president of Coca Cola. The event attracted 12 highly placed business executives who were able to gain a better understanding of the opportunities of investing here. We also met with a number of other clients of InvestNI to help progress decisions on establishing a presence here.

Declan Kelly also played a key role in organising the US Business Leaders delegation which accompanied Secretary of State Clinton to Belfast.

Over the past two years we have had an ongoing engagement with the New York Stock Exchange (NYSE). We were delighted that we were able to encourage NYSE Technologies to expand its presence in Belfast in creating up to 400 new jobs in a new development facility. The scale and significance of this expansion is a tremendous boost to the growth of our local financial services sector, particularly at a time when global competition for such investment has never been higher.

We were also pleased that following on from our visit to the West Coast in March, the Irish Technology Leadership Group visited here recently with a 15-strong delegation from Silicon Valley. This was an important event in exploring business ventures and assisting us in developing opportunities in the US for our local companies.

Despite the economic downturn, Northern Ireland continues to attract interest from American companies looking for a foothold in Europe. We have been greatly encouraged by the ongoing support and the recent investment announcements are a reflection of the confidence that major US businesses have in the strength of the

NI business model. We will continue to work with InvestNI in promoting our business message to prospective investors in the US.

Cohesion, Sharing and Integration Strategy

Mr D Ford asked the First Minister and deputy First Minister to outline the issues that have to be resolved before a consultation document can be finalised on the Cohesion, Sharing and Integration Strategy. (AQO 332/10)

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 those would be met. However, it was not possible to meet that date. Reaching agreement on the Cohesion, Sharing and Integration strategy (CSI) remains one of the top policy priorities of OFMDFM. We have now agreed a process and officials within OFMDFM are working on a revised draft of the Programme. This process will identify areas of agreement and outstanding areas of contention.

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 us 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.
- Junior Minister Gerry Kelly and Junior Minister Robin Newton 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. Overall, since devolution in 2007, we have spent £1.5m on this intervention work.
- In our District Councils Community Relations Programme we have spent since May 2007 £4.372m and have committed a further £2.759m this financial year.
- 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.
- We have also chaired meetings relating to issues in Craigavon and Lurgan.
- Finally, we have provided further funding within the past two weeks for specific intervention work in east and north Belfast.

DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

Allegations of Harassment or Bullying

Miss M McIlveen asked the Minister of Agriculture and Rural Development how many allegations of harassment or bullying have been reported by staff in her Department in each of the last five years.

(AQW 2289/10)

Minister of Agriculture and Rural Development (Ms M Gildernew): I have set out in the table below the number of allegations of harassment or bullying reported to the Department's Equal Opportunities Unit in each of the last five calendar years:

Year	Harassment	Bullying	Harassment and Bullying	Total
2005	0	2	0	2
2006	2	5	2	9
2007	7	2	4	13

Year	Harassment	Bullying	Harassment and Bullying	Total
2008	2	3	2	7
2009	1	4	0	5

Dairy Cows

Mrs I Robinson asked the Minister of Agriculture and Rural Development how many dairy cows are being kept in factory-farm conditions and not let out to graze. (AQW 2451/10)

Minister of Agriculture and Rural Development: There is no information on the permanent housing of cattle available within the department to provide a response to this question.

Certificate of Competence Test

Miss M McIlveen asked the Minister of Agriculture and Rural Development what steps she has taken or intends to take to require those wishing to transport livestock to take a Certificate of Competence test in compliance with Council Regulation (EC) No 1/2005. (AQW 2568/10)

Minister of Agriculture and Rural Development: As required by Article 6(5) of Council Regulation EC 1/2005 on the protection of animals during transport and related operations from 5 January 2008 every person who drives or acts as an attendant on a road vehicle transporting domestic Equidae or domestic animals of bovine, ovine, caprine or porcine species or poultry, should hold a certificate of competence.

My Department informed all persons who are authorised as transporters under the Council Regulation of the need to have a competence certificate at the time they were awarded the Transporter Authorisation.

Information on these requirements is on the Department's website, together with contacts for arranging assessment.

In addition, letters have been issued to transporters informing them of the requirements. A number of Press Releases have also issued.

My Department requires all persons applying for authorisation to transport livestock or poultry on journeys of over 8 hours to obtain a competence certificate before transporter authorisation is granted.

DEPARTMENT OF CULTURE, ARTS AND LEISURE

Maze Site

Mr S Gardiner asked the Minister of Culture, Arts and Leisure what involvement his Department has in the Maze site now that the main stadium project has been discontinued. (AQW 2244/10)

Minister of Culture, Arts and Leisure (Mr N McCausland): I would refer to my answer to AQO 81/10 on Tuesday 22 September 2009 which sets out my Department's position in relation to the Maze. For convenience I record this below:

"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.”

Windsor Park

Mr B Armstrong asked the Minister of Culture, Arts and Leisure what steps he is taking to ensure that a new contract is in place between the Irish Football Association and Linfield FC before any public money is released to modernise Windsor Park, to ensure that the profits from international fixtures held at that venue are shared amongst all Irish League clubs, to allow for a fairer level of competition. (AQW 2302/10)

Minister of Culture, Arts and Leisure: I would refer to my answer to AQO 262/10 on Tuesday 20 October 2009 which sets out the position in relation to this issue. For convenience I record this below:

“It has been made absolutely clear to both the IFA and Linfield Football Club that any development at Windsor Park that involves significant public expenditure is conditional on the contractual arrangements being

agreed to the satisfaction of all concerned, and, wherever possible, my Department will facilitate that process. The issue will also feature prominently in the outline business case for regional stadia development

that has been commissioned by Sport NI. It is vital that any new contractual arrangements that are put in place provide a sustainable long-term future for international football in Northern Ireland. As far as the commercial arrangement between the IFA and Linfield Football

Club is concerned, the IFA is, in the first instance, responsible for addressing the concerns of the other football clubs, and I anticipate that that, too, will be a factor when re-examining the present contract arrangements.”

Musical Instruments for Bands Scheme

Mr D McKay asked the Minister of Culture, Arts and Leisure what bands had applications rejected for the musical instruments for bands scheme because of a contravention of the good relations commitment in the recent funding round; and to outline how each band contravened this commitment. (AQW 2303/10)

Minister of Culture, Arts and Leisure: Two Applications from Flute Bands were rejected in the most recent funding round of the Arts Council’s Musical Instruments for Bands Programme.

The applications were rejected on the basis that, at the time of application, websites associated with the bands contained offensive material which was considered to be in breach of the Arts Council’s statutory duty in relation to the promotion of equality of opportunity and good relations.

It is not appropriate to name the bands concerned because a cross community project to improve relations in the area involving a range of community groups and local bands is ongoing and I do not want to prejudice these efforts.

GAA and Orange Order Engagements

Mr D McKay asked the Minister of Culture, Arts and Leisure to list all (i) GAA; and (ii) Orange Order engagements he has attended, since taking office. (AQW 2337/10)

Minister of Culture, Arts and Leisure: Since taking up office I have attending the following GAA and Orange Order engagements:

GAA

I attended Gaelic Football 7s at World Police and Fire Games 2009 in Vancouver on 1 August 2009; the Final of 3rd International Police Gaelic Football Competition at Newforge Country Club on 3 October 2009; and I visited Casement Park on 21 October 2009.

Orange Order

I attended the launch of Orangefest 2009 at Spectrum Centre on 3 July 2009; I hosted a reception for 43rd Imperial Orange Council at Parliament

Buildings on 10 July 2009; and I visited Cairncastle Orange Hall on 15 October 2009.

Bands: Funding from the Arts Council

Mr D McKay asked the Minister of Culture, Arts and Leisure to list all bands that received funding from the Arts Council, in each of the last five years; and how much each band received. (AQW 2339/10)

Minister of Culture, Arts and Leisure: Funding for bands for the five years from 2005/06 to 2009/10 is summarised in the table below. Individual awards also listed in the attached document. Details of the Arts Council's grants are available on the Arts Council's website at www.artscouncil-ni.org/funding/recent-awards.

Scheme	2005/06	2006/07	2007/08	2008/09	2009/10	Total
Musical Instruments for Bands	-	141,915	155,002	149,311	104,822	551,050
Small Grants /Awards for All	67,540	29,920	42,565	16,020	18,750	174,795
Equipment	153,104	-	-	-	-	153,104
Total	220,644	171,835	197,567	165,331	123,572	878,949

ARTS COUNCIL FUNDING FOR BANDS

2009-2010 TO DATE

Type	Finance Year	Decision date	Name	Project Title	Grant
Small Grants Programme	2009-2010	08/07/2009	Pride of the Orange and Blue Flute Band	'A Band Play'	10,000
Small Grants Programme	2009-2010	04/06/2009	Armagh Old Boys Silver Band	Brass series in Armagh	4,000
Small Grants Programme	2009-2010	13/05/2009	Upper Crossgare Pipe Band	Teaching Programme & 1 week long Summer Scheme	2,250
Small Grants Programme	2009-2010	01/04/2009	Upper Falls Protestant Boys	(Flute) Band Development	2,500
Musical Instruments	2009-2010	07/07/2009	Schomberg Fife and Drum Band	Purchase Musical Instruments	2,741
Musical Instruments	2009-2010	07/07/2009	Closkelt Highland Pipe Band	Purchase Musical Instruments	3,663
Musical Instruments	2009-2010	07/07/2009	Ulster Grenadiers Flute Band	Purchase Musical Instruments	4,266
Musical Instruments	2009-2010	07/07/2009	Garvary Flute Band	Purchase Musical Instruments	5,000
Musical Instruments	2009-2010	07/07/2009	Tobermore Loyal Flute Band	Purchase Musical Instruments	3,735
Musical Instruments	2009-2010	07/07/2009	South Down Defenders Flute Band	Purchase Musical Instruments	5,000
Musical Instruments	2009-2010	07/07/2009	Megargy Accordion Band	Purchase Musical Instruments	4,866
Musical Instruments	2009-2010	07/07/2009	Ballykeel Conservative Flute Band	Purchase Musical Instruments	4,845
Musical Instruments	2009-2010	07/07/2009	Upper Falls Protestant Boys	Purchase Musical Instruments	4,658

Type	Finance Year	Decision date	Name	Project Title	Grant
Musical Instruments	2009-2010	07/07/2009	Fifes and Drums Historical and Musical Society	Purchase Musical Instruments	4,878
Musical Instruments	2009-2010	07/07/2009	Omagh Protestant Boys (Melody) Flute Band	Purchase Musical Instruments	5,000
Musical Instruments	2009-2010	07/07/2009	Blackhill Flute Band	Purchase Musical Instruments	2,477
Musical Instruments	2009-2010	07/07/2009	Crossmaglen Youth Band	Purchase Musical Instruments	5,000
Musical Instruments	2009-2010	07/07/2009	Ulster Volunteer Flute Band	Purchase Musical Instruments	4,583
Musical Instruments	2009-2010	07/07/2009	Ballylesson Old Boys' Flute Band	Purchase Musical Instruments	4,889
Musical Instruments	2009-2010	07/07/2009	Upper Crossgare Pipe Band	Purchase Musical Instruments	5,000
Musical Instruments	2009-2010	07/07/2009	Magheraglass Flute Band	Purchase Musical Instruments	4,557
Musical Instruments	2009-2010	07/07/2009	Loughinsholin Cultural Music Group	Purchase Musical Instruments	4,984
Musical Instruments	2009-2010	07/07/2009	Lisbellaw Accordion Band	Purchase Musical Instruments	5,000
Musical Instruments	2009-2010	07/07/2009	Eden Accordion Band & Concert Music Society	Purchase Musical Instruments	5,000
Musical Instruments	2009-2010	07/07/2009	Wattlebridge Accordion Band	Purchase Musical Instruments	5,000
Musical Instruments	2009-2010	07/07/2009	Glenavy Accordion Band	Purchase Musical Instruments	4,680
Musical Instruments	2009-2010	07/07/2009	Castlegore Amateur Flute Band	Purchase Musical Instruments	5,000
Total to Date					123,572

2008-2009

Type	Finance Year	Decision date	Name	Project Title	Grant
Musical Instruments for Bands	2008-2009	Ballinacross Accordion Band	4,995	Accordion band	
Musical Instruments for Bands	2008-2009	Ballymartin Pipe Band	4,999	Pipe band	
Musical Instruments for Bands	2008-2009	Ballymena and Harryville Young Conqueror	5,000		
Musical Instruments for Bands	2008-2009	Ballyreagh Silver Band	4,923	Silver band	
Musical Instruments for Bands	2008-2009	Benburb Memorial Pipe Band	3,472	Pipe band	
Musical Instruments for Bands	2008-2009	Cappagh Pipe Band	5,000	Pipe band	
Musical Instruments for Bands	2008-2009	Castlerock Pipe Band	5,000	Pipe band	

Type	Finance Year	Decision date	Name	Project Title	Grant
Musical Instruments for Bands	2008-2009	Clogher Youth & Music Club	3,750		
Musical Instruments for Bands	2008-2009	Coleraie Fife & Drum Band	4,492	Fife and Drum band	
Musical Instruments for Bands	2008-2009	Drumaheagles Young Defenders Flute Band	5,000	Flute band	
Musical Instruments for Bands	2008-2009	First Old Boys Association Silver Band	4,900	Silver band	
Musical Instruments for Bands	2008-2009	Killymuck Accordion Band	5,000	Accordion band	
Musical Instruments for Bands	2008-2009	Kilnaslee Pipe Band	3,789	Pipe band	
Musical Instruments for Bands	2008-2009	Lisnaskea Accordion Band	5,000	Accordion band	
Musical Instruments for Bands	2008-2009	Montober Flute Band	4,958	Flute band	
Musical Instruments for Bands	2008-2009	Moybrone Pipe Band	4,657	Pipe band	
Musical Instruments for Bands	2008-2009	Moygashel Sons of Ulster	4,183		
Musical Instruments for Bands	2008-2009	Mullinagoagh Pipe Band	4,999	Pipe band	
Musical Instruments for Bands	2008-2009	Mulnagore Coronation Accordion Band	4,862	Accordion band	
Musical Instruments for Bands	2008-2009	Murley Concert Band (Junior band of Murley Silver Band)	5,000	Concert band	
Musical Instruments for Bands	2008-2009	Pomeroy Flute Band	4,736	Flute band	
Musical Instruments for Bands	2008-2009	Pride of the Derg Flute Band	4,713	Flute band	
Musical Instruments for Bands	2008-2009	Raffrey Pipe Band	4,999	Pipe band	
Musical Instruments for Bands	2008-2009	Roses Lane Ends Temperance Flute Band	3,750	Flute band	
Musical Instruments for Bands	2008-2009	Sgt White Memorial Flute Band	4,255	Flute band	
Musical Instruments for Bands	2008-2009	Skeogh Flute Band	5,000	Flute band	
Musical Instruments for Bands	2008-2009	Tamlaght Pipe Band	5,000	Pipe band	
Musical Instruments for Bands	2008-2009	Tamlaghtmore Flute Band	4,005	Flute band	
Musical Instruments for Bands	2008-2009	Tempo Accordion Band	4,191	Accordion band	
Musical Instruments for Bands	2008-2009	Tubrid Pipe Band	4,688	Pipe band	

Type	Finance Year	Decision date	Name	Project Title	Grant
Musical Instruments for Bands	2008-2009	W.J. Armstrong Memorial Pipe Band	4,995	Pipe band	
Musical Instruments for Bands	2008-2009	William Strain William Lightbody Memorial Flute Band	5,000	Flute band	
Awards for All	2008-2009	The Hamilton Flute Band	800	Flute band	
Awards for All	2008-2009	Letterbreen Silver Band	4,000	Silver band	
Awards for All	2008-2009	Ballindarragh Accordion Band	1,850	Accordion band	
Awards for All	2008-2009	Trillick Pipe Band	3,650	Pipe band	
Awards for All	2008-2009	Magheraboy Flute Band	3,520	Flute band	
Awards for All	2008-2009	Holy Cross Accordion Band Atticall	2,200	Accordion band	
Total 2008/09			165,331		

2007-2008

Type	Finance Year	Decision date	Name	Project Title	Grant
Musical Instruments for Bands	2007-2008	Ballykeel Loyal Sons of Ulster flute band	5,000	Flute band	
Musical Instruments for Bands	2007-2008	Ballymacall True Blues Flute Band	4,300	Flute band	
Musical Instruments for Bands	2007-2008	Ballymacannelly Sons of Conquerors	4,525		
Musical Instruments for Bands	2007-2008	Ballymoughan Flute Band	2,280	Flute band	
Musical Instruments for Bands	2007-2008	Blaris Accordion Band	4,688	Accordion band	
Musical Instruments for Bands	2007-2008	Burntollet Sons of Ulster	5,000		
Musical Instruments for Bands	2007-2008	Carnagh Accordion Band	2,295	Accordion band	
Musical Instruments for Bands	2007-2008	Coalisland Jubilee Accordion Band	4,688	Accordion band	
Musical Instruments for Bands	2007-2008	Crumlin Young Loyalist Flute Band	3,963	Flute band	
Musical Instruments for Bands	2007-2008	Cullybackey Pipe Band	5,000	Pipe band	
Musical Instruments for Bands	2007-2008	Curran Flute Band	5,000	Flute band	
Musical Instruments for Bands	2007-2008	Dromara Highland Pipe Band	5,000	Pipe band	
Musical Instruments for Bands	2007-2008	Drumconvis Young Defenders Flute Band	3,795	Flute band	

Type	Finance Year	Decision date	Name	Project Title	Grant
Musical Instruments for Bands	2007-2008	Drumnaglough Flute Band	3,775	Flute band	
Musical Instruments for Bands	2007-2008	Dyan Pipe Band	4,594	Pipe band	
Musical Instruments for Bands	2007-2008	George A Dummigan Accordion Band	4,000	Accordion band	
Musical Instruments for Bands	2007-2008	Gilnahirk Pipe Band	3,438	Pipe band	
Musical Instruments for Bands	2007-2008	Gortagilly Musical Society	5,000		
Musical Instruments for Bands	2007-2008	Grallagh Unionist Flute Band	5,000	Flute band	
Musical Instruments for Bands	2007-2008	Hounds of Ulster	5,000		
Musical Instruments for Bands	2007-2008	Killycoogan Accordion Band	5,000	Accordion band	
Musical Instruments for Bands	2007-2008	Kilrea Pipe Band	4,999	Pipe band	
Musical Instruments for Bands	2007-2008	Knockloughrim Accordion Band	5,000	Accordion band	
Musical Instruments for Bands	2007-2008	Lisnaskea Silver Band	5,000	Silver band	
Musical Instruments for Bands	2007-2008	Maghera Sons of William	2,730		
Musical Instruments for Bands	2007-2008	Magheraboy Flute Band	3,723	Flute band	
Musical Instruments for Bands	2007-2008	Muckamore Cultural Music Society	5,000		
Musical Instruments for Bands	2007-2008	Newmills Silver Band	5,000	Silver band	
Musical Instruments for Bands	2007-2008	Pride of Ardoyne	4,605		
Musical Instruments for Bands	2007-2008	Pride of the Maine	3,690		
Musical Instruments for Bands	2007-2008	Pride of The Park Flute Band Armoy	4,013	Flute band	
Musical Instruments for Bands	2007-2008	Saint Patrick's Pipe Band, Drumquin	4,901	Pipe band	
Musical Instruments for Bands	2007-2008	St Eugene's Band Omagh	5,000		
Musical Instruments for Bands	2007-2008	Tullywhisker Pipe Band	5,000	Pipe band	
Musical Instruments for Bands	2007-2008	Tyrone Ditches Pipe Band	5,000	Pipe band	
Awards for All	2007-2008	St John's Independant Accordion Band	8,320	Accordion band	Tuition costs
Awards for All	2007-2008	Moneymore Accordion Band	2,880	Accordion band	Tuition costs
Awards for All	2007-2008	Letterbreen Silver Band	5,795	Silver band	Tuition costs

Type	Finance Year	Decision date	Name	Project Title	Grant
Awards for All	2007-2008	Magheraboy Flute Band	3,600	Flute band	Tuition costs
Awards for All	2007-2008	Upper Crossgare Pipe Band	5,000	Pipe band	Tuition costs
Awards for All	2007-2008	Bawn Silver Band	5,500	Silver band	Tuition costs
Awards for All	2007-2008	Ardboe Central Youth Band	5,000		Tuition costs
Awards for All	2007-2008	Aghavilly Accordion Band	500	Accordion band	Tuition costs
Awards for All	2007-2008	Ballycoan Pipe Band	5,970	Pipe band	Tuition costs
Total 2007/08			197,567		

2006-2007

Type	Finance Year	Decision date	Name	Project Title	Grant
Musical Instruments for Bands	2006-2007	Ardinariff Flute Band	3,000	Flute band	
Musical Instruments for Bands	2006-2007	Augharonan Pipe Band	5,000	Pipe band	
Musical Instruments for Bands	2006-2007	Barr Jubilee Pipe Band	4,673	Pipe band	
Musical Instruments for Bands	2006-2007	Brookeborough Flute Band	5,000	Flute band	
Musical Instruments for Bands	2006-2007	Cairncastle Flute Band	5,000	Flute band	
Musical Instruments for Bands	2006-2007	Churchill Flute Band	3,517	Flute band	
Musical Instruments for Bands	2006-2007	Cranny Pipe Band	3,000	Pipe band	
Musical Instruments for Bands	2006-2007	Crimson Arrow Pipe Band	2,605	Pipe band	
Musical Instruments for Bands	2006-2007	Desertmartin Accordion Band	5,000	Accordion band	
Musical Instruments for Bands	2006-2007	Donaghmore Accordion Band	5,000	Pipe band	
Musical Instruments for Bands	2006-2007	Dungiven Flute Band	3,750	Flute band	
Musical Instruments for Bands	2006-2007	Hillview Flute Band	4,000	Flute band	
Musical Instruments for Bands	2006-2007	Lisbeg Pipe Band	5,000	Pipe band	
Musical Instruments for Bands	2006-2007	Lisburn Young Defenders Flute Band	2,957	Flute band	
Musical Instruments for Bands	2006-2007	Lisnamulligan Pipe Band	3,773	Pipe band	
Musical Instruments for Bands	2006-2007	Lower Woodstock Ulster Scots Flute Band	3,585	Flute band	
Musical Instruments for Bands	2006-2007	Magheragall Pipe Band	3,500	Pipe band	

Type	Finance Year	Decision date	Name	Project Title	Grant
Musical Instruments for Bands	2006-2007	Magheraveely Flute Band	5,000	Flute band	
Musical Instruments for Bands	2006-2007	Maguiresbridge Silver band	4,485	Silver band	
Musical Instruments for Bands	2006-2007	McNeillstown Pipe Band	5,000	Pipe band	
Musical Instruments for Bands	2006-2007	Mullabrack Accordion Band	4,594	Accordion band	
Musical Instruments for Bands	2006-2007	Newtownards Silver Band	3,630	Silver band	
Musical Instruments for Bands	2006-2007	Newtownbutler Flute Band	5,000	Flute band	
Musical Instruments for Bands	2006-2007	Omagh True Blues	3,000		
Musical Instruments for Bands	2006-2007	Portrush Sons of Ulster Flute Band	3,000	Flute band	
Musical Instruments for Bands	2006-2007	Pride of the Shore Flute Band	3,000	Flute band	
Musical Instruments for Bands	2006-2007	Rasharkin Pipe Band	5,000	Pipe band	
Musical Instruments for Bands	2006-2007	Sergeant Walker Memorial Pipe Band	3,263	Pipe band	
Musical Instruments for Bands	2006-2007	Sir George White Memorial Flute band	5,000	Flute band	
Musical Instruments for Bands	2006-2007	Star of Down Flute Band	3,693	Flute band	
Musical Instruments for Bands	2006-2007	Strabane Concert Brass	5,000	Concert band	
Musical Instruments for Bands	2006-2007	Stranocum Flute Band	4,890	Flute band	
Musical Instruments for Bands	2006-2007	Tullyhogue Flute Band	5,000	Flute band	
Musical Instruments for Bands	2006-2007	Vow Accordion Band	5,000	Accordion band	
Awards for All	2006-2007	South Fermanagh Flute Band	3,284	Flute band	Tuition costs
Awards for All	2006-2007	Churchill Flute Band	2,203	Flute band	Tuition costs
Awards for All	2006-2007	Benburb Pipe Band	984	Pipe band	Tuition costs
Awards for All	2006-2007	Blacksessiagh Coronation Accordion Band	1,520	Accordion band	Tuition costs
Awards for All	2006-2007	Newbuildings Girls Flute Band	2,600	Flute band	Tuition costs
Awards for All	2006-2007	Cooneen Pipe Band	3,600	Pipe band	Tuition costs
Awards for All	2006-2007	Killadeas Pipe Band	9,264	Pipe band	Tuition costs
Awards for All	2006-2007	Pomeroy Accoridian Band	2,465	Accordion band	Tuition costs

Type	Finance Year	Decision date	Name	Project Title	Grant
Awards for All	2006-2007	Cavanaleck Pipe Band	4,000	Pipe band	Tuition costs
Total 2006/07			171,835		

2005-2006

Equipment	2005-2006	St Malachy's Pipe Band Edendork	11,811
Equipment	2005-2006	Garvagh Pipe Band	15,633
Equipment	2005-2006	Letterbreen Silver Band	25,458
Equipment	2005-2006 North Belfast Pipe Band	12,942	
Equipment	2005-2006	Ravara Pipe Band	16,479
Equipment	2005-2006	St Patrick's Pipe Band Coa	13,117
Equipment	2005-2006 Waringsford Pipe Band	13,526	
Equipment	2005-2006 Mavemacullen Accordion Band	12,078	
Equipment	2005-2006	Cookstown Sons of William Flute Band	11,173
Equipment	2005-2006	Aughnaskeagh Silver Band	20,887
Awards for All	2005-2006	Holy Cross Accordion Band Atticall	3,000
Awards for All	2005-2006	St Treas Flute Band	3,000
Awards for All	2005-2006	Drumlough Pipe Band	2,840
Awards for All	2005-2006	Pomeroy Accordion Band	2,700
Awards for All	2005-2006	Breaghey Silver Band	4,225
Awards for All	2005-2006	The Hamilton Flute Band	1,102
Awards for All	2005-2006	Bawn Silver band	2,306
Awards for All	2005-2006	St Brigid's Community Band/Youth Arts Group	4,170
Awards for All	2005-2006	South Ulster Concert Band	1,150
Awards for All	2005-2006	Maguiresbridge Silver Band	3,530
Awards for All	2005-2006	Ballycoan Pipe Band	3,817
Awards for All	2005-2006	Heatherbrook Silver Band	2,998
Awards for All	2005-2006	Upper Crossgare Pipe Band	5,000
Awards for All	2005-2006	The Sergeant Walker Memorial Pipe Band	2,800
Awards for All	2005-2006	Ardboe Central Youth Band	3,840
Awards for All	2005-2006	Fermanagh Concert Band	4,860
Awards for All	2005-2006	Ballydonaghy Pipe Band	5,000
Awards for All	2005-2006	St Canice's Accordion Band	5,000
Awards for All	2005-2006	Killylea Silver Band	2,897
Awards for All	2005-2006	Cullenfadd Pipe Band	3,305
Total 2005/2006	220,644		

Funding for GAA and GAA Clubs

Mr T Elliott asked the Minister of Culture, Arts and Leisure to detail the total amount of funding provided to the GAA and GAA clubs in each of the last five years. (AQW 2387/10)

Minister of Culture, Arts and Leisure: Sport Northern Ireland (SNI) is responsible for the development of sport in Northern Ireland including the distribution of funding. SNI has provided exchequer and lottery funding in each of the last five years to the GAA and to GAA clubs, or for the benefit of GAA clubs, as follows:-

Year	Ulster Council GAA	Gaelic Clubs
2004/05	-	£514,170
2005/06	£3,635,970	£333,183
2006/07	£180,342	£1,838,838
2007/08	£1,197,268	£4,287,035
2008/09	£1,699,552	£6,225,117
Totals	£6,713,132	£13,198,343

Funding for the Irish Football Association and Soccer Clubs

Mr T Elliott asked the Minister of Culture, Arts and Leisure to detail the total amount of funding provided to the Irish Football Association and soccer clubs in each of the last five years. (AQW 2388/10)

Minister of Culture, Arts and Leisure: Sport Northern Ireland (SNI) is responsible for the development of sport in Northern Ireland including the distribution of funding. SNI has provided exchequer and lottery funding in each of the last five years to the Irish Football Association and to soccer clubs, or for the benefit of soccer clubs, as follows:-

Year	IFA	Soccer
2004/05	£1,157,215	£717,735
2005/06	£28,000	£800,000
2006/07	£1,838,450	£214,366
2007/08	£1,604,875	£4,340,724
2008/09	£1,059,228	£5,389,451
Totals	£5,687,768	£11,462,276

Museums Policy: Maritime Heritage

Mrs N Long asked the Minister of Culture, Arts and Leisure whether the current museums policy takes sufficient account of maritime heritage. (AQW 2464/10)

Minister of Culture, Arts and Leisure: The Report of the Assembly's Culture, Arts and Leisure Committee Inquiry into the need for a Museums Policy for Northern Ireland included a recommendation that the policy address the issue of how the maritime museum sector can be developed.

Departmental Officials are working with key stakeholders to develop a policy which will address the Committee's recommendations including development of the maritime sector.

Irish Premier League Matches

Mr J Shannon asked the Minister of Culture, Arts and Leisure if he has had any discussions with the Irish Football Association regarding Irish Premiership league matches being played during the summer months; and if so, what was the outcome. (AQW 2563/10)

Minister of Culture, Arts and Leisure: I have had no discussions, nor do I intend at the moment to have discussions, with the Irish Football Association (IFA) regarding Irish Premiership league matches being played during the summer months. The IFA is wholly responsible for the Irish Premiership league including determining the time at which Premiership league matches should be played. However, under the Soccer Strategy, it was

recommended that the football season should continue as at present from August to May, but be kept under regular review. Any review of the football season would be entirely a matter for the IFA to take forward.

DEPARTMENT OF EDUCATION

Interactive Computerised Assessment

Miss M McIlveen asked the Minister of Education how many children have been affected by the error of the Council for the Curriculum, Examinations and Assessment concerning the online maths 'Interactive Computerised Assessment'. (AQW 1781/10)

Minister of Education (Ms C Ruane): I am extremely concerned that 31,142 pupils from 328 schools were affected by the error in the computer-based InCAS General Maths assessment tool. Of the pupils affected, the error in the age related results of 20, 472 pupils was 5 months or less. It is estimated that incorrect results were shared with the parents of a maximum of 10,000 pupils.

Rinne an tseirbhís oideachais sa tuaisceart conradh leis an Ionad um Mheasúnú agus Monatóireacht (CEM) de chuid Ollscoil Durham an córas measúnaithe InCAS a fhorbairt agus a riar. Mar gheall ar an aischothú a fuarthas ó roinnt bheag príomhoidí, rinneadh seiceálacha ar na torthaí measúnaithe arna iarraidh sin ag CCEA. Le linn na seiceálacha seo d'aimsigh an tIonad um Mheasúnú agus Monatóireacht an earráid in oibriú an chórais InCAS. Ní raibh feidhm aici seo ar chórais ná ar nósanna imeachta CCEA agus is de bharr dianseasmhacht CCEA gur tháinig an earráid seo chun solais. Bhí an t-eolas ceartaithe ar fáil do scoileanna ó 14 Deireadh Fómhair ar aghaidh.

The InCAS assessment tool was developed and is administered by the University of Durham's Centre for Evaluation and Monitoring (CEM) under contract from the education service here. Acting in response to feedback from a small number of principals, CCEA requested checks be carried out on these assessment outcomes. It was during these checks that the CEM discovered the error in their operation of the InCAS system. CCEA systems and procedures have not been compromised and indeed it was largely due to CCEA's persistence that the fault came to light. The corrected information has been available to schools from 14 October.

Following this error, I asked CCEA for a full report on the circumstances that led to this problem and for assurances that such errors would not happen again. I was therefore disappointed that, despite assurances obtained from the Centre for Evaluation and Monitoring at Durham University, my Department was made aware, late on Friday, 23 October, that a further error had been discovered as a result of monitoring by CCEA and feedback from certain of our principals and teachers.

This was a technical error, reported by CEM to CCEA and relating to additional standardised statistical data on InCAS which may be used by some primary schools. This data is over and above the information which needs to be reported parents, and does not affect that information.

This error affects those schools which accessed the relevant statistical data prior to the error being discovered. Up to 274 schools could be affected as there were 274 hits on the relevant part of the website containing this data. However, this is the maximum number as some schools may have accessed the website more than once.

Immediate action was taken to ensure that this error was rectified, and the correct information has been available to schools from Wednesday, 28 October.

It is essential that information used by schools to assess the progress of pupils is accurate and reliable.

I have therefore asked CCEA to commission an immediate audit by an independent third party to determine exactly what went wrong and how any recurrence might be prevented. In addition, to ensure that there is continued confidence in diagnostic assessment I intend to set up a working group to consider how best to address this and to support schools in using diagnostic assessment to inform teaching and learning.

More generally, although InCAS has been developed over a number of years and was piloted in a number of schools prior to rolling out, problems have still emerged. These incidents should highlight to all schools the danger of trying to implement a system of testing young children using breakaway tests that have not been validated or trialled.

Interactive Computerised Assessment

Miss M McIlveen asked the Minister of Education for her assessment of the error made by the Council for the Curriculum, Examinations and Assessment concerning the online maths 'Interactive Computerised Assessment'; and what steps she intends to take to ensure that there is no repeat of this error. (AQW 1782/10)

Minister of Education: I was extremely concerned to hear of this error in the computer-based InCAS General Maths assessment tool.

Rinne an tseirbhís oideachais sa tuaisceart conradh leis an Ionad um Mheasúnú agus Monatóireacht (CEM) de chuid Ollscoil Durham an córas measúnaithe InCAS a fhorbairt agus a riar. Tharla an earráid i gcóras theicneolaíocht faisnéise agus cumarsáide an Ionaid um Mheasúnú agus Monatóireacht i nDurham. Ní raibh éifeacht aici seo ar chórais ná ar nósanna imeachta CCEA agus is de bharr dianseasmhacht CCEA gur tháinig an earráid seo chun solais. Ceartaíodh an earráid láithreach ionas go bhfuair na scoileanna ar fad a raibh éifeacht aici orthu, an t-eolas ceart ar dhul chun cinn gach dalta sa Mhatamaitic Ghinearálta.

The InCAS assessment tool was developed and is administered by the University of Durham's 'Centre for Evaluation and Monitoring (CEM)', under contract from the education service here. The error occurred within the CEM ICT system in Durham. CCEA systems and procedures have not been compromised and indeed it was largely due to CCEA's persistence that the fault came to light. The fault was corrected immediately so that, from Wednesday, 14 October, all affected schools were in receipt of the correct information about the progress of all pupils in general maths.

The first priority for me was to ensure that the schools affected were contacted by CCEA and given full explanations. That process was completed promptly. In addition, my officials led a briefing with the main teacher unions, and guidance was issued to the affected schools.

Naturally, I was extremely concerned and I asked CCEA for a full report on the circumstances that led to this problem and for assurances that such errors would not happen again. I was therefore disappointed that, despite assurances obtained from the Centre for Evaluation and Monitoring at Durham University, my Department was made aware, late on Friday, 23 October, that a further error had been discovered as a result of monitoring by CCEA and feedback from certain of our principals and teachers.

This was a technical error relating to additional standardised statistical data on InCAS which may be used by some primary schools. This data is over and above the information which needs to be reported parents, and does not affect that information.

Immediate action was taken to ensure that this error was rectified, and the correct information has been available to schools from Wednesday, 28 October. My officials have briefed the main teacher unions: schools have been advised of the position: and, where necessary, support will be available to schools affected by the errors. The Assembly Education Committee has been advised of the position.

It is essential that information used by schools to assess the progress of pupils is accurate and reliable.

I have therefore asked CCEA to commission an immediate audit by an independent third party to determine exactly what went wrong and how any recurrence might be prevented. In addition, to ensure that there is continued confidence in diagnostic assessment I intend to set up a working group to consider how best to address this and to support schools in using diagnostic assessment to inform teaching and learning.

More generally, although InCAS has been developed over a number of years and was piloted in a number of schools prior to rolling out, problems have still emerged. These incidents should highlight to all schools the danger of trying to implement a system of testing young children using breakaway tests that have not been validated or trialled.

Viability Criteria

Mr M Storey asked the Minister of Education what is the viability criteria for the establishment of (i) a primary Irish medium school; and (ii) a primary grant aided school. (AQW 2195/10)

Minister of Education: Leagtar amach sa Pholasáí do Scoileanna Inbhuanaithe, a foilsíodh i mí Eanáir 2009, na sé chritéar 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, published in January 2009, sets out six criteria for use in assessing the educational viability of schools, as follows:-

- Quality Educational Experience
- Stable Enrolment Trends
- Sound Financial Position
- Strong Leadership and Management
- Accessibility
- Strong Links with the Community

A decision on the provision of any Irish primary school will also be made taking into account the Review of Irish Medium Education and the responsibility and onus to facilitate and enhance the Irish language under the European Charter for Regional and Minority Languages.

Dyspraxia

Mr M Durkan asked the Minister of Education to outline (i) the services available to people with dyspraxia in the Western Health and Social Care Trust area; and (ii) what planning and co-ordination exists between education service providers and other agencies to deliver services to this group. (AQW 2232/10)

Minister of Education: I understand that the Minister of Health, Social Services and Public Safety will respond to part (i) of your question relating to the services available to people with dyspraxia in the Western Health and Social Care Trust (your AQW 2227/10 refers). With regard to part (ii) of your question I will reply regarding children and young people.

An inter-board working group consisting of educational psychologists from each of the Education and Library Boards (ELBs) was established in 2003 to plan and co-ordinate the diagnosis and assessment of dyspraxia.

The findings and recommendations of this group were agreed on an inter-disciplinary and inter-agency basis. Multi-agency group meetings were held to facilitate a co-ordinated approach to the assessment and diagnosis of dyspraxia which it was agreed would be called Developmental Co-ordination Disorder (DCD).

As a result of this inter-agency liaison and consultation the booklet “Guidelines towards Inter Agency Agreement (DCD)” was produced. This booklet was distributed to health and education professionals and forms the basis of a co-ordinated approach across the health and education sectors.

Comhoibriú na Boird Oideachais agus Leabharlaine go rialta le mórán gníomhaireachtaí eile chun comhpháirtíochtaí idirghníomhaireachta idirdhisciplíneacha a chur chun cinn le freastal ar riachtanais páistí agus daoine óga a bhfuil Neamhord Forbartha Comhordaithe acu, lena n-áirítear clinicií forbartha páistí, foirne tacaíochta ilghníomhaireachta, teiripe urlabhra agus teanga, teiripe iompraíochta agus síceolaíthe cliniciúla.

ELBs regularly liaise with many other agencies including occupational therapy, child development clinics, multi-agency support teams, speech and language therapy, behaviour therapy and clinical psychologists to promote inter-agency and inter-disciplinary partnerships to address the needs of children and young people with DCD.

Pensions

Mr P Weir asked the Minister of Education how many teachers and college lecturers have been contacted by his Department regarding the overpayment of their pensions; and how many have had their pensions reduced. (AQW 2258/10)

Minister of Education: Seo a leanas líon na múinteoirí agus léachtóirí coláiste a ndearna an Roinn teagmháil leo maidir le ró-íocaíocht a bpinsean agus líon na múinteoirí agus léachtóirí coláiste ar laghdáíodh a bpinsean.

The number of teachers and college lecturers that have been contacted by the Department regarding the overpayment of their pension and the number who have had their pensions reduced, is as follows:

Financial Year	Number of teachers contacted regarding overpayment of pension.	Number of teachers who have had their pensions reduced.
2008/09	557	538
2009/10	43	21

Blind and Partially-Sighted Pupils: Access to Textbooks

Mr P Weir asked the Minister of Education what steps are being taken to ensure that all text books are accessible to blind and partially-sighted pupils. (AQW 2259/10)

Minister of Education: Tá tugtha le fios ag Príomhfheidhmeannaigh na mBord Oideachais agus Leabharlainne dom go bhfaigheann na Boird Oideachais agus Leabharlainne ábhair agus téacsleabhair le haghaidh daltaí atá dall agus daltaí a bhfuil fadhbanna radhairc acu ó réimse forleathan sainfhoinsí, lena n-áirítear an Cumann Náisiúnta Páistí Dalla, an Institiúid Náisiúnta do Dhaoine Dalla agus Seirbhís Leabharlainne Náisiúnta na hInstitiúide Náisiúnta do Dhaoine Dalla.

I have been advised by the Chief Executives of the Education and Library Boards (ELBs) that ELBs currently access materials and textbooks for blind and partially sighted pupils from a wide range of specialist sources, including, the National Blind Children's Society, the Royal National Institute for Blind People (RNIB) and the RNIB National Library Service.

Each ELB provides textbooks and materials from selected publishers and locally accessed materials such as providing photographic services or adaptive technology services in response to the needs of specific children and young people who are blind or visually impaired.

I recognise, however, that the expediency with which material can be accessed by children and young people is an area where further enhancements to service delivery could be made. In this connection the Regional Strategy Group for Special Educational Needs (RSG) has established a Visual Impairment Working Group the aim of which is to promote a consistent approach across the five ELBs in relation to service delivery in schools. The Working Group has consulted with the voluntary and statutory sectors as well as parents and children. The RNIB has had an active role in this consultation process and has met with the Working Group to discuss outcomes. The Group has reported its findings to RSG and the key recommendation is that a regional resource base is needed, in the context of an overall strategy of achieving full educational inclusion and of improving levels of educational attainment amongst children and young people with a visual impairment.

I can confirm that DE, as part of a strategic stock-take, has prioritised the future development of a centralised resource and has recently secured £190k capital funding. Statutory responsibility for securing provision for pupils with special educational needs (SEN) rests with the five ELBs, which are responsible under special education legislation for identifying, assessing and in appropriate cases making provision for children with SEN in these areas. Within this context DE has allocated this funding to the Belfast Education and Library Board, on behalf of the five ELBs, to consider how the establishment of a regional resource base may be progressed. It is anticipated that this centralised resource will produce textbooks and study materials in appropriate format for pupils with visual impairment. DE will also be bidding at the next appropriate opportunity for the recurrent funding necessary to staff and maintain this resource although I am sure you will appreciate that no guarantee can be given at this stage as to the outcome of this bid.

Curriculum Advisory and Support Services

Mr M Storey asked the Minister of Education to outline how the Curriculum Advisory and Support Services will be delivered when the Education and Skills Authority is established. (AQW 2263/10)

Minister of Education: Beidh an obair a dhéanann an tSeirbhís Chomhairleach agus Tacaíochta don Churaclam mar chuid d'obair na Stiúrthóireachta um Cháilíocht agus Chaighdeán Oideachais san Údarás um Oideachas agus Scileanna.

The work currently undertaken by the Curriculum Advisory and Support Services will form part of the new Education Quality and Standards Directorate within the Education and Skills Authority. This Directorate will be central to the implementation of 'Every School a Good School' and work is ongoing to determine how best to structure the directorate to ensure the successful implementation of this policy. The Directorate will focus on high quality support at a local level set within a strong regional framework, taking account of international best practice. Any changes to the way in which services are delivered to schools will be phased in over a period of time.

Holy Cross School, Strabane

Mr M Storey asked the Minister of Education, in relation to Holy Cross School, Strabane (i) how many pupils have enrolled; and (ii) to detail the total funding for the school, in each of the last three years. (AQW 2270/10)

Minister of Education: Léirítear sa tábla thíos líon na ndaltaí ar an rolla agus an cistiú a tugadh do Choláiste na Croise Naofa, an Srath Bán i ngach bliain airgeadais le trí bliana anuas a bhfuil sonraí iomlána ar fáil dóibh:

In each of the last 3 financial years for which full details are currently held, the pupil enrolment and funding for Holy Cross College, Strabane is shown in the table below:

	2006/07	2007/08	2008/09
Pupil Enrolment*	1,477	1,400	1,369
Total Funding**	£6,343,626	£6,527,889	£9,852,359

Note:

* Pupil enrolment figures reflect the October Schools Census data immediately preceding each financial year.

** The above funding includes both delegated and non-delegated recurrent allocations for each of the 3 years requested and capital funding (2006/07 year only) but excludes other resources such as milk, meals and transport which are not allocated at individual school level.

Curriculum Advisory and Support Services

Mr M Storey asked the Minister of Education for her assessment of the Curriculum Advisory and Support Services in each Education and Library Board area. (AQW 2272/10)

Minister of Education: During the 2008/09 financial year, over 90% of the participants who undertook training provided by the Curriculum Advisory Support Services (CASS) rated it as satisfactory or better. The Chief Inspector, in his 2006-2008 report also advised that in-service teacher education focused largely on preparing teachers and leaders to implement the revised curriculum and that the quality of many of the in-service training (INSET) courses was of satisfactory or good quality. However, the Chief Inspector also advised that there was proportionately insufficient investment in the development of the teachers and the educational workforce compared with that invested in changing structures and systems.

Díreofar an t-úrmhúnlá forbartha gairmiúla, a bheidh faoi chúram an Údaráis um Oideachas agus Scileanna, ar fheabhsú, ar ardú caighdeán, ar scaipeadh cleachtais mhaith agus ar fhorbairt saíneolais go héifeachtach. Oibreoidh mo Roinn go dlúth leis an Údarás um Oideachas agus Scileanna le cinntiú go gcuirfear san áireamh na barúlacha a cuireadh in iúl i dtuarascáil an phríomhchigire.

The new professional development model to be taken forward by the Education and Skills Authority (ESA) will be based on improvement, raising standards, disseminating good practice and effectively building expertise. My Department will work closely with ESA to ensure that account is taken of the concerns expressed within the Chief Inspector's report.

Effective Preschool Provision in Northern Ireland

Mr M Storey asked the Minister of Education for her assessment of the 'Effective Pre-School Provision in Northern Ireland' and 'Effective Provision of Pre-School Education' research publications. (AQW 2273/10)

Minister of Education: Léirigh taighde an EPPNI, a foilsíodh sa bhliain 2006, na héifeachtaí dearfacha a bhíonn ag ardchaighdeán soláthair réamhscolaíochta ar fhorbairt intleachta agus iompraíochta páistí go dtí

deireadh Eochairchéime 1 ar bhunscoil. Thaispeáin taighde an EPPNI gur féidir ról tábhachtach a bheith ag an réamhscoolaíocht maidir le dul i ngleic le heisiamh sóisialta agus maidir le cur chun cinn cuimsithe chun tús níos fearr ar bhunscoil a thabhairt do pháistí faoi mhíbhuntáiste, go háirithe.

The EPPNI research, published in 2006, demonstrated the positive effects of high quality preschool provision on children's intellectual and social behavioural development up to the end of Key Stage 1 in primary school. The EPPNI research indicated that preschool can play an important part in combating social exclusion and promoting inclusion by offering disadvantaged children, in particular, a better start to primary school. The findings indicated preschool has a positive impact on children's progress over and above important family influences. It is being taken into account in the development of policy.

The project relating to England (EPPE) has covered similar ground in early years education and care.

Also of interest and benefit to policy making here has been the work of the Centre for Early Childhood Development and Education in the south of Ireland. While the centre has now closed, Síolta, the National Quality Framework for Early Childhood Education in Ireland, has been welcomed in the south of Ireland and abroad as a tool which has the potential to transform the provision of early childhood education.

Autism

Mr J Shannon asked the Minister of Education, in relation to the proposed removal of statements for children with special needs (i) how her Department will safeguard the rights of children with autism; (ii) how children with autism will be assured of the continued education and specialist support they receive from appropriately trained and qualified staff; and (iii) how parents will be consulted and involved in the process. (AQW 2275/10)

Minister of Education: Tá athbhreithniú polasaithe ar Riachtanais Speisialta Oideachais agus Cuimsiú déanta ag an Roinn Oideachais agus d'eisigh sí doiciméad, le haghaidh comhairlithe, i mí Lúnasa 2009 a leag amach ardleibhéal moltaí le haghaidh breathnaithe poiblí. Mairfidh an tréimhse comhairlithe fhoirmiúil go dtí 30 Samhain 2009 agus, i ndiaidh an dáta seo, déanfaidh an Roinn breithniú iomlán ar na freagairtí atá faighte.

The Department of Education has undertaken a policy review of Special Educational Needs (SEN) and inclusion and issued for consultation, in August 2009, a document setting out high level proposals for public consideration. The formal consultation period will run to 30 November 2009, after which the Department will fully consider the responses received. One of a range of proposals is to introduce a Coordinated Support Plan for children and young people with complex or multiple needs and a Personal Learning Plan for all other SEN children. It is proposed that both of these documents would focus on setting and monitoring outcomes for children and young people; a process, which it is considered is not adequately captured in the current system. Until all responses to the policy proposals have been fully considered and decisions made on the proposals that are to be taken forward, it will not be possible to develop the necessary lower level detail of the policy. Overarching principles of the policy will, however, ensure that the rights of children and young people, including those with autism, and their parents, are preserved and that they will receive the specialist support they need as soon as possible following the assessment of that need.

Children with SEN will continued to be managed within the existing SEN framework until any new policy is implemented.

GCSEs

Mr A Ross asked the Minister of Education how many children left school without gaining five GCSEs at any grade in each of the last five years. (AQW 2284/10)

Minister of Education: Tá an freagra le fáil sa tábla thíos.

The answer is contained in the table below.

Number of school leavers not gaining five GCSEs at any grade 2003/04 to 2007/08

	Number not gaining five GCSEs at any grade	Percentage not gaining five GCSEs at any grade	Total School Leavers
2003/04	3,632	14.2	25,650

	Number not gaining five GCSEs at any grade	Percentage not gaining five GCSEs at any grade	Total School Leavers
2004/05	3,434	13.6	25,298
2005/06	3,186	12.5	25,528
2006/07	2,797	11.3	24,803
2007/08	2,478	10.3	24,091

Source: School Leavers Survey

GCSEs

Mr A Ross asked the Minister of Education how many children left school without gaining a grade D or above in (i) GCSE English; or (ii) GCSE Maths in each of the last five years. (AQW 2285/10)

Minister of Education: Níl na sonraí ar fáil ach do na trí bliana is déanaí siocair gur bailíodh agus gur bailmheasadh eolas ar ábhair aonair don chéad uair sa bhliain acadúil 2005/06. Tá na sonraí ar fáil sa tábla thíos.

The data are only available for the last three years as information on individual subjects was first collected and validated for the 2005/06 academic year. The data are contained in the table below.

Number of pupils not achieving a grade D or above in: (i) GCSE English or (ii) GCSE mathematics 2005/06 to 2007/08

	(i) Pupils not achieving a grade D or above in GCSE English		(ii) Pupils not achieving a grade D or above in GCSE mathematics		Total Leavers
	Number	%	Number	%	Number
2005/06	5,755	22.5	7,789	30.5	25,528
2006/07	5,317	21.4	7,129	28.7	24,803
2007/08	5,033	20.9	6,381	26.5	24,091

Source: School Leavers Survey

Allegations of Harassment or Bullying

Miss M McIlveen asked the Minister of Education how many allegations of harassment or bullying have been reported by staff in her Department in each of the last five years. (AQW 2290/10)

Minister of Education: Ó Eanáir 2004 go Nollaig 2008, rinneadh 5 gearán foirmíuil faoi bhulaíocht agus faoi chiapadh i mo Roinn.

From January 2004 to December 2008, my Department has received 5 formal complaints of harassment and bullying:

2004	None
2005	2
2006	None
2007	None
2008	3

Magherafelt High School Project

Mr P McGlone asked the Minister of Education, following the public tendering of the Magherafelt High School Project to detail (i) the current status of the project; (ii) how long her Department has been in receipt of the revised economic appraisal; (iii) when she expects to finally award this project; and (iv) the reasons for the delay in this project. (AQW 2297/10)

Minister of Education: Tá an Roinn ag fanacht ar Bhreithmheas Eacnamaíochta athbhreithnithe ó Bhord Oideachais agus Leabharlainne an Oirthuaiscirt. Cuireadh athbhreithniú níos luaithe an Bhreithmheasa Eacnamaíochta faoi bhráid na Roinne ar 23 Meán Fómhair agus nuair a breathnaíodh air, cuireadh barúlacha in iúl do Bhord Oideachais agus Leabharlainne an Oirthuaiscirt ar 27 Deireadh Fómhair. Ní hé mo Roinn an t-údarás conraitheoireachta agus, mar sin, níl sí freagrach as an chonradh a bhronnadh. Beidh sé seo faoi chúram Bhord Oideachais agus Leabharlainne an Oirthuaiscirt nuair a bheidh faomhaidh riachtanacha an Bhreithmheasa Eacnamaíochta réidh.

The Department is currently awaiting a revised Economic Appraisal (EA) from the North Eastern Education and Library Board (NEELB). An earlier revision of the EA was submitted to the Department on 23 September 2009 and following its consideration comments were provided to the NEELB on 27 October. My Department is not the contracting authority and is not therefore responsible for awarding the contract. This will be a matter for the NEELB and, from 2010, ESA when the necessary approvals for the EA are in place.

Every School A Good School: The Way Forward for Special Educational Needs (SEN) and Inclusion

Mrs C Hanna asked the Minister of Education if the proposals outlined in her Department's consultation document 'Every School A Good School: The Way Forward for Special Educational Needs (SEN) and Inclusion' will result in fewer classroom assistants being employed in schools. (AQW 2346/10)

Minister of Education: Ardleibhéal tograí le haghaidh forbartha polasaí sa réimse is ea na tograí reatha atá leagtha amach sa doiciméad 'Gach Scoil ina Scoil Mhaith: An Bealach Chun Tosaigh do Riachtanais Speisialta Oideachais agus Chuimsiú'. Is iad na Boird Oideachais agus Leabharlainne agus scoileanna i gcomhar le tuismitheoirí a dhéanann cinntí faoi láthair ar leibhéal an tsoláthair atá ar fáil do pháistí a bhfuil riachtanais speisialta oideachais acu, lena n-áirítear soláthar chúnaimh ranga.

The current proposals set out in the document 'Every School a Good School: The Way Forward for Special Educational Needs and Inclusion' represent high level proposals for policy development in this area. Decisions regarding the level of educational provision to be made for children with special educational needs, including the provision of classroom assistance, is currently determined by the Education and Library Boards and schools in conjunction with parents. While the current proposals intend to enable mainstream schools to have greater flexibility in adapting provision and the increased capacity to meet the educational needs of children within the resources available to them, they will not in themselves determine the provision to be made. The type and level of the educational provision to be made will continue to be a matter for the professionals working with the children.

Every School A Good School: The Way Forward for Special Educational Needs (SEN) and Inclusion

Mrs C Hanna asked the Minister of Education what assurance she can provide that a higher level of multi-disciplinary support will be provided to take forward the proposals outlined in her Department's consultation document 'Every School A Good School: The Way Forward for Special Educational Needs (SEN) and Inclusion'. (AQW 2348/10)

Minister of Education: Tacaíonn na moltaí atá leagtha amach i ndoiciméad comhairliúcháin na Roinne Oideachais: 'Gach Scoil ina Scoil Mhaith: An Bealach chun Tosaigh do Riachtanais Speisialta Oideachais agus Chuimsiú', tacaíonn siad le hobair fheabhsaithe ilghníomhaireachta agus ildisciplíneach chun riachtanais mheasúnaithe na bpáistí agus na ndaoine óga a bhfuil riachtanais speisialta oideachais acu a bhaint amach.

The proposals outlined in the Departments of Education's consultation document: 'Every School A Good School: The Way Forward for Special Educational Needs and Inclusion', support improved multi-disciplinary and multi-agency working in order to meet the assessed needs of children and young people with special educational needs. It is envisaged that this will be facilitated by memoranda of understanding or service level agreements with relevant partners. Following the completion of the formal consultation period at the end of November 2009, the Department will fully consider the responses received and will then begin to develop the necessary lower level detail. This will be taken forward through the Education and Skills Authority structures and detailed engagement with other statutory bodies with responsibility for putting in place the non-educational provision required to fully meet assessed needs. This will include the support provided by health professionals for children and young

people with special educational needs is a matter for the Department of Health, Social Services and Public Safety (DHSSPS). I can provide an assurance that I will make every effort to ensure that the necessary levels of multidisciplinary supports can be made available, before policy proposals are moved forward.

Special Educational Needs

Mrs C Hanna asked the Minister of Education if extra staff will be employed in schools to meet the additional responsibility of providing for special educational needs. (AQW 2349/10)

Minister of Education: Tabharfaidh mé freagra ar an cheist seo i gcomhthéacs an chomhairliúcháin reatha ar an pholasáí: Gach Scoil ina Scoil Mhaith; An Bealach Chun Tosaigh do Riachtanais Speisialta Oideachais agus Chuimsiú. I ndiaidh athbhreithnithe ar Riachtanais Speisialta Oideachais (SEN) agus Chuimsiú, táimid ag moladh gur chóir go raibh scoileanna níos ábalta freastal ar riachtanais measúnaithe na bpáistí agus na ndaoine óga i scoileanna príomhshrutha, gan iallach orthu tacaíocht sheachtrach a lorg.

I am addressing this question from the context of the current policy consultation: Every school a Good School; The Way Forward for Special Educational Needs and Inclusion. Following a review of Special Educational Needs (SEN) and Inclusion, it is a proposal that schools would have a greater capacity to meet the assessed needs of children and young people in mainstream schools, without the need to seek external supports. Under the current SEN framework, schools already have responsibility for providing for assessed needs for those enrolled there. It is proposed that, instead of mainstream schools having to wait in many cases for external assessment to identify the provision that they should make, school staff would be trained to better identify and meet those needs. To facilitate this, a comprehensive capacity building programme for schools would be developed and delivered in advance of the implementation of any new policy.

Every School A Good School: The Way Forward for Special Educational Needs (SEN) and Inclusion

Mrs C Hanna asked the Minister of Education, following her Department's consultation document 'Every School A Good School: The Way Forward for Special Educational Needs (SEN) and Inclusion', what assurance can be given that a higher level of multi-disciplinary support will be provided by health professionals. (AQW 2350/10)

Minister of Education: Tacaíonn na moltaí atá leagtha amach i ndoiciméad comhairliúcháin na Roinne Oideachais: 'Gach Scoil ina Scoil Mhaith: An Bealach chun Tosaigh do Riachtanais Speisialta Oideachais agus Chuimsiú', tacaíonn siad le hobair fheabhsaithe ilghníomhaireachta agus ildisciplíneach chun riachtanais mheasúnaithe na bpáistí agus na ndaoine óga a bhfuil riachtanais speisialta oideachais acu a bhaint amach.

The proposals outlined in the Departments of Education's consultation document: 'Every School A Good School: The Way Forward for Special Educational Needs and Inclusion', support improved multi-disciplinary and multi-agency working in order to meet the assessed needs of children and young people with special educational needs. It is envisaged that this will be facilitated by memoranda of understanding or service level agreements with relevant partners. Following the completion of the formal consultation period at the end of November 2009, the Department will fully consider the responses received and will then begin to develop the necessary lower level detail. This will be taken forward through the Education and Skills Authority structures and detailed engagement with other statutory bodies with responsibility for putting in place the non-educational provision required to fully meet assessed needs. This will include the support provided by health professionals for children and young people with special educational needs is a matter for the Department of Health, Social Services and Public Safety (DHSSPS). I can provide an assurance that I will make every effort to ensure that the necessary levels of multidisciplinary supports can be made available, before policy proposals are moved forward.

Mobile Classrooms

Mr F Molloy asked the Minister of Education to list primary schools where more than 80% of classrooms are mobile classrooms; and what action she is taking to replace these with permanent buildings. (AQW 2353/10)

Minister of Education: Liostaítear sa tábla seo a leanas na bunscoileanna sin ina bhfuil 80% de na seomraí ranga ina seomraí ranga soghluaiste. Tá roinnt scéimeanna ag céimeanna éagsúla pleanála chun seomraí ranga

soghluaiste a athsholáthar. Cé gur mhian leis an Roinn go mbeidh íslíú ar líon na seomraí ranga soghluaiste seo, ní féidir é seo a dhéanamh ach leis na hacmhainní airgeadais atá ar fáil.

The following table lists those primary schools where more than 80% of classrooms are mobile classrooms. There are a number of schemes at various stages of planning for replacement of mobile classrooms. Whilst my Department would wish to see a decrease in the number of these mobiles, this can only be achieved within the confines of available financial resources.

School Name	Address	Plans for Replacement Permanent Build
Scoil an Droichid	Cooke Street, Belfast	Officials are currently in discussion with InaG regarding future plans.
Gaelscoil na Mona	Mona Link, Belfast	This school has not reached capital viability level.
Bunscoil Cholmcille	Steelstown Road, Derry	Scheme at Feasibility Study stage
Gaelscoil Uí Dhochartaigh	Ballycolman Estate, Strabane	Project manager being appointed to take forward major capital work scheme.
Gaelscoil Éadain Mhóir	Lecky Road, Brandywell, Derry	Project manager being appointed to take forward major capital work scheme.
Gaelscoil na gCrann	Dun Uladh Cultural Centre, Ballynamullan Road, Omagh	This school has not reached capital viability level.
Omagh Integrated Primary School	Dergmoney Road, Omagh	Announced for future capital funding project.
Roe Valley Integrated Primary School	Roe Mill Road, Limavady	No plans at the present time
Crossroads Primary School	Drumgarner Road, Kilrea	Major capital work being considered.
Gaelscoil an Chaistil	Kiln's Road, Ballycastle	This school has recently been provided with new modular units which have a 25 year plus lifespan.
Braidside Integrated Primary School	Frys Road, Ballymena	Economic appraisal stage for major capital work
Maine Integrated Primary School	Church View, Randalstown	This school has not yet reached capital viability level.
Corran Integrated Primary School	Black Cave Road, Larne	Major capital work at Feasibility Study stage
Scoil na Fuisseoige	Summerhill Road, Belfast	Announced for future capital funding
Millennium Integrated Primary School	Belfast Road, Saintfield	No plans at the present time.
Kingsmills Primary School	Drumnahunshin Road, Whitecross, Armagh	No plans at the present time.
St Mary's Primary School	123 Granemore Road Tassagh, Armagh	Feasibility Study stage for major capital work
Killowen Primary School	Killowen Old Road, Rostrevor	No plans at the present time.
St Peter's Primary School	Collegelands Road, Charlemont, Moy	Potential for federation with other schools in the area being considered.
Gaelscoil Uí Néill	Washing Bay Road, Coalisland	Project manager being appointed to take forward major capital work scheme.
Phoenix Integrated Primary School	Chapel Street, Cookstown	No plans at the present time.

Maghera High School Site

Mr B Armstrong asked the Minister of Education what plans exist for the future use of the former Maghera High School site. (AQW 2354/10)

Minister of Education: Tá Bord Oideachais agus Leabharlainne an Oirthuaiscirt ag breathnú úsáidí amach anseo d'iar-shuíomh Ardscoil Mhachaire Rátha faoi láthair. Sa chás nach sainaithneoidh Bord Oideachais agus Leabharlainne an Oirthuaiscirt (ná an tÚdarás um Oideachas agus Scileanna ó 1 Eanáir 2010) úsáid mhalartach innharthana, dearbhófar é mar shuíomh barrachais agus diúscrófar é de réir threoir an Lárionaid Comhairle i dtaca le diúscairt réadmhaoin barrachais na hearnála poiblí i dtuaisceart na hÉireann.

The North Eastern Education & Library Board (NEELB) is currently exploring future uses of the former Maghera High School site. In the event that neither the NEELB (nor the Education and Skills Authority from 1 January 2010) identify a viable alternative use, the site will be declared surplus and disposed of in accordance with Central Advisory Unit guidance on the disposal of surplus public sector property in the north of Ireland.

Young Men's Health

Ms D Purvis asked the Minister of Education how schools teach young men about their health, including raising awareness of (i) testicular cancer; and (ii) prostate cancer. (AQW 2358/10)

Minister of Education: Cuimsíonn an curaclam athbhreithnithe atá i bhfeidhm thar gach bliainghrúpa i ngach scoil dheontaschúnta snáithe nua “Foghlaim don Saol agus don Obair” ag leibhéal iarbhunscoile. Níl an curaclam athbhreithnithe chomh saintreorach agus a bhí agus cuidíonn sé le múinteoirí an curaclam a oiriúnú chun freastal ar riachtanais a ndaltaí. Tá sé faoi na scoileanna a shocrú cad iad na hacmhainní a úsáideann siad chun an curaclam a sheachadadh.

The revised curriculum, which is now in place in all year groups in all grant aided schools, includes a new strand “Learning for Life and Work” at post-primary level.

The revised curriculum is less prescriptive than before and allows schools/teachers to tailor the curriculum to meet the needs of their pupils. It is up to schools as to which resources they use to deliver the curriculum.

Through the Personal Development/Personal Health strand of Learning for Life and Work (LLW), pupils have the opportunity to explore the concept of health as the development of a whole person and to investigate the influences on physical and emotional/mental personal health. Home Economics is also a discrete strand of LLW and, through the exploration of healthy eating, pupils develop the knowledge, understanding and practical skills required for healthy living.

Through LLW, schools can also become involved in projects offered by statutory and non-statutory health groups on specific health issues. For example Action Cancer runs a “Health Action” programme for both boys and girls from 11-18 years olds which covers strong, core messages on early detection and cancer prevention and information on prevention and detection can be included as appropriate to the age and gender of the group.

Backlog of School Maintenance

Mr P Weir asked the Minister of Education what action her Department is taking to reduce the backlog of school maintenance. (AQW 2375/10)

Minister of Education: Tá na Boird Oideachais agus Leabharlainne freagrach as cothabháil na Scoileanna Rialaithe agus na Scoileanna faoi Chothabháil. Cé go socraíonn mo Roinn leithdháiltí buiséid iomlána do na Boird, déanann na Boird féin cinneadh ar an méid maoinithe a chaitheann siad ar a mbuiséid chothabhála agus ar sheirbhísí eile.

Education and Library Boards have responsibility for the maintenance of Controlled and Maintained schools. Whilst my Department determines the overall centre budget allocations for the Boards, it is for the Boards to determine, along with other services to be provided, how much funding it attributes to its maintenance budget.

As you may be aware from my press release of 6th March on the 2009/10 Education Budget, my Department set aside an additional £5 million for maintenance, and this was allocated to Education and Library Boards on 1st September this year to help ease pressures in this area. Education and Library Boards are keen to address the maintenance backlog, and have allocated £21.535 million to maintenance works in the current financial year, including the £5 million recently allocated by my Department.

I have also continued to support bids to the Executive, through the formal in year monitoring process, for additional funding on maintenance. Unfortunately these bids have not been successful.

Cat Litter Being Dumped

Mr A McQuillan asked the Minister of Education if she is aware of cat litter, used for cleaning laundered diesel, being dumped on North Eastern Education and Library Board grounds in the Lodge Road area of

Coleraine, and if so, at what cost is the disposal of cat litter and the cleaning of the grounds to the Board.
(AQW 2381/10)

Minister of Education: On 16 March 2009 illegal dumping was discovered at the North Eastern Education and Library Board's Coleraine Grounds Maintenance Depot.

Cuireadh in iúl do na húdaráis ábhartha agus rinneadh gníomh gan mhoill chun uiscebhealaigh ar na gaobhair a chosaint ó dhramhaíl fhabhtaithe. Coimisiúnaíodh sainchomhlacht chun nádúr agus staid an éillithe a mheas. Léirigh torthaí scrúdaithe gur éillíodh cuid mhór talaimh mar gheall ar leachtanna ó mhálaí a raibh easair chait iontu.

The relevant authorities were notified and steps were taken immediately to prevent leeching of contaminated waste into nearby waterways. A specialist company was commissioned to determine the nature and state of contamination. Test results revealed that a large area of land at the depot had been contaminated by liquids from bags containing cat litter.

In total, around 200 tonnes of contaminated waste had to be removed. The site is subject to on-going monitoring.

The total cost of action taken was £47,784.

Education and Skills Authority

Mr T Elliott asked the Minister of Education if she still plans to have the Education and Skills Authority in place by 1 January 2010.
(AQW 2386/10)

Minister of Education: Dhíreoinn aird an chomhalta ar na freagraí a thug mé ar AQO 280/10 agus 285/10 do Chomhaltaí Aontroim Thuaidh agus Iarthar Thír Eoghain, an tUrramach R Coulter agus Pat Doherty faoi seach, a foilsíodh sa tuairisc oifigiúil dé hAoine, 6 Samhain.

I refer the Member to the answers to AQOs 280/10 and 285/10 that I provided to the Members for North Antrim and West Tyrone, Rev Dr R Coulter and Pat Doherty respectively, published in the official report on Friday 06 November.

St Columba's Primary School, Sixtowns, Draperstown

Mr F Molloy asked the Minister of Education to provide an update on the proposal for a new building at St Columba's primary school, Sixtowns, Draperstown.
(AQW 2400/10)

Minister of Education: It is critically important that investment in the education estate is consistent with and supportive of the policy framework I am putting in place. At the heart of this is Every School a Good School, Sustainable Schools, the Revised Curriculum and the Entitlement Framework. As area based planning develops, these policies will drive the reshaping of our estate and the consequential investment plans.

Mar Aire Oideachais, caithfidh mé a chinntiú go soláthraíonn na hacmhainní substaintiúla atá á n-infheistiú againn faoi láthair, go soláthraíonn siad na torthaí is fearr do na páistí agus an luach is fearr don cháiníocóir. Ar 15 Deireadh Fómhair 2009, d'fhógair mé go raibh athbhreithniú ar na tionscadail reatha údaraithe agam, an tionscadal do St Columba's Primary School san áireamh, lena dheimhniú go bhfuil siad ar fad i gcomhréir leis an chreat beartais agus dá bhrí sin go mbeidh siad inmharthana agus inbhuanaithe san fhadtréimhse.

As Minister for Education, I need to ensure that the substantial resources we are now investing produce the best outcomes for children and value for the taxpayer. On 15 October 2009, I announced that I have commissioned a review of current projects, including that for St Columba's Primary School, to validate that all are consistent with the policy framework and hence will be viable and sustainable in the long term.

Building Programme for St Peter's Primary School, Charlemont

Mr F Molloy asked the Minister of Education to provide an update on the status of the building programme for St Peter's primary school, Charlemont, given that enrolment has increased by over 250% since the school was formed after the amalgamation of Loughgall primary school and Collegelands primary school in 1996.
(AQW 2406/10)

Minister of Education: Chuir Comhairle na Scoileanna Caitliceacha faoi Chothabháil in iúl go bhfuil sí ag iniúchadh na rogha le múnla cónaidhme a cheapadh do na trí scoil i bparóiste Loch gCál, eadhon Scoil Pheadar, Scoil Mhuire agus Scoil Eoin. Tá mo Roinn, mar sin, ag fanacht le moltaí daingne ar an cheist seo ó Chomhairle na Scoileanna Caitliceacha faoi Chothabháil.

The Council for Catholic Maintained Schools (CCMS) has advised that it is currently examining the option of a federated model for the three schools in the parish of Loughgall, namely St Peter's, St Mary's and St John's. My Department is, therefore, awaiting firm proposals for this area from CCMS. The proposals will be considered in the context of the Sustainable Schools Policy and Area-Based Planning to ensure that any potential investment will produce the best outcomes for children and value for the taxpayer

Primary Schools with an Increased Enrolment

Mr C Boylan asked the Minister of Education to list primary schools with an increased enrolment greater than 100% since the academic year 1999/00, including the percentage increase over that period, but excluding new schools, amalgamations or federations formed during that time. (AQW 2425/10)

Minister of Education: Tá an t-eolas a iarradh ar fáil sa tábla thíos.

The information requested is listed in the table below.

PRIMARY SCHOOLS THAT HAVE HAD OVER 100% INCREASE IN ENROLMENT FROM 1999/00 - 2008/09

School Name	2008/09 Enrolment	% increase from 1999/00
Brownlee Primary School	191	103
Christ The Redeemer, Dunmurry	591	1,638
Cortamlet Primary School	85	113
Culmore Primary School	82	141
Kilmoyle Primary School	126	129
Kirkinriola Primary School	99	183
Kirkistown Primary School	113	109
Spires Integrated	202	248
St Brigid's Primary School Tirkane	145	174
St Patrick's Primary School, Garvagh	150	159
St Peters Primary School, Moy	125	127

Source: School census.

Note:

1. Figures based on pupils in nursery, reception and Year 1 – 7 classes in schools.

Autistic Spectrum Disorder Advisory Service

Mrs C Hanna asked the Minister of Education if there are plans for an Autistic Spectrum Disorder Advisory Service which schools and parents can access. (AQW 2426/10)

Minister of Education: Following publication of the 'Report of the Task Group on Autism (2002)', the Department of Education funded the Education and Library Boards (ELBs) to establish an inter-board autistic spectrum disorder (ASD) group to provide a support programme to children on the autistic spectrum within each ELB. As a consequence, an ASD advisory service was established in each ELB to enhance existing ASD services.

Tá rochtain ag scoileanna agus tuismitheoirí i ngach Bord Oideachais agus Leabharlaine ar réimse forleathan seirbhísí agus acmhainní, lena n-áirítear comhairle agus eolas, traenáil múinteora agus tuismitheora, cuairteanna comhairlithe ar scoileanna agus tuismitheoirí, agus tacaíocht dalta aonair.

In all ELBs schools and parents can access an extensive range of services and resources including advice and information, teacher and parent training, consultation visits to schools and parents and individual pupil support.

Autistic Spectrum Disorder

Mrs C Hanna asked the Minister of Education how her Department will guarantee the rights of children with Autistic Spectrum Disorder and their specific neurological condition, under the proposals outlined in her Department's consultation document 'Every School A Good School: The Way Forward for Special Educational Needs and Inclusion'. (AQW 2428/10)

Minister of Education: The key principles of the Department of Education's proposals for children with special educational needs, including those with Autistic Spectrum Disorder (ASD), are contained in the current consultation document. These underpinning principles include: the continued promotion of an inclusive ethos in schools; the provision of a continuum of provision to meet a diversity of need; quality intervention and provision tailored to the needs of individuals and focused on improved outcomes for those facing barriers to learning; and all professionals, including teachers, have the skills and knowledge to allow early identification and intervention to facilitate improved outcomes.

Trí chreat feabhsaithe, ar nós an chinn a bhfuil á bheartú sna tograí nua, a chaomhnófaí cearta na bpáistí a bhfuil neamhord ar speictream an uathachais acu. Déileálfar an creat reatha um Riachtanais Speisialta Oideachais le páistí a bhfuil neamhord speictream an uathachais acu go dtí go gcuirfear aon togra nua i bhfeidhm.

It would be through an improved framework, such as that envisaged by the new proposals, that the rights of children with ASD would be preserved.

Children with ASD will continued to be managed within the existing SEN framework until any new policy is implemented.

Autistic Spectrum Disorder

Mrs C Hanna asked the Minister of Education how her Department will continue to offer children with Autistic Spectrum Disorder specialist support from trained and qualified staff under the proposals outlined in her Department's consultation document 'Every School A Good School: The Way Forward for Special Educational Needs and Inclusion'. (AQW 2429/10)

Minister of Education: I measc réimse na moltaí atá cuimsithe i ndoiciméad comhairliúcháin na Roinne Oideachais: 'Gach Scoil ina Scoil Mhaith – An Bealach Chun Tosaigh do Riachtanais Speisialta Oideachais agus Chuimsiú', tá moladh ann le Plean Comhordaithe Tacaíochta a thabhairt isteach do pháistí agus do dhaoine óga a bhfuil riachtanais chasta nó ilriachtanais acu agus le Plean Foghlama Pearsanta a thabhairt isteach do gach páiste eile a bhfuil Riachtanais Speisialta Oideachais acu.

One of a range of proposals contained in the Department of Education's consultation document: 'Every School a Good School - The Way Forward for Special Educational Needs and Inclusion', is to introduce a Coordinated Support Plan for children and young people with complex or multiple needs and a Personal Learning Plan for all other SEN children. It is proposed that both of these documents, in addition to setting out the special educational support to be provided, would provide a focus on setting and monitoring outcomes for children and young people; a process, which it is considered is not adequately captured in the current system. After all responses to the policy proposals have been fully considered and decisions made on the proposals that are to be taken forward, the Department will develop the necessary lower level detail of the policy. Overarching principles of the policy will, however, ensure that the rights of children and young people, including those with autism, and their parents, are preserved and that they will receive the specialist support they need as soon as possible following the assessment of that need.

Provision for children with autism will continued to be managed within the existing SEN framework until any new policy is implemented.

Every School A Good School: The Way Forward for Special Educational Needs and Inclusion

Mrs C Hanna asked the Minister of Education what guarantee her Department can give to uphold parents' rights to be consulted, to challenge decisions and hold professionals to account under the proposals outlined in her Department's consultation document 'Every School A Good School: The Way Forward for Special Educational Needs and Inclusion'. (AQW 2472/10)

Minister of Education: It is a key underpinning principle of the current policy proposals for a revised special educational needs (SEN) framework that the knowledge, views, experience and involvement of parents and carers will play a vital role in the development and maintenance of any programme put in place to support a child.

Trí chreath feabhsaithe, ar nós an chinn a bhfuil á bheartú sna tograí nua, a chaomhnófaí cearta na bpáistí a bhfuil riachtanais speisialta oideachais acu agus a dtuismitheoirí. Ní chuimsíonn an doiciméad comhairliúcháin 'Gach Scoil ina Scoil Mhaith: An Bealach chun Tosaigh do Riachtanais Speisialta Oideachais agus Chuimsiú' aon togra a chaolódh an ceart atá ag tuismitheoirí a agóid in aghaidh cinnidh ar sholáthar riachtanais speisialta oideachais.

It would be through an improved framework, such as that envisaged by the new proposals, that the rights of children with SEN and their parents would be preserved.

The consultation document 'Every School A Good School: The Way Forward for Special Educational Needs and Inclusion' includes no proposals that dilute the rights of parents to challenge decisions about SEN provision. It is envisaged that a right of appeal through the Special Educational Needs and Disability Tribunal will remain.

Every School A Good School: The Way Forward for Special Educational Needs and Inclusion

Ms A Lo asked the Minister of Education if there will be sufficient funding and training in place to meet the proposals outlined in her Department's consultation document 'Every School A Good School: The Way Forward for Special Educational Needs and Inclusion'. (AQW 2490/10)

Minister of Education: Tá £25 milliún sa bhreis leithdháilte agam chun na tograí polasaithe san Athbhreithniú ar Riachtanais Speisialta Oideachais agus Chuimsiú a chur i bhfeidhm. Tá sé beartaithe go n-úsáidfear an cistiú a leithdháileadh sa bhliain 2009/10 le haghaidh imeachtaí réamhfheidhmithe do chlár um fhorbairt acmhainne do scoileanna agus suíomhanna réamhscoile, agus leithdháilfear an comhardú le haghaidh rollú amach an traenála agus na forbartha sin ón scoilbhliain 2010/2011.

I have allocated an additional £25 million to commence implementation of the Review of SEN and Inclusion policy proposals.

It is envisaged that the funding allocated during 2009/10 will be used for pre-implementation activities on a capacity building programme for schools and preschool settings and the balance will be allocated for the roll out of that training and development from the 2010/2011 school year.

First Aid Training for Teachers

Mr K Robinson asked the Minister of Education if her Department has considered revising teachers' conditions of employment to include mandatory First Aid training. (AQW 2508/10)

Minister of Education: Cé go n-éilíonn na Rialacháin um Shábháilteacht agus Sláinte (Garchabhair) 1982 go soláthraítear trealamh, áiseanna agus pearsanra imleor oiriúnach i dtaca le garchabhair, ní shonraíonn siad an méid cruinn pearsanra garchabhrach atá riachtanach. Dhíreoinn d'aird ar an fhreagra a thug mé do Chomhalta Aontroim Thoir, Alastair Ross ar AQW 913/10, a foilsíodh sa Tuairisc Oifigiúil ar 16 Deireadh Fómhair 2009.

No. While the Health and Safety (First-Aid) Regulations (NI) 1982 require the provision of adequate and appropriate equipment, facilities and personnel in relation to first-aid, they do not specify the exact number of first-aid personnel required. I refer you to the reply I gave the Member for East Antrim, Alastair Ross to AQW 913/10, published in the Official Report on 16 October 2009.

Conduct of Children at School

Mr J Shannon asked the Minister of Education what criteria are in place to control the conduct of children at school; and to outline the disciplinary steps schools can take. (AQW 2510/10)

Minister of Education: Every school must have a written discipline policy which includes anti-bullying measures and is set in the context of the school's overall pastoral care responsibilities. This policy will determine the measures (which can include rules and the means of enforcing them) which the school will take to promote self-discipline and respect for authority among the pupils, encourage good behaviour and secure an acceptable standard of behaviour.

The Department's publication "Pastoral Care in Schools: Promoting Positive Behaviour" (available on the Department's website at www.deni.gov.uk/ppbehaviour-4.pdf) provides guidance to schools in developing and renewing such policies.

Disciplinary steps or sanctions which schools have found useful include withdrawal of privileges; additional work; restriction of access to extra-curricular facilities or activities; detention; placement on report; temporary removal to another class or learning support unit; or, in extreme cases, suspension, or expulsion following suspension.

Cé go bhfuil an araíonacht agus smachtbhannaí riachtanach in amanna chun iompar páistí a rialú, is tábhachtach a chuimhneamh go gcaithfear cothrom folláin a fháil idir smachtbhannaí agus luaíochtaí chun dea-iompar a spreagadh agus chun ord a choinneáil. Is féidir le córas luaíochtaí agus dreasachtaí bheith ina mhodh tábhachtach do mheonta dearfacha a spreagadh.

It is important to note that whilst discipline and sanctions are sometimes necessary to control the conduct of children, a healthy balance needs to be struck between sanctions and rewards to encourage good behaviour and maintain the rules. A system of rewards and incentives can provide a powerful tool to encourage positive attitudes.

Provision of Early Years Teachers

Mr K Robinson asked the Minister of Education, pursuant to AQW 1155/10, what action she intends to take to encourage the Boards of Governors of schools to increase the provision of early years teachers to reduce class sizes in Key Stage one, rather than increasing the number of classroom assistants. (AQW 2532/10)

Minister of Education: I have given priority to increasing funding to front-line school services and to increasing the proportion of available funding going to primary schools. The Local Management of Schools arrangements allow a school's Boards of Governors flexibility to take decisions on class sizes as part of their responsibilities for determining their school's staffing complement and for managing its budget.

Tugann sé seo deis do Ghobharnóirí socrú a dhéanamh ar an dóigh a n-úsáideann siad a maoiniú tarmligthe chun uaséifeacht a bhaint amach de réir sainriachtanais agus príomhthosaíochtaí a scoileanna, lena n-áirítear socrú ar líon na múinteoirí agus na foirne neamhmhúinteora.

This gives Governors the opportunity to determine how they use their delegated funding to maximum effect in accordance with their school's specific needs and priorities. This includes determining the number of teachers and non-teaching staff. Decisions by schools on class sizes must also be taken in certain cases in accordance with specific statutory limitations and educational and health and safety policy considerations.

Autistic Spectrum Disorder Advisory Service

Ms A Lo asked the Minister of Education if there will be an Autism Spectrum Disorder advisory service which schools and parents can access under the proposals outlined in her Department's consultation document 'Every School A Good School: The Way Forward for Special Educational Needs and Inclusion'. (AQW 2542/10)

Minister of Education: The Review of Special Educational Needs (SEN) and Inclusion makes high level policy proposals for a revised SEN framework. It does not, however, make recommendations about the strategic approach currently being followed across Education and Library Boards (ELBs) for the delivery of individual special educational services, such as those for children with autistic spectrum disorder (ASD).

As part of the ELBs strategic approach to ASD services, the Department of Education has funded the establishment and maintenance of an inter-board ASD group, which provides a support programme for children on the autistic spectrum within each ELB; this includes the provision of an ASD advisory service.

Tá rochtain ag scoileanna agus tuismitheoirí i ngach Bord Oideachais agus Leabharlainne ar réimse forleathan seirbhísí agus acmhainní, lena n-áirítear comhairle agus eolas, traenáil múinteora agus tuismitheora, cuairteanna comhairlithe ar scoileanna agus tuismitheoirí, agus tacaíocht dalta aonair. Ní dhéanann an tAthbheithniú ar Riachtanais Speisialta Oideachais aon mholadh leis an chur chuige straitéiseach a athrú.

In all ELBs, schools and parents can access an extensive range of services and resources including advice and information, teacher and parent training, consultation visits to schools and parents and individual pupil support.

The Review of SEN and Inclusion is currently out for consultation and has been extended until 30 November 2009.

Exceptional Closures

Mr P Weir asked the Minister of Education how many days each (i) primary school; and (ii) secondary school has been closed for exceptional reasons in the North Down constituency, in each of the last five years. (AQW 2561/10)

Minister of Education: In imthosca eisceachtúla, nuair atá druidim scoile riachtanach ar chúiseanna nach bhfuil neart ag gobharnóirí scoile orthu, is féidir leis an Roinn ísliú a fhaomhadh ar an méid laethanta ba chóir don scoil bheith ar oscailt.

In exceptional circumstances, where the closing of a school becomes necessary for reasons outside the control of the school governors, the Department can grant approval for a reduction in the required number of days during which a school should be in operation.

In the 2004 year, the Department did not approve an exceptional closure for any primary or post-primary school in the North Down constituency. Lists of the primary and post-primary schools in the North Down constituency for which the Department approved exceptional closures in the 2005-2008 years are provided below.

EXCEPTIONAL CLOSURES – PRIMARY SCHOOLS IN NORTH DOWN CONSTITUENCY

Year	School	No. of exceptional closure days
2005	Kilmaine Primary School	2
2006	Bangor Central Integrated Primary School	1
2006	Groomsport Primary School	1
2007	Groomsport Primary School	1
2008	Towerview Primary School	2

EXCEPTIONAL CLOSURES – POST-PRIMARY SCHOOLS IN NORTH DOWN CONSTITUENCY

Year	School	No. of exceptional closure days
2007	Bangor Academy and Sixth Form College	1
2008	Bangor Academy and Sixth Form College	5

School Non-Attendance

Miss M McIlveen asked the Minister of Education to provide a breakdown of figures relating to school non-attendance during the 2008/09 academic year. (AQW 2562/10)

Minister of Education: The requested information is not yet available.

Detailed information on pupil attendance for the 2008/09 school year was collected from schools as part of the school census exercise in October. These detailed statistics which include the reasons for absence are undergoing analysis and will be published in the new year. Statistics for the 2007/08 school year can be viewed at the Department's website at www.deni.gov.uk/school_attendance_-_statistical_press_release_200708.pdf.

Bailíonn an Roinn staitisticí i dtaca le líon na n-atreoruithe mar gheall ar neamhfhreastal ó gach Bord Oideachais agus Leabharlainne ar bhonn bliantúil. Tá an Roinn ag déanamh anailíse ar shonraí a fuarthas ó na Boird don scoilbhliain 2008/09 faoi láthair, agus foilseoidh sí na staitisticí seo sna seachtainí atá romhainn. Tá sonraí don scoilbhliain 2007/08 le fáil ar shuíomh idirlín na Roinne ag www.deni.gov.uk/non-attendance_statistics_2007_08_-_website-2.pdf.

The Department collects statistics annually from each Education and Library Board on the number of referrals for non-attendance. The Department is currently analysing data from the Boards for the 2008/09 school year and will publish these statistics in the coming weeks. The data for the 2007/08 school year can be viewed at the Department's website at www.deni.gov.uk/non-attendance_statistics_2007_08_-_website-2.pdf.

Education and Welfare Service

Miss M McIlveen asked the Minister of Education to detail the criteria applied, including the threshold, before referring a child to the Education and Welfare Service. (AQW 2564/10)

Minister of Education: Déanfaidh scoil tarchur don tSeirbhís Leasa Oideachais de chuid a bord oideachais agus leabharlainne áitiúil nuair is cúis imní é freastal scoile an dalta nó nuair a thiteann freastal scoile an dalta faoi 80%.

A school will make a referral to the Education Welfare Service (EWS) in its local Education and Library Board when a pupils' school attendance is a cause for concern or when attendance drops below 85%.

The 'threshold' of 85% is used as a guiding tool only and a school can use its own discretion to determine if the non-attendance is an issue that requires external support. This may include consideration of other issues such as a pupil's personal circumstances, a pupil's general condition of health and examining any emerging absence patterns.

Education and Welfare Service

Miss M McIlveen asked the Minister of Education how many children were referred to the Education and Welfare Service, broken down by each key stage, in the 2008/09 academic year. (AQW 2565/10)

Minister of Education: The requested information is not yet available.

Detailed information on pupil attendance for the 2008/09 school year was collected from schools as part of the school census exercise in October. These detailed statistics which include the reasons for absence are undergoing analysis and will be published in the new year. Statistics for the 2007/08 school year can be viewed at the Department's website at www.deni.gov.uk/school_attendance_-_statistical_press_release_200708.pdf.

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Projections for Primary-School Numbers

Mr P Butler asked the Minister of Education for her assessment of the Department's projections for primary school numbers over the next five years; and whether there will be an increase in the primary school population. (AQW 2571/10)

Minister of Education: Seo a leanas na réamh-mheastacháin daonra is déanaí a bhí foilsithe ag NISRA, a léiríonn líon na bpáistí a bheidh ag aois bhunscoile sna blianta 2008 go dtí 2014:

The latest population projections published by NISRA show that the projected number of children of primary school age in the years 2008 to 2014 is as follows:

Year	Children aged 4 – 10
2008	160,302
2009	159,590
2010	159,469
2011	161,219
2012	164,724
2013	167,993
2014	171,168

Note:

Projections are 2008-based.

The figures show a projected rise of 10,866 (7%) in the number of children of primary school age between 2008 and 2014.

Sure Start Scheme for North Down

Mr A Easton asked the Minister of Education for an update on the Sure Start scheme for North Down.

(AQW 2593/10)

Minister of Education: Is é is aidhm do Thús Cinnte ná obair le tuismitheoirí agus le páistí faoi 4 bliana d'aois chun forbairt fhisiceach, intleachtach agus shóisialta a chothú. Tá seirbhísí á ndíriú ar an 20% de na bardaí is mó atá faoi mhíbhuntáiste i dtuaisceart na hÉireann. Níl aon sheirbhís de chuid Tús Cinnte i limistéar Dhún Thuaidh faoi láthair.

Sure Start aims to work with parents and children under the age of 4 to promote the child's physical, intellectual and social development. Services are targeted at the 20% most disadvantaged wards in the north of Ireland. There are currently no Sure Start services in the North Down area.

Home-Schooling

Lord Morrow asked the Minister of Education how many children are being home-schooled, broken down by Education and Library Board.

(AQW 2619/10)

Minister of Education: Is féidir le tuismitheoirí oideachas baile a roghnú dá bpáistí agus ní bhíonn aon cheanglas dlíthiúil orthu a gcinneadh a chur in iúl don Bhord Oideachais agus Leabharlainne ná don Roinn. Thug na Boird an t-eolas atá sa tábla seo a leanas agus tá sé bunaithe ar eolas a fuarthas go raibh an páiste ag fáil oideachais do pháiste sa bhaile. D'fhéadfaí go bhfuarthas an t-eolas seo ó thuismitheoirí, ó scoil dheireanach an pháiste, ó rannóg aistrithe an Bhoird nó ón tSeirbhís Leasa Oideachais.

Parents can choose to home educate and there is no legal requirement for them to advise their Education and Library Board or the Department of their decision. The information in the following table has been provided by the Boards and is based on notifications received that a child is being home educated. These notifications may have been made by parents, a child's previous school, the Board's transfer department or it's Education Welfare Service.

Board Area	Number of home educated children in the 2008/09 school year
BELB	13
NEELB	55
SEELB	41
SELB	32

Board Area	Number of home educated children in the 2008/09 school year
WELB	63

Figures for the current school year will be collected in June 2010.

DEPARTMENT FOR EMPLOYMENT AND LEARNING

Step Ahead Initiative

Mr M Durkan asked the Minister for Employment and Learning what criteria will be applied to determine wage rates in the 'Step Ahead' initiative. (AQW 2231/10)

Minister for Employment and Learning (Sir Reg Empey): The Step Ahead initiative is funded by the Department, through the Steps to Work programme, but it does not determine wage rates within the initiative. Funding to Lead Contractors fully covers the cost of 30 hours employment for Step Ahead employees at the National Minimum Wage rate and weekly Employers' National Insurance Contribution. However employers may, if they wish, pay Step Ahead employees wages above the National Minimum Wage rate.

Student Debt

Mr T Burns asked the Minister for Employment and Learning to detail the total amount of debt belonging to students from Northern Ireland which has been written off by the Student Loans Company in each of the last ten years. (AQW 2316/10)

Minister for Employment and Learning: The total amount of debt belonging to students from Northern Ireland which has been written off in each of the last ten years is detailed in the table below.

Financial Year	Total amount written off ¹
1999/2000	£42,000
2000/2001	£10,000
2001/2002	£50,000
2002/2003	£40,000
2003/2004	£84,000
2004/2005	£83,000
2005/2006	£205,000
2006/2007	£186,000
2007/2008	£225,000
2008/2009	£815,000

This debt encompasses both mortgage style loans and income contingent repayment loans. These loans are cancelled upon death, permanent disability or on the borrower reaching a prescribed age (in the case of loans pre-2006) or passage of time (in the case of loans since 2006).

Steps to Work Programme

Mr D Kennedy asked the Minister for Employment and Learning what is the percentage of 'drop outs' in Step 2 of the Steps to Work programme in the County Antrim area in each of the last two years. (AQW 2372/10)

Minister for Employment and Learning: Steps to Work, the Department's main adult return to work programme, provides a flexible, individually tailored programme of support to assist the unemployed and economically inactive find and sustain employment at the earliest opportunity. The Department does not collate information on those that 'drop out' of Step 2 element of the programme. The programme is aimed at achieving employment outcomes and participants may leave before their expected completion date for a variety of reasons, including taking up employment.

Steps to Work Programme

Mr D Kennedy asked the Minister for Employment and Learning whether TWL Training Limited has successfully achieved its programme plans as outlined in its tender for the contract of the Steps to Work programme. (AQW 2374/10)

Minister for Employment and Learning: Similar to all Steps to Work Lead Contractors, TWL has undergone a two phase inspection by the Education and Training Inspectorate. The second phase was completed in October 2009 and feedback confirms that in most of the areas inspected the quality of training and services provided by TWL is satisfactory; the strengths outweigh areas for improvement in the provision. A published report is due shortly. The Department will continue to monitor the delivery of TWL's provision.

DEPARTMENT OF ENTERPRISE, TRADE AND INVESTMENT

Energy Price Increase

Mrs D Kelly asked the Minister of Enterprise, Trade and Investment if she can confirm whether energy prices for business customers have increased in the last month, and if so, what consultation took place between her Department and the business community in advance of this increase. (AQW 1964/10)

Minister of Enterprise, Trade and Investment (Mrs A Foster): The electricity tariff year is from 1st October until 30th September. For the average business customer, prices for the tariff year beginning 1st October 2009 are lower than those for the tariff year beginning October 2008. This is due to lower wholesale energy costs and a one-off rebate of £100million which was distributed across all electricity customers in January 2009. This led to the majority of larger business customers experiencing a decrease in their electricity bills. Increases in customer bills for larger energy users in the last month reflect, in part, the end of the rebate. A detailed explanation of the reasons for the increase has been produced by the Northern Ireland Authority for Utility Regulation (NIAUR) and may be seen at:

http://www.niaur.gov.uk/uploads/publications/Background_Briefing_on_NIE_Energy_price_decrease_Sept_2009.pdf.

NIAUR's explanation shows that as a result of lower electricity pool prices in the Single Electricity Market, income for generators is reduced, and through NIE's Power Procurement Business, the long term power generation contracts in Northern Ireland mean that the shortfall in income for generators is met by consumers through the Public Service Obligation (PSO) charges. This of course impacts on the price for domestic and business customers alike. It is unfortunate that Large Energy Users are feeling the burden more as the PSO costs are applied directly in relation to electricity usage, however charging on the basis of usage is deemed most equitable.

NIAUR as the independent energy regulator has the lead role in consulting with industry and others on energy tariff changes, hence while the Department has no direct role in such matters, it has a keen interest in ensuring that energy costs for all consumers are as low as possible.

NIAUR has a statutory duty in relation to electricity tariff setting and has advised that it conducted the following consultations on energy tariffs:

An ETI Committee briefing in May 2009;

Organised a Stakeholder Forum in August 2009 that was attended by energy suppliers, representatives of industry and business, other public organisations and voluntary bodies;

Held individual meetings with business representatives and other individual businesses.

In addition, a further Utility Regulator briefing to businesses on the PSO element of the tariffs and Use of System changes took place on 6th November 2009.

In relation to communication between energy suppliers and their customers, the Utility Regulator has advised that suppliers inform customers when tariff changes take place and therefore should provide information on how the new tariff will affect them.

Energy Price Increase

Mrs D Kelly asked the Minister of Enterprise, Trade and Investment what contact her Department has had with the Regulator in advance of the energy price increase in the last month for business customers. (AQW 1965/10)

Minister of Enterprise, Trade and Investment: In relation to the recent round of energy tariff changes my officials had a number of meetings with staff in the Utility Regulator's office during July and August 2009 in advance of the tariff changes in October.

My officials also attended the Utility Regulator's Stakeholder Forum on energy tariff reviews which was held in August 2009 and was attended by energy suppliers, industry and business representatives, other public organizations, and voluntary bodies. This event included discussions around increases in Public Service Obligation Charges and their impact on business electricity customers.

In addition, I met with Iain Osborne, the Utility Regulator, on 14 September 2009 in advance of the public announcement of changes to energy tariffs.

Energy Price Increase

Mrs D Kelly asked the Minister of Enterprise, Trade and Investment if the energy price increase affecting businesses arises from the public service obligation, and if so, can it be phased in over a three year period. (AQW 1966/10)

Minister of Enterprise, Trade and Investment: The Utility Regulator has explained in detail the reasons for the recent increases in electricity tariffs for large electricity users. Details are given from page 14 onwards in the following document:

http://www.niaur.gov.uk/uploads/publications/Background_Briefing_on_NIE_Energy_price_decrease_Sept_2009.pdf.

This explanation shows that increases in electricity charges for larger energy users are due in large part to the impact of higher Public Service Obligation (PSO) charges and use of electrical system charges. The bulk of PSO charges are associated with the long term power generation contracts in Northern Ireland established when the electricity industry was privatised in the early 1990's. The contracts were necessary to provide appropriate terms to attract bidders for the power stations, thus providing an assured income. A number of the individual contracts are scheduled for review in 2010 by the Northern Ireland Authority for Utility Regulation (NIAUR).

There have also been increases in electrical "use of system" costs as electricity demand has fallen, and these costs have to be spread over a smaller number of customers, and lower electricity volumes.

In relation to the phasing of additional PSO costs over a 3 year period, there are no current arrangements in place to allow these costs to be recovered over a longer period. To do so might also increase the risk of such costs impacting on consumers at a time when future wholesale energy costs might be higher than at present.

Small Businesses

Mr J Shannon asked the Minister of Enterprise, Trade and Investment to detail the number of small businesses in each constituency, including the number of employees hired. (AQW 2276/10)

Minister of Enterprise, Trade and Investment: Table 1 provides the latest published figures for numbers of small businesses and the number of employees in small businesses by parliamentary constituency in Northern Ireland.

TABLE 1. SMALL BUSINESS NUMBERS AND EMPLOYEES BY PARLIAMENTARY CONSTITUENCY

Parliamentary Constituency	Number of small businesses ²	Number of Employees ³ in small businesses
Belfast East	2,075	9,868
Belfast North	1,960	12,297
Belfast South	4,030	21,025
Belfast West	1,315	8,050
East Antrim	2,185	7,055
East Londonderry	3,610	10,323
Fermanagh & South Tyrone	6,660	13,602
Foyle	2,730	11,613
Lagan Valley	4,205	13,270
Mid Ulster	5,720	12,762
Newry & Armagh	5,540	15,085
North Antrim	5,075	12,330
North Down	2,450	8,803
South Antrim	3,515	12,058
South Down	5,725	13,126
Strangford	3,570	10,861
Upper Bann	3,670	12,451
West Tyrone	5,300	10,648
Northern Ireland	69,335	215,227

1. Small businesses have been defined as having fewer than 50 employees.
2. Source: Inter-Departmental Business Register, March 2009
3. Source: Northern Ireland Census of Employment, September 2007
4. Please note that the business register contains information on all businesses in the United Kingdom which are VAT registered or which operate a PAYE scheme. As a result the estimates of the numbers of businesses used in this answer will exclude those smaller businesses which do not exceed the VAT threshold or are VAT exempt.

Investment: Strangford

Mrs I Robinson asked the Minister of Enterprise, Trade and Investment what recent investment there has been in the Strangford constituency. (AQW 2320/10)

Minister of Enterprise, Trade and Investment: Between April 2006 and March 2009, the last three years for which annual figures are available, Invest NI made 259 offers of support to its clients in the Strangford constituency. These offers, to both indigenous and externally-owned companies, consisted of over £5 million of assistance promoting total investment of nearly £35 million.

Invest NI's work with the constituency's indigenous businesses helped promote the growth and development of a number of the area's key employers. They have included Willowbrook Foods, Belfast Aircraft Stress Engineers, TG Eakin and the Fin Engineering Group, all of whom have undertaken significant investments in recent years which should lead to increased employment opportunities in the area.

In terms of the constituency's overseas investors, Invest NI's activities helped secure significant reinvestments by companies such as LE Pritchitt, Travel 118 and Quizdom UK.

State Pension Age

Mr S Gardiner asked the Minister of Enterprise, Trade and Investment what proportion of men and women over the state pension age continue to work (i) part-time; and (ii) full-time. (AQW 2435/10)

Minister of Enterprise, Trade and Investment: Latest Labour Force Survey (LFS) estimates for the period April to June 2009, which were first published on 12 August 2009, showed that 11% of men and 8% of women remained in employment after they had reached the state pension age. The proportion of those in full-time employment was 6% for men and 2% for women. The proportion in part-time employment was 5% for men and 7% for women.

Estimates for the full-time / part-time status of those past state pension age are based on small sample sizes and are subject to a relatively high degree of sampling variability. They should, therefore, be treated with caution.

DEPARTMENT OF THE ENVIRONMENT

Derelict Buildings

Mr D O'Loan asked the Minister of the Environment if District Councils will be given legal powers to deal with visual aspects of derelict buildings. (AQW 2225/10)

Minister of the Environment (Mr E Poots): There is no legal mechanism in Northern Ireland planning law to regulate the condition of derelict buildings and the Department has no powers in this respect.

However, I appreciate that neglected or derelict buildings can attract large amounts of litter and this can be detrimental to the amenity of the local neighbourhood. This is one of the issues that will be addressed in the Clean Neighbourhoods and Environment Bill which will enable District Councils to deal more effectively with a wide range of local environmental problems, including litter.

District Councils also have powers to deal with premises in such a state as to be a nuisance or prejudicial to health. The relevant nuisance legislation is, however, very old and has not kept pace with developments in nuisance legislation applying outside of Northern Ireland. The proposals in the Clean Neighbourhoods and Environment Bill will update the current Northern Ireland legislation on statutory nuisances and improve the procedures for dealing with them.

Building Preservation Notices

Mrs C Hanna asked the Minister of the Environment how many Building Preservation Notices have been issued, since they became available, to protect built heritage. (AQW 2226/10)

Minister of the Environment: To date, the Department has issued 28 Building Preservation Notices.

Heaney House

Mrs C Hanna asked the Minister of the Environment if he has reviewed the case of the 'Heaney House' formerly at 16 Ashley Avenue, Belfast and the surrounding land which remains underdeveloped, and if so, for his assessment of its demolition in 2002 and the continued 'gap site' status. (AQW 2242/10)

Minister of the Environment: The property at 16 Ashley Avenue was demolished in 2002. It was not a listed building and nor was it located within a conservation area. The Belfast Metropolitan Area Plan 2015, published in November 2004, designated this part of Lisburn Road, including Ashley Avenue, as a proposed Area of Townscape Character. In 2002, however, there was no requirement for consent to demolish the building. The site remains vacant today.

Planning Service has received a number of planning applications in recent years for development of a larger site which includes 155-177 Lisburn Road and 3-7 Tate's Avenue as well as 16 Ashley Avenue. Some of these

applications have been found to be unacceptable and have been subsequently withdrawn. The most recent and current application is for a mixed use development of 45 private apartments with on-site car parking and 3 retail units on the ground floor. The specific proposal for the site of 16 Ashley Avenue is for a 3-storey building incorporating vehicular access at ground floor level and 4 apartments on the upper 2 floors. This application is still under consideration.

Building Preservation Notices

Mrs C Hanna asked the Minister of the Environment, in relation to the Building Preservation Notices announced by him on 15 October 2009 (i) who initiated the notices; (ii) how the notices were assessed; (ii) how long this assessment took; and (iv) how long the notices will last. (AQW 2245/10)

Minister of the Environment:

1-6 Harker's Hill Portadown

- (i) The request to consider issuing these Building Preservation Notices (BPNs) came through Planning Service.
- (ii) They were assessed by the Northern Ireland Environment Agency (NIEA) in relation to the requirements of Article 42A of the Planning (Northern Ireland) Order 1991, as amended in 2003, and followed established procedures.
- (iii) The assessments took relatively short periods of time, however in the case of Harker's Hill there was a gap of 14 months between the initial request to consider BPNs, and the action of issuing them.
- (iv) The notices will last for a period of 6 months from the date when they were served.

The Valley, 15 Valley Road Ballymena

- (i) The Building Preservation Notice was initiated by a third party. It is Departmental policy not to divulge such information without the third party's consent, which the Department has not sought.
- (ii) As (ii) above.
- (iii) The assessments took relatively short periods of time, however there was a gap of 4 months between the initial request to consider listing and the issue of a Building Preservation Notice.
- (iv) As (iv) above.

Building Preservation Notices

Mrs C Hanna asked the Minister of the Environment if he plans to place a Building Preservation Notice on 21-33 Ashley Avenue, Belfast, a Victorian terrace directly opposite the 'Heaney House' gap site; and if not, on what grounds he would place a notice. (AQW 2247/10)

Minister of the Environment: There were no plans to place a Building Preservation Notice on 21-33 Ashley Avenue, however the Northern Ireland Environment Agency (NIEA) is now treating your question as a 'listing query' and will assess the buildings against legislation, policy and established practice to determine if Building Preservation Notices may be merited. As part of the standard procedure, Agency staff will contact you to see if you have any relevant information that would support a case.

The grounds on which a Building Preservation Notice may be served are set out in Article 42(A) of The Planning (Northern Ireland) Order 1991 as amended in 2003. There are two criteria, both of which must be satisfied. They are

- '(1) where it appears to the Department that an unlisted building:
 - (a) is of special architectural or historic interest; and
 - (b) is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest,...

Detail of the listing process, which is carried out by NIEA, is available on their website www.ni-environment.gov.uk. I have attached a copy, as Appendix A for ease of reference.

Areas of Special Scientific Interest

Mr S Gardiner asked the Minister of the Environment to detail (i) targets set for the establishment of Areas of Special Scientific Interest; and (ii) how many such areas have been established in each of the last five years. (AQW 2251/10)

Minister of the Environment: (i) The Programme for Government 2008-11 contains a target to declare 25 ASSIs a year in each of the three years of the Programme.

The number of ASSIs declared in each of the last five financial years were as follows:-

Year	No Declared
2004/05	13
2005/06	2
2006/07	15
2007/08	14
2008/09	25

John Lewis Partnership

Mr S Gardiner asked the Minister of the Environment what investigations have been undertaken into the latest difficulty on the John Lewis Partnership planning application for Sprucefield; and if he has established any culpability undertaken any within his Department or the Planning Service for the latest procedural mistake. (AQW 2256/10)

Minister of the Environment: It may be helpful at the outset if I clarify the circumstances surrounding recent developments regarding the planning application submitted on 28 August 2008 by Sprucefield Centre Ltd.

Under Regulation 15(2) of the Planning (Environmental Impact Assessment) Regulations (NI) 1999 (as amended) the Planning Service requested further information on 2 December 2008. Regulation 15(2A) requires the applicant to submit this information within 3 months or such extended period as may be agreed in writing. Where the information is not submitted within 3 months and no extended period has been agreed the legislation states that the application shall be deemed to be refused.

On 24 February 2009 the Planning Service wrote to the Planning Appeals Commission requesting that a public local inquiry into the proposal be arranged.

On 4 September 2009, some nine months following the request under regulation 15(2) the applicant submitted the further information.

The PAC wrote to the Planning Service on 14 October 2009 seeking its view as to whether, in the circumstances, the application must be deemed to be refused. Following legal advice, the Planning Service advised that its preliminary view was that the application was deemed to be refused. But, given that the applicant strongly disagreed with this view and intended to seek a declaration from the courts on the status of the application the PAC was requested to proceed with the inquiry process pending a resolution.

The PAC noted the preliminary view but declined the request to allow the inquiry to proceed.

The responsibility for ensuring that information is submitted within the requirements as set down in the legislation lies with the applicant/agent and requires no action on the part of the Department other than to respond to any request for an extension of time. No such request was made.

Planning Regulations Regarding the Control of Advertising

Mr B McElduff asked the Minister of the Environment if his Department will relax the planning regulations regarding the control of advertising, including withdrawing enforcement action where possible, in order to assist local businesses at this time of economic downturn. (AQW 2300/10)

Minister of the Environment: The statutory requirements for advertisements are set out in Planning (Control of Advertisements) Regulations (Northern Ireland) 1992. There is no latitude within these Regulations for relaxation of the required control.

My Department's planning policy for advertisements is contained in Planning Policy Statement 17, 'The Control of Outdoor Advertisements'. This PPS complements the Government's commitment to securing a competitive economy whilst affording appropriate protection to amenity and public safety.

There is also a wider responsibility on my Department to ensure that we respect our natural and built environment. Indeed the quality of our environment is important in assisting economic development.

CO2 Emissions

Mr D McKay asked the Minister of the Environment what discussions he has had with the Minister of Regional Development regarding the reduction of CO2 emissions. (AQW 2301/10)

Minister of the Environment: I have had no discussions with the Minister for Regional Development regarding the reduction of CO2 emissions.

Orange Arch Structures

Mr D McKay asked the Minister of the Environment to list all orange arch structures which received planning permission in each of the last three years. (AQW 2305/10)

Minister of the Environment: Further to my recent answer to Paul Butler MLA on the same subject (AQW 696/10) I can again confirm 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.

Ban on Snares

Mr D McKay asked the Minister of the Environment (i) which groups have lobbied him on the issue of a ban on snares; and (ii) what steps his Department has taken to ban snares. (AQW 2306/10)

Minister of the Environment: I have been asked by the League Against Cruel Sports to ban the manufacture and use of snares. The Wildlife (NI) Order 1985 bans the use of certain snares which are considered cruel to wildlife, such as self-locking snares. I understand that there is a need for land managers to have proper pest control measures in place and I intend to keep the issue of snares under review.

Review of Public Administration

Ms C Ní Chuilín asked the Minister of the Environment to detail the cost to his Department of the transfer of functions to Local Government as part of the Review of Public Administration. (AQW 2356/10)

Minister of the Environment: To end September 2009 my Department has spent £6.71 million on taking forward the Review of Public Administration.

Council Recycling Rates

Mr A Ross asked the Minister of the Environment to list the current recycling rates for each council. (AQW 2366/10)

Minister of the Environment: The 2008/9 municipal waste and household waste recycling rates will be released in December 2009 and will be available on the NI Environment Agency website www.ni-environment.gov.uk.

gov.uk. Municipal waste is defined in the Waste and Emissions Trading Act 2003 as waste from households, and other waste that, because of its nature or composition, is similar to waste from households.

The most up to date figures currently available, the 2007/8 rates are as follows:

	Household Waste %	Municipal Waste %
Antrim Borough Council	48.73	47.14
Ards Borough Council	27.61	26.27
Armagh City & District Council	37.28	38.55
Ballymena Borough Council	26.54	24.85
Ballymoney Borough Council	26.21	23.96
Banbridge District Council	45.70	45.44
Belfast City Council	23.24	20.67
Carrickfergus Borough Council	33.16	29.33
Castlereagh Borough Council	37.69	35.74
Coleraine Borough Council	29.86	25.62
Cookstown District Council	36.31	33.38
Craigavon Borough Council	34.67	29.01
Derry City Council	31.93	28.29
Down District Council	31.56	25.99
Dungannon & South Tyrone Borough Council	30.22	28.21
Fermanagh District Council	28.84	25.10
Larne Borough Council	37.44	32.12
Limavady Borough Council	35.97	36.17
Lisburn City Council	31.95	31.58
Magherafelt District Council	38.09	35.49
Moyle District Council	34.51	28.98
Newry & Mourne District Council	30.09	25.99
Newtownabbey Borough Council	30.27	26.90
North Down Borough Council	38.05	30.63
Omagh District Council	38.09	32.52
Strabane District Council	23.00	21.02
NI Average	31.90	28.84

Cat Litter Being Dumped

Mr A McQuillan asked the Minister of the Environment if the Northern Ireland Environment Agency is aware that cat litter, used for cleaning laundered diesel is being dumped on North Eastern Education and Library Board grounds in the Lodge Road area of Coleraine. (AQW 2382/10)

Minister of the Environment: On the 20 April 2009 the Northern Ireland Environment Agency (NIEA) were made aware that a significant amount of cat litter had been dumped in the grounds of Coleraine High School.

The North Eastern Education and Library Board contacted the Hazardous Waste section in NIEA requesting advice on the disposal requirements for the waste. NIEA records indicate that 53.6 tonnes of hazardous material were removed from the site in Coleraine and taken to an authorised facility in England in accordance with the Hazardous Waste Regulations (Northern Ireland) 2005.

A specialised company, employed by the Education Board to clean up the site, has confirmed that a further 143.9 tonnes of non hazardous material was removed and taken to a nearby landfill site.

Spreading of Slurry

Mr T Elliott asked the Minister of the Environment how many farms were visited by Northern Ireland Environment Agency officials on 15 October 2009 to investigate the spreading of slurry on that day.

(AQW 2385/10)

Minister of the Environment: Three farms were visited by staff from the Northern Ireland Environment Agency (NIEA) on 15 October 2009 to investigate the spreading of slurry on that day. However, in light of the query raised by your constituent, NIEA sought legal guidance on the interpretation of the Nitrates Action Programme (NI) 2006 Regulations (NAP Regulations).

Although it has previously been interpreted by DARD and DOE staff that the closed period runs from 15 October to 31 January (inclusive), legal advice has defined that the closed period runs from 16 October to 31 January (inclusive).

NIEA will write to the three individuals whose farms were visited on 15 October 2009 to advise them of this.

Land Owned by the Housing Executive

Mr J Shannon asked the Minister of the Environment what discussion his Department has had with the Department for Social Development regarding open space land owned by the Housing Executive being released for social housing.

(AQW 2422/10)

Minister of the Environment: While there has been no discussion between Departments, officials from my Department's Planning Service have discussed this matter with officials from the Northern Ireland Housing Executive (NIHE). Arising from these discussions a Joint Protocol has been in place, between the Planning Service and NIHE since 25 March 2007, for proposals by NIHE or its partner agencies (normally housing associations) to develop areas of open space, including for the provision of social housing.

Ballyholme Beach and Groomsport Beach

Mr A Easton asked the Minister of the Environment if Ballyholme Beach and Groomsport Beach met the recent water quality tests.

(AQW 2470/10)

Minister of the Environment: On 3 November 2009, I announced the EC Bathing Water Directive Compliance for Northern Ireland. I can confirm that the bathing waters at Ballyholme and nearby Groomsport both complied with the mandatory standards of the Directive.

Climate Change

Mr D McKay asked the Minister of the Environment if he discussed the issue of climate change at the North/South Ministerial Council.

(AQW 2482/10)

Minister of the Environment: No, however I held a bi-lateral meeting with my counterpart, Minister Gormley on 30 October 2009 during which the issue of climate change was discussed.

Dog Fouling Offences

Mr A Ross asked the Minister of the Environment how many people have been prosecuted for dog fouling offences in each council area, in each of the past 24 months.

(AQW 2486/10)

Minister of the Environment: The Department obtains information concerning dog fouling offences from district councils on a yearly basis only. The figures in respect of prosecutions by the courts for the 2007/08 and 2008/09 years are as follows;

Council	2007/08	2008/09
Belfast City	3	3
Coleraine	0	1
Craigavon	1	0
Down	1	0
Larne	1	1
Moyle	0	2
Newtownabbey	1	0
All other Councils	0	0

Code of Conduct for Councillors

Mr A Ross asked the Minister of the Environment If he has any plans to introduce a new code of conduct for councillors under the Review of Public Administration. (AQW 2487/10)

Minister of the Environment: Departmental officials are currently developing a new ethical standards framework for Northern Ireland councillors. It will include a mandatory Code of Conduct and supporting mechanisms for investigations, adjudications and appeals. The proposed framework will be provided for in the forthcoming Local Government (Reorganisation) Bill and will become effective in May 2011 when the 11 new councils come into operation.

Northern Ireland councillors are currently guided by the Northern Ireland Code of Local Government Conduct which issued in April 2003. The Code is a guidance only document and there are no formal mechanisms for addressing circumstances where it may not have been adhered to.

Code of Conduct for Councillors

Mr A Ross asked the Minister of the Environment if there is currently any form of a code of conduct for councillors. (AQW 2488/10)

Minister of the Environment: Departmental officials are currently developing a new ethical standards framework for Northern Ireland councillors. It will include a mandatory Code of Conduct and supporting mechanisms for investigations, adjudications and appeals. The proposed framework will be provided for in the forthcoming Local Government (Reorganisation) Bill and will become effective in May 2011 when the 11 new councils come into operation.

Northern Ireland councillors are currently guided by the Northern Ireland Code of Local Government Conduct which issued in April 2003. The Code is a guidance only document and there are no formal mechanisms for addressing circumstances where it may not have been adhered to.

Contamination Survey: Carrick Hill

Ms C Ní Chuilín asked the Minister of the Environment for his assessment of the contamination survey carried out on a playground in the Pepperhill Street area in Carrickhill, North Belfast. (AQW 2515/10)

Minister of the Environment: The Northern Ireland Environment Agency (NIEA) was consulted by Planning Service on 29 July 2009 on a Planning Application for a playground development at Carrick Hill, Belfast. As there are a number of current and former industrial activities in the vicinity of the application site, NIEA requested that further information be provided to assess the risk of any potential land contamination to its proposed new use. In response to this, a Preliminary Risk Assessment Report (PRA) was provided to the Agency by Planning Service on 7 September 2009, and in return a response was issued to Planning on 9 November 2009.

The advice of the Agency to Planning Service stated that, on the basis of the geological information presented in the preliminary risk assessment, the Agency had no objection to the planning application being approved provided it was conditioned for managing any unforeseen contamination encountered during the development work. In addition, ground gases maybe a potential problem due to the made-ground (i.e. infill of manmade materials, such as rubble, etc) on the site and it was recommended that Planning Service consult further with the Environmental Health Department at Belfast City Council to determine the need to monitor and characterise the gas regime at the site.

Global Warming Gases, HFCs, in Supermarket Refrigeration

Mr B Wilson asked the Minister of the Environment if he would consider following the lead of Austria and Denmark and introducing measures to phase out the use of the global warming gases HFCs, in supermarket refrigeration. (AQW 2524/10)

Minister of the Environment: I have no plans at present to phase out the use of HFCs in the supermarket refrigeration sector in Northern Ireland. The Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009 currently place controls on the use of these gases, which includes HFCs, within supermarket refrigeration equipment, in order to minimise unintentional emissions and comply with European requirements. The Regulations require compulsory leakage checks on equipment, the controlled recovery of F-gases from used equipment and that employees who work with such equipment have officially recognised qualifications. Discussions on further restrictions on the production and consumption of HFCs continue at international level, and subject to agreement, the use of HFCs in applications such as refrigeration is likely to decrease in the future.

Proposed Incinerator at Glenavy

Mr T Burns asked the Minister of the Environment how many objections have been submitted to his Department in relation to planning applications S/2008/0630/F and S/2009/0579/F, for a chicken litter incinerator at Glenavy. (AQW 2556/10)

Minister of the Environment: To date, 6733 letters of objection, 1 objection petition and 6342 letters of support have been received in respect of planning application S/2008/0630/F. In addition, 12 letters of objection have been received in respect of the planning application by Rose Energy for a water abstraction facility and water pipeline.

Proposed Incinerator at Glenavy

Mr P Butler asked the Minister of the Environment how many objections his Department has received to date regarding Rose Energy's proposals for an incinerator at Glenavy. (AQW 2570/10)

Minister of the Environment: To date, 6733 letters of objection, 1 objection petition and 6342 letters of support have been received in respect of Rose Energy's planning application for a Biomass Fuelled Power Plant at Ballyvannon Road Glenavy. Planning Service is also processing a planning application by Rose Energy for a water abstraction facility and water pipeline, and 12 letters of objection have been received in respect of that application.

Road Deaths

Mr A Easton asked the Minister of the Environment how many road traffic fatalities have occurred so far this year compared to the same period last year; and what factors have contributed to any difference. (AQO 342/10)

Minister of the Environment: The number of road deaths in Northern Ireland so far this year is 100, compared with 87 for the same period last year.

It is impossible to be precise about the reasons for the increase, because of the range of factors that can impact positively or negatively upon road safety. These include vehicle, road and traffic engineering; education and awareness; weather; roadside enforcement and penalties; along with public attitudes and various social and cultural factors.

As there are so many variables, the figures can fluctuate significantly from month to month and from year to year. For that reason, the long-term trend is more significant, and it shows that road deaths have come down from a peak of nearly 400 in the early 1970s. However, within that long-term pattern there were significant upward movements – for example, in 1977, 1984, 1986, 1987, 1994, 1998 and 2000.

Over the last few years, the figures have reduced steadily, from 150 in 2002 and 2003 to last year's figure of 107, which was the lowest since records began in 1931.

The continued long-term improvement is due to the sustained efforts of the Department and all of its key partners including the Roads Service, the PSNI, the Department of Education, the Northern Ireland Fire and Rescue Service and the Ambulance Service, along with many others such as vehicle manufacturers, engineers, scientists and technologists, to deliver a comprehensive programme of road safety education, engineering and enforcement initiatives.

Despite the positive long-term pattern, the current figures indicate that there can be no let-up in our efforts to promote road safety, and that is why action is proceeding on a wide range of improvement initiatives including the new road safety strategy, drink and drug driving, driver training and testing, graduated driver licensing, vehicle and operator licensing, and motorcycling.

Local Government: Funding

Mr R Beggs asked the Minister of the Environment for a brief assessment of each of the options outlined in the recent PricewaterhouseCoopers report on the funding of the Review of Public Administration in Local Government. (AQO 345/10)

Minister of the Environment: The PricewaterhouseCoopers (PwC) economic appraisal identifies funding for both the implementation programme and on-going delivery of services under the new 11-council model. It suggests that funding will be required from a number of sources and outlines four possible streams, i.e. increased non-District Rate Revenue, increased District Rate Revenue, avoiding costs and better use of assets. All of these options have their individual merits but they also raise a range of significant issues for both Central and Local Government and I will be exploring these fully with the Minister of Finance and Executive colleagues in the coming weeks.

Carbon Emissions

Mr K Robinson asked the Minister of the Environment if his Department is committed to the carbon emission reduction targets set out in the Programme for Government; and for his assessment of the progress to date in meeting these targets. (AQO 346/10)

Minister of the Environment: In its Programme for Government (2008-2011) the Executive set a target to reduce greenhouse gas emissions by 25% in 2025 on 1990 levels. This is an issue which cuts across all Departments and therefore all Ministers have a responsibility to reduce emissions of greenhouse gases, including carbon dioxide, and contribute to the Programme for Government target.

My own Department is committed to making its contribution as evidenced by the progression of various pieces of policy and legislation, for example the Climate Change Act, the Carbon Reduction Commitment, the Energy Efficiency Scheme and Planning Policy Statement 18 on renewables.

My Department is also the lead department in the monitoring of the Programme for Government's greenhouse gas target through Public Service Agreement 22.

The latest figures (2007), published last month, show that greenhouse gas emissions in Northern Ireland have reduced by 13% (carbon dioxide by 9%) on 1990 levels. Based on this latest data it is projected that if this progress continues, a reduction of 22% in greenhouse gas emissions will be achieved by 2025 against the 25% target.

Planning Applications

Mr D Kennedy asked the Minister of the Environment for an assessment of the current volumes of planning applications being submitted and processed by the Planning Service. (AQO 347/10)

Minister of the Environment: During the last business year 20,500 valid planning applications were received and 26,200 applications were processed to decision or withdrawn (by the applicant) before a decision was issued. Just under 13,000 live cases also were at various stages of processing at the end of the business year. Approximately 2,000 of these are deferred dPPS 14 applications received after 16 March 2006, all of which were reconsidered after dPPS 21 was issued in November 2008.

The number of applications received in 08/09 was a decrease of 26.7% on the number received in 07/08. Similarly in the first quarter of 09/10 application numbers decreased by 16% with just under 5,400 applications received. The number of applications processed to decision or withdrawal in the first quarter of 09/10 was 5,768.

Over the last 12 months, the total number of live applications under consideration has continued to reduce, continuing a trend from 2006/07. However, this reduction in live applications should be set in the context of both the number of applications being received by Planning Service and, a number of significant process improvements delivered by Planning Service including Streamlined Council Consultation and the Development Management Good Practice Guide.

DEPARTMENT OF FINANCE AND PERSONNEL

Media Training for Departmental Staff

Mr T Lunn asked the Minister of Finance and Personnel how much his Department has spent on media training for staff in each of the last five financial years. (AQW 2122/10)

Minister of Finance and Personnel (Mr S Wilson): The Department of Finance and Personnel spent £16,500 over the last five financial years on media training for staff.

	£
2004/05	2,400
2005/06	2,100
2006/07	12,000
2007/08	0
2008/09	0
Total	16,500

Committee on Climate Change

Mr D Ford asked the Minister of Finance and Personnel if his Department has sought advice from the Committee on Climate Change with regard to its obligations under the Programme for Government. (AQW 2185/10)

Minister of Finance and Personnel: No specific advice has been requested to date.

Civil Service Central Transfer List

Mr M Durkan asked the Minister of Finance and Personnel (i) on what date the Civil Service central transfer list was removed; and (ii) how many people were on the list at the time of its removal, broken down by (a) government department or agency; and (b) District Council area to which transfer was requested. (AQW 2223/10)

Minister of Finance and Personnel: The Central Transfer List (CTL) ceased to be effective from early 2008 but was finally withdrawn following the introduction of the Vacancy Management and Elective Transfer policies on 23 March 2009. At that date there were some 7000 names on the list but information in relation to them was not updated and it is not possible to provide the breakdown requested.

Professional Registration Fees

Mrs N Long asked the Minister of Finance and Personnel if there is a unified policy across all Departments regarding the payment of employees' professional registration fees. (AQW 2280/10)

Minister of Finance and Personnel: The Subscriptions to Professional Bodies policy in the HR Handbook covers payment by Departments of subscriptions to professional bodies for individual members of staff. Departments may pay subscriptions to a professional or similar body on the employee's behalf if they believe it can be justified. This would include the payment of registration fees if required. This policy applies across all Departments in the Northern Ireland Civil Service.

Professional Registration Fees

Mrs N Long asked the Minister of Finance and Personnel to outline which categories of public sector employees within his remit currently have professional registration fees paid, and which do not. (AQW 2281/10)

Minister of Finance and Personnel: The attached table illustrates the categories of public sector employees within my remit that have professional fees paid by my department and those that do not.

Legal professional fees are only paid where necessary for the execution of the work in which they are involved. For this reason some solicitors and barristers have their professional fees paid whilst others do not.

Fees Paid by Department	Fees Not Paid by Department
Architects	
Auditors	
Accountants	
Accounting Technicians	
Barristers	Barristers
Construction Professionals	
Chartered Institute of Purchasing & Supply -CIPS	
Mechanical & Electrical Engineers	
Solicitors	Solicitors
Surveyors	
Textile Institute	
Trainers	
Valuers	

Economic Appraisal for Magherafelt High School

Mr P McGlone asked the Minister of Finance and Personnel, in relation to the economic appraisal for Magherafelt High School, (i) how long his Department has been in receipt of the revised economic appraisal; (ii) when he expects to award this project; and (iii) to explain the reasons for the delay in this project. (AQW 2308/10)

Minister of Finance and Personnel: First sight of the appraisal was on 12th October 2009. Further information was requested from DE on 23rd October. A partial response was received on 4th November.

It will be for DE to award the project. DFP's role is to review and approve the appraisal in keeping with general appraisal guidance.

There has been no delay by DFP. This is a matter for the Minister for Education.

INTERREG IV Funding

Ms J McCann asked the Minister of Finance and Personnel, given that cross-border groups received indicative letters of offer and submitted their multi-annual plans 15 months ago, to explain the delay in these groups receiving Interreg IV funding through his Department. (AQW 2415/10)

Minister of Finance and Personnel: The INTERREG IVA Programme is progressing well having approved 34 projects with a value of €152.5m representing approximately 59 per cent of the total programme budget, and will comfortably meet its EU Commission expenditure target for this year.

The cross-border groups' multi annual plans are accepted as setting out the strategic development plans for each of the cross-border groups region and the need now is for the projects within these to be developed by the groups and brought forward so that they can be considered and appraised in line with the normal public expenditure value for money and control requirements that apply to all public expenditure. Each of the cross border groups are at different stages in this process. There is no delay in the approval and funding of the projects that have been brought forward. While SEUPB is currently dealing with a large number of projects all are currently progressing through the agreed selection process. The first letters of offer are expected to issue during November. For other projects the SEUPB is still waiting for the groups to present these to them.

Health Service

Mr M Storey asked the Minister of Finance and Personnel for his assessment of the efficiency of the Health Service in Northern Ireland compared to that in the rest of the UK. (AQO 353/10)

Minister of Finance and Personnel: The Appleby Review of Health and Social Care Services in Northern Ireland highlighted the scope for significant efficiency gains if the health and social care sector in Northern Ireland were to match the level of performance in England in terms of productivity and efficiency.

Whilst the figures are provisional, I understand that the DHSSPS Productivity Working Group, supported by staff from NISRA, has most recently estimated that staff hospital productivity in Northern Ireland falls below that of England by just over 12%. There remains therefore scope for the Health Minister to continue to drive forward improvements in productivity within the Health Service and to reducing that productivity

gap thus releasing extra funding for frontline services. There are no statistics available which relate to Scotland or Wales.

Mobile Workers Scheme

Mr J Craig asked the Minister of Finance and Personnel whether he has issued guidelines to Departments on the use of agency staff under the Mobile Workers Scheme. (AQO 354/10)

Minister of Finance and Personnel: No guidelines on the use of agency staff under the Mobile Workers Scheme have been issued to Departments. A User's Protocol for the NICS Provision of Temporary/Short term Workers has however been issued. Additional guidance has been sent to Departments advising that the use of agency staff should be kept to a minimum and that such staff should only be used to meet short term business needs for a period not exceeding 51 weeks.

Government Property Valuation

Rev Dr R Coulter asked the Minister of Finance and Personnel to outline the most recent global valuation of all property owned by Departments. (AQO 355/10)

Minister of Finance and Personnel: The value of land and property owned by each Department is reported and published annually in departmental accounts.

A review of the 2008-09 Annual Reports and Accounts for the 11 Departments indicate that the aggregate value of the land and property owned by Departments is £1.8 billion. The valuation date is 31st March 2009.

The value of assets under the control of Non Departmental Public Bodies (NDPBs) and Health Boards are reported separately in the published accounts of these bodies.

Civil Service: Office Locations

Mr G Campbell asked the Minister of Finance and Personnel if future decisions regarding the establishment of Civil Service offices or new office locations will take account of the Bain proposals. (AQO 356/10)

Minister of Finance and Personnel: The Report was the result of an independent review of policy on the location of public sector jobs. The question about whether or not future decisions will take account of these proposals is a matter for the Executive.

I have specific views on the affordability and value for money of the review recommendations, and a change in policy can only be determined by the Executive. Hence, I have written to Executive colleagues at the end of September to say I am keen for an early discussion.

In the meantime, it is a matter for departments to determine the optimal location of any new jobs or offices, based on operational considerations and normal value for money principles.

Community and Voluntary Organisations: Funding

Ms D Purvis asked the Minister of Finance and Personnel for his assessment of the impact of efficiency savings on community and voluntary organisations tasked with delivering front-line services on behalf of Government Departments. (AQO 357/10)

Minister of Finance and Personnel: As part of the Budget 2008-11 process the Executive agreed that Northern Ireland departments would be set the target of delivering 3% per annum cash releasing efficiency savings over the years 2008-09 to 2010-11.

As a result of the Executive's efficiency savings programme, over £1.6 billion of resources, will be recycled into the budgets for frontline services over the three year Budget period, thus improving the level of services delivered.

Although primary responsibility for the planning and delivery of efficiency savings lies with individual Ministers and departments, it has been pointed out to departments that efficiency savings should not be achieved by simple cuts in the funding to priority frontline services. However, it is also recognised that there is scope to improve the efficiency and effectiveness of delivery in these areas.

I have not made an assessment of the impact of efficiency savings on community and voluntary organisations.

Presbyterian Mutual Society

Mr T Clarke asked the Minister of Finance and Personnel for an update on his discussions with the Treasury regarding the Presbyterian Mutual Society. (AQO 358/10)

Minister of Finance and Personnel: Discussions with HM Treasury on resolving the difficulties of the Presbyterian Mutual Society are ongoing. As a member of the Ministerial Working Group on this issue, I attended a meeting with the Chief Secretary to the Treasury in Downing Street on 14th October. This meeting was also attended by the First Minister, deputy First Minister and the Enterprise Minister.

This was a very constructive meeting in which we agreed that a bank takeover would be the preferred solution to the PMS problem. Officials have since been engaged in intense negotiations with a number of banks to pursue this solution. The Ministerial working group will meet again within the next few weeks to receive an update on the progress being made by officials.

Whilst there are a number of complex legal, financial and regulatory issues involved in resolving the PMS issue, I am confident that a satisfactory conclusion can be achieved for PMS savers.

Dormant Bank Accounts

Mr D McKay asked the Minister of Finance and Personnel when funds from dormant bank accounts will be available for use by community projects. (AQO 359/10)

Minister of Finance and Personnel: I am currently considering the consultation responses on the priority spending areas for the Dormant Bank and Building Society Accounts scheme. Following endorsement of the selected spending priorities by OFMDFM and the Executive there are a number of key processes to be completed.

Subject to the approval of the secondary legislation and the establishment of the national Reclaim Fund, money not required to meet repayments to account holders will be passed to the Big Lottery Fund for reinvestment in society. The distribution of the surplus assets is expected to commence during 2010.

Census

Mrs N Long asked the Minister of Finance and Personnel for an update on preparations for the 2011 Census. (AQO 360/10)

Minister of Finance and Personnel: Preparations are proceeding on the basis that the next Census will take place on 27 March 2011. There has already been formal consultation on the topic content and users are being kept informed of current thinking through, for example, the Northern Ireland Statistics and Research Agency's website and 'Information Day' events. Census Office conducted a Census Test in 2007, and a Census Rehearsal is currently ongoing. A Census Order and subsequent Census Regulations are required to conduct a Census in 2011 and a draft Order has been submitted for consideration by the First Minister, the deputy First Minister and the Executive.

Energy Efficiency

Dr S Farry asked the Minister of Finance and Personnel for an update on plans for new building regulations to promote energy efficiency. (AQO 361/10)

Minister of Finance and Personnel: I understand that, following close consideration of responses to their recently closed consultation on this matter, England & Wales intend to introduce regulations in October 2010 to require that the energy efficiency of new buildings is improved by 25%, rising to 44% by 2013. My officials are working with their counterparts in England & Wales to examine the consultation responses, and preparatory work has begun on a similar amendment to our equivalent Part F of the Northern Ireland Building Regulations, with a view to introducing parallel regulations some 6 months or so after England & Wales. This delay is to allow sufficient time for local public consultation and to ensure that the regulations are adapted as appropriate to suit the different fuel circumstances in Northern Ireland.

England & Wales has also confirmed their intention that all new homes should be zero carbon by 2016. I reiterate the undertaking given by my predecessor in February this year during the Final Stage debate on the Building Regulations (Amendment) Bill that amendments to Northern Ireland regulations will not be out of kilter to those in other jurisdictions.

However, I am concerned that the measures that may be required by a developer to achieve a zero carbon home may not be cost effective in relation to the expected benefit, and any Impact Assessment to support the necessary amendment to the building regulations will have to demonstrate that the measures are technically, functionally and economically feasible before such amendment is made.

DEPARTMENT OF HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

Bowel Cancer Screening

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety for an update on the schedule for bowel cancer screening which is due to start by the end of 2009. (AQW 2035/10)

Minister of Health, Social Services and Public Safety (Mr M McGimpsey): Significant progress towards implementing the Bowel Cancer Screening Programme in Northern Ireland has already been achieved in a range of areas, including the establishment of a call/recall centre, setting up of an IT system and a screening laboratory. Health and Social Care Trusts have each nominated a screening colonoscopy centre and are currently working towards accreditation by the Joint Advisory Group on Gastrointestinal Endoscopy. Quality Assurance Standards have been agreed to ensure the programme will operate within a quality assured framework, and a range of public and professional information leaflets and material have been developed.

As there has been a need for the Department of Health, Social Services and Public Safety to identify funding from within the Health and Social Care budget to meet a range of high priority pressures including swine flu, I regret that it has been necessary to defer the start of the bowel screening programme to 1 April 2010.

Card Before You Leave Appointment System

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety when the 'Card Before You Leave' appointment system will be fully operational. (AQW 2036/10)

Minister of Health, Social Services and Public Safety: I refer to my answer to AQW 1515/10. Further to this I would advise that four of the five Trusts have confirmed that the scheme is to be fully operational by 1st November 2009. The Northern Trust, while it has introduced the scheme for those aged over 18, is working to address issues with having the scheme in place within CAMHS. The Trust has advised that it expects the scheme will be fully operational from January 2010.

Card Before You Leave Appointment System

Mrs D Kelly asked the Minister of Health, Social Services and Public Safety for an update on the implementation of the 'Card Before You Leave' appointment system in each Health and Social Care Trust. (AQW 2093/10)

Minister of Health, Social Services and Public Safety: I refer the member to the answer I gave to AQW 2036/10

Personal Social Services: Spending per Child

Mrs M Bradley asked the Minister of Health, Social Services and Public Safety, given spending per child is lower in Northern Ireland than in other parts of the UK, what measures he intends to put in place to increase spending per child on personal Social Services. (AQW 2096/10)

Minister of Health, Social Services and Public Safety: My main task at the moment is to protect vital services from cuts. This includes all of the very many critical areas of spending we have in health such as, for example, acute services, primary care, domiciliary care, learning disability, mental health and children's services. Within CSR I have invested approaching £20m in family and children's services. I have also invested in services covering areas such as mental health, domestic violence, suicide and substance abuse, all of which have a positive impact on family and children's services. However, there is now considerable further pressure on children's services arising from current economic circumstances. I will be making the case to protect and enhance our investment in such services at every stage as we move through harder economic times. Should more resources become available to me, services for children will be amongst my highest priorities

Bowel Cancer Screening

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety if all Health and Social care Trusts are currently in a position to begin screening for bowel cancer in people over 60 years old. (AQW 2105/10)

Minister of Health, Social Services and Public Safety: Significant progress towards this target has been made in a range of areas, including the establishment of a call/recall centre, the setting up of an IT system and the identification of a screening laboratory. Health and Social Care Trusts have each nominated a screening colonoscopy centre and are currently working towards accreditation by the Joint Advisory Group on

Gastrointestinal Endoscopy. Quality Assurance Standards have been agreed to ensure the programme will operate within a quality assured framework and a range of public and professional information leaflets and materials has been developed.

As a result of the need for the Department to identify funding from within the Health and Social Care budget to meet a range of high priority pressures including swine flu, I regret that it has been necessary to defer the start of the bowel screening programme to 1 April 2010.

Missed Diagnoses of Cancer

Mr T Burns asked the Minister of Health, Social Services and Public Safety how many (i) missed diagnoses of cancer; (ii) radiotherapy errors; and (iii) chemotherapy errors were recorded across all Health and Social Care Trusts, in each of the last five years. (AQW 2153/10)

Minister of Health, Social Services and Public Safety: (i), (iii) Given the complexity of the many presentations of cancer, and the reporting procedures available, the numbers of missed diagnoses of cancer and chemotherapy errors could only be collated at disproportionate cost.

(ii) Radiotherapy is provided at the Belfast Trust and, due to the reconfiguration of the Trusts in April 2007, information regarding radiotherapy errors is only able from that date. Trust records indicate that 2 radiotherapy errors were reported during 2008/09. It should be noted that during 2008/09, the Belfast Trust delivered approximately 58,000 fractions of radiotherapy to 709 patients (a fraction is described as a single attendance for radiotherapy treatment).

Committee on Climate Change

Mr D Ford asked the Minister of Health, Social Services and Public Safety if his Department has sought advice from the Committee on Climate Change with regard to its obligations under the Programme for Government. (AQW 2184/10)

Minister of Health, Social Services and Public Safety: The Department of the Environment has lead responsibility for Climate Change and is the primary point of contact with the Committee on Climate Change. The Minister of the Environment liaises with the Committee on Climate Change on behalf of Executive colleagues and keeps Departments informed of the on-going work of the Committee.

Senior officials from my Department have also attended recent briefing from representatives of the Committee and will consult with them further as appropriate.

Efficiency Savings

Mrs D Kelly asked the Minister of Health, Social Services and Public Safety to explain why the recommendations within the value for money audit on physiotherapy, occupational therapy and speech and language therapy have not been taken forward, at a time when delivering better value for money within existing resources is crucial in terms of producing efficiency savings across the Health Service. (AQW 2190/10)

Minister of Health, Social Services and Public Safety: My Department is committed to addressing all the recommendations arising from each of the Value for Money Audit programmes.

A detailed action plan has been developed and I have now commissioned the development of an Allied Health Professions strategy which will address the recommendations emanating from the Value for Money Studies.

Outpatient Appointments

Mrs D Kelly asked the Minister of Health, Social Services and Public Safety for an update on progress in relation to achieving the target of no patient waiting longer than nine weeks for a first outpatient appointment for physiotherapy, occupational therapy or speech and language therapy by April 2010. (AQW 2193/10)

Minister of Health, Social Services and Public Safety: Responsibility for monitoring waiting time targets rests with the HSC Board. All Trusts have assured the Board that the 9-week target will be met by 1 April 2010.

Applications to take Children into Care

Lord Morrow asked the Minister of Health, Social Services and Public Safety how many applications have been made to take children into care in the Fermanagh and South Tyrone area, in the last three years; and how many children this involved. (AQW 2200/10)

Minister of Health, Social Services and Public Safety: The information requested is not collected centrally, and if available could only be provided at disproportionate cost.

Care Packages

Lord Morrow asked the Minister of Health, Social Services and Public Safety how many care packages have been withdrawn in the Fermanagh and South Tyrone constituency in the last twelve months. (AQW 2201/10)

Minister of Health, Social Services and Public Safety: Information on the number of care packages withdrawn in the last twelve months is not available and could only be provided at disproportionate cost.

Care Packages

Lord Morrow asked the Minister of Health, Social Services and Public Safety how many care packages have been refused in the Fermanagh and South Tyrone constituency in the last twelve months. (AQW 2202/10)

Minister of Health, Social Services and Public Safety: Information on the number of care packages refused in the last twelve months is not available centrally.

Care Packages

Lord Morrow asked the Minister of Health, Social Services and Public Safety how many care packages are currently in place in the Fermanagh and South Tyrone constituency. (AQW 2203/10)

Minister of Health, Social Services and Public Safety: Information on the number of care packages currently in place is not available in the format requested.

Free Personal Care for People with Dementia

Mr P Weir asked the Minister of Health, Social Services and Public Safety what decisions he has taken regarding the provision of free personal care for people diagnosed with dementia living in residential care homes. (AQW 2204/10)

Minister of Health, Social Services and Public Safety: In May 2007 I commissioned a report on the cost of introducing free personal care for all residential care and nursing home residents, not just those with dementia. This report estimated that free personal care would cost some £30.5m and benefit just over 3,700 of the 14,232 residents in care homes at that time.

The report also examined the cost of disregarding a resident's former home in the financial assessment to determine how much each resident can afford to contribute to the cost of their care. The report estimated that this disregard would cost some £44.3m and benefit approximately 2,900 residents.

I have considered this issue very carefully against the competing priorities I face across the health service and have concluded that free personal care is not affordable within the current CSR period. However, there is currently no requirement to sell a former home to meet an assessed contribution; how a resident meets this contribution is a matter for the resident and their advisors.

People Having to Sell Their Homes to Pay for Care

Mr P Weir asked the Minister of Health, Social Services and Public Safety what action he is taking to prevent people having to sell their homes to pay for care. (AQW 2205/10)

Minister of Health, Social Services and Public Safety: In May 2007 I commissioned a report on the cost of introducing free personal care for all residential care and nursing home residents, not just those with dementia. This report estimated that free personal care would cost some £30.5m and benefit just over 3,700 of the 14,232 residents in care homes at that time.

The report also examined the cost of disregarding a resident's former home in the financial assessment to determine how much each resident can afford to contribute to the cost of their care. The report estimated that this disregard would cost some £44.3m and benefit approximately 2,900 residents.

I have considered this issue very carefully against the competing priorities I face across the health service and have concluded that free personal care is not affordable within the current CSR period. However, there is currently no requirement to sell a former home to meet an assessed contribution; how a resident meets this contribution is a matter for the resident and their advisors.

Dementia: Residential Care

Mr P Weir asked the Minister of Health, Social Services and Public Safety what assistance is available for people diagnosed with dementia who require residential care. (AQW 2206/10)

Minister of Health, Social Services and Public Safety: My Department's aim is to maintain people within their homes whenever possible and a range of community services are in place to support this aim.

Each person diagnosed with dementia and requiring care and support receives an individual, multi-disciplinary, assessment of their needs - physical, psychological and social functioning - and the carers' and relatives' needs.

Where it has been decided that a residential home is the best setting in which to deliver care, an income based assessment is carried out to ascertain how much the individual can contribute towards his or her placement.

My Department is currently developing a Northern Ireland Dementia Strategy. It is hoped the strategy will be available for consultation in early 2010.

Deep clean at the Causeway Hospital

Mr G Robinson asked the Minister of Health, Social Services and Public Safety (i) to explain the reasons for the 'deep clean' at the Causeway Hospital on 17 and 18 October 2009; (ii) why this resulted in visitors being refused entry to the hospital; (iii) if it is acceptable that relatives who had travelled to see patients were unable to do so; and (iv) what action he is taking to ensure this situation is not repeated. (AQW 2212/10)

Minister of Health, Social Services and Public Safety: "Deep cleaning" is carried out twice per annum in all Northern Health & Social Care Trust hospitals. This allows the Trust to carry out more intensive cleaning of equipment, fixtures and fittings, for example ventilation grills. Misleading information may have been supplied about visitor access to wards in Causeway Hospital which were being "deep cleaned" on 17 and 18 October. However, no-one was refused entry and, following this incident, ward staff in Causeway Hospital have been instructed to ensure that appropriate information is always supplied and displayed.

Emergency Ambulance: Limavady

Mr G Robinson asked the Minister of Health, Social Services and Public Safety (i) to explain why Limavady's emergency ambulance was called to a road traffic accident outside Altnagelvin Hospital on 21 October 2009; and (ii) what emergency cover was provided in Limavady while the ambulance was unavailable. (AQW 2213/10)

Minister of Health, Social Services and Public Safety: The Northern Ireland Ambulance Service (NIAS) deploys its emergency response ambulance vehicles using a dynamic tactical deployment plan to ensure that the nearest resource responds to an emergency call.

Because an ambulance is based at a particular station it does not follow that it will only respond to emergency calls at that location. In this case particular case the A&E ambulance based in Limavady was free and as the nearest available resource was dispatched.

Private Dental Practices

Mrs I Robinson asked the Minister of Health, Social Services and Public Safety how many private dental practices there are compared to the number of Health Service dental practices. (AQW 2214/10)

Minister of Health, Social Services and Public Safety: The information requested is not available.

Health Service Dentists

Mrs I Robinson asked the Minister of Health, Social Services and Public Safety what action he is taking to increase the number of Health Service dentists. (AQW 2215/10)

Minister of Health, Social Services and Public Safety: The Department is currently in negotiations with the dental profession regarding a new contract which will result in an increase to the number of dentists directly commissioned by the Health and Social Care Board in areas where access to Health Service dentistry in Northern Ireland is problematic.

In addition to this I announced in May 2009 that the Department had awarded a tender to Oasis Dental Care Ltd for additional dental services which will result in 38 additional dentists being available in various areas of Northern Ireland.

Out-Patient Physiotherapy

Mr J O'Dowd asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 1321/10, what his Department's target is for waiting times for out-patient physiotherapy. (AQW 2219/10)

Minister of Health, Social Services and Public Safety: As from 1 April 2009 the waiting time target for an appointment with a physiotherapist after referral is a maximum of 13 weeks. This figure will reduce to 9 weeks by 31 March 2010.

Bowel Cancer Screening

Mrs C Hanna asked the Minister of Health, Social Services and Public Safety for an update on his Department's Programme for Government commitment to introduce a bowel cancer screening programme by December 2009. (AQW 2228/10)

Minister of Health, Social Services and Public Safety: Significant progress towards this target has been made in a range of areas, including the establishment of a call/recall centre, the setting up of an IT system and the identification of a screening laboratory. Health and Social Care Trusts have each nominated a screening colonoscopy centre and are currently working towards accreditation by the Joint Advisory Group on Gastrointestinal Endoscopy. Quality Assurance Standards have been agreed to ensure the programme will operate within a quality assured framework and a range of public and professional information leaflets and materials has been developed.

As a result of the need for the Department to identify funding from within the Health and Social Care budget to meet a range of high priority pressures including swine flu, I regret that it has been necessary to defer the start of the bowel screening programme to 1 April 2010.

Realignment and Location of Legacy Board Functions

Mr W Irwin asked the Minister of Health, Social Services and Public Safety, in relation to the Business Services Organisation Realignment and Location of Legacy Board Functions consultation document of 22 October 2009, (i) what criteria was used to identify the suitability of the proposed locations; and to identify how each of the proposed locations met the selection criteria; and (ii) to list the locations not selected and how they failed to meet the criteria. (AQW 2261/10)

Minister of Health, Social Services and Public Safety: The Business Services Organisation's Consultation Document proposes that the legacy Board functions continue to be provided from existing sectors. These

proposals are based on the need to ensure that functions would be delivered in the most economic way possible and that they would be close to the major customer bases. The equality screening of the proposals indicates that the impact on staff is not considered significant but where individuals are affected the BSO will work with these staff to address their concerns.

Realignment and Location of Legacy Board Functions

Mr C Boylan asked the Minister of Health, Social Services and Public Safety if he can give an assurance that no work streams will be relocated until the public consultation is completed on the Realignment and Location of Legacy Board Functions in response to the RPA Savings Targets within the Business Services Organisation. (AQW 2288/10)

Minister of Health, Social Services and Public Safety: I can give an assurance that no decision will be taken on the relocation of legacy Board functions until the consultation process is completed. Staff have been advised that interim arrangements may be necessary to ensure continuity of services. Any such arrangements will, however, be on a “without prejudice” basis to the consultation process and will be reviewed following the outcome of the consultation.

Realignment and Location of Legacy Board Functions

Mr C Boylan asked the Minister of Health, Social Services and Public Safety, in relation to the Realignment and Location of Legacy Board Functions in response to the RPA Savings Targets within the Business Services Organisation consultation document of October 2009, to detail (i) the cost to the BSO to provide the legacy Board functions from the current locations; and (ii) the projected savings to the BSO if the proposed realignment and relocations were approved. (AQW 2321/10)

Minister of Health, Social Services and Public Safety: The cost to the BSO to provide the legacy Board functions from the current locations is circa £3.5m.

The overall savings targets set by the Review of Public Administration for the BSO are £0.854m in 2009/10 and £1.146m in 2010/11 with a further £0.57m under review. The savings that would be secured from the proposed relocation of functions are significant, some £0.098m in 2009/10 and £0.678m in 2010/11.

Neurology Unit at Musgrave Hospital

Mrs C Hanna asked the Minister of Health, Social Services and Public Safety (i) when a decision will be made on funding for the proposed neurology unit at Musgrave Hospital; (ii) if funding is available, how long after building begins does he expect it to be completed; and (iii) if funding is not available, will the project revert to the 2008 plan of delivering a temporary facility adjacent to the Mitre rehabilitation unit. (AQW 2410/10)

Minister of Health, Social Services and Public Safety: Funding has been identified for the new Neurology Unit and remains available. My Department is considering urgently a business case. Once this is approved, construction is expected to take approximately 18 months.

Swine Flu Vaccine

Mrs I Robinson asked the Minister of Health, Social Services and Public Safety to detail the programme for the rolling out of the swine flu vaccine; and for an update on its progress. (AQW 2503/10)

Minister of Health, Social Services and Public Safety: The swine flu vaccination programme began in Northern Ireland on 21 October, initially in Trusts, and commenced in GP Practices from 26 October.

The speed of the programme is dependent on receipt of the vaccine, which, once supplies are received here, are split under pharmaceutical conditions, then packed for distribution throughout Northern Ireland. All GPs receive a pro rata amount based on their 2008/09 seasonal flu vaccination orders. They are informed, via the HSC Board intranet site, of the amount of vaccine they will receive for the following week enabling them to invite patients for

vaccination that week. GPs have been advised to use their clinical judgement and vaccinate their most vulnerable patients within the priority groups first.

Based on the current delivery schedule and in line with my earlier announcements, the Department expects that everyone in the priority groups and frontline healthcare and social workers will be vaccinated by mid-December 2009.

Neurology Unit at Forster Green Hospital

Mrs C Hanna asked the Minister of Health, Social Services and Public Safety if he can provide an assurance that, given the current financial crisis affecting Health and Social Care Trusts, there will be no diminution in the palliative care, respite care and rehabilitation available to patients accessing the Neurology Unit at Forster Green Hospital. (AQW 2535/10)

Minister of Health, Social Services and Public Safety: I can confirm that there are no plans to reduce any of the services provided at the Neurology Unit at Forster Green Hospital in advance of the transfer to the new unit at Musgrave Park.

Guidance on the Termination of Pregnancy

Mr P Ramsey asked the Minister of Health, Social Services and Public Safety what process is in place to monitor compliance with the Guidance on the Termination of Pregnancy. (AQW 2572/10)

Minister of Health, Social Services and Public Safety: The Health and Social Care Board (HSCB) has set up a working group to identify the progress which has been made to date in terms of the implementation of the Guidance on the Termination of Pregnancy. Trusts will prepare a position paper for submission to the HSCB in January 2010 and thereafter, the HSCB, PHA and Trusts will work together to ensure that the Guidance is implemented adequately and consistently across Northern Ireland.

In future accountability meetings, my Department will be seeking assurances from the HSC Board that the Guidance has been fully implemented and that all actions listed in the accompanying circular, HSS(MD)-9-2009 are being progressed in a timely manner.

DEPARTMENT FOR REGIONAL DEVELOPMENT

A5 Western Transport Corridor

Mr T Buchanan asked the Minister for Regional Development, pursuant to AQW 1468/10, to detail the costings of the four individual routes identified for the A5 Western Transport Corridor. (AQW 2008/10)

Minister for Regional Development (Mr C Murphy): My Department's Roads Service has advised that because of the scale of the project and the number of possible route options, the scheme was split into three sections to assist the assessment process. Section 1 runs from New Buildings to the south of Strabane, Section 2 runs from the south of Strabane to the south of Omagh and Section 3 runs from the south of Omagh to Aughnacloy. The estimated costs of the four routes within each of the three sections are outlined in the table below.

Section				
1	£356,000,000	£375,000,000	£413,000,000	£417,000,000
2	£384,000,000	£385,000,000	£388,000,000	£404,000,000
3	£307,000,000	£341,000,000	£341,000,000	£361,000,000

I announced The Preferred Route in July 2009 which is a combination of parts of the routes in the table above. In Section 1 the Preferred Route is estimated to cost £383 million, in Section 2 the Preferred Route is estimated to cost £385 million and in Section 3 the Preferred Route is estimated to cost £342 million.

It must be emphasised that these cost estimates were used for comparative purposes, and that economy is only one of the criteria used in determining the Preferred Route. The other criteria are safety, environment, integration and accessibility, in accordance with Department for Transport guidance.

After consideration of risk as well, as the efficiencies and savings which materialise as the scheme design develops, the estimated cost of the Preferred Route was subsequently adjusted to the range £650 million - £850 million.

Further details of the scheme costs and rationale used are available on the project website www.a5wtc.com under Publications/Preferred Options Report. Chapter 3 of this document describes how the various routes evolved, Chapter 10 (and Appendix I) refer to costs and Chapter 12 describes the selection of the Preferred Route.

If you require any further clarification on the scheme costs then please contact the Project Sponsor, Conor Loughrey on 02882254728 or by e-mail at conor.loughrey@drdni.gov.uk

NI Railways

Mr G Robinson asked the Minister for Regional Development, pursuant to AQW 1520/10, (i) whether NI Railways country depot staff are at a disadvantage in the allocation of localised overtime if crews from major depots are providing cover; and (ii) if this is a cost effective way to cover overtime in country depots (AQW 2239/10)

Minister for Regional Development: This is an operational issue for Translink. They have told me that inter-depot working allows for major depots to cover smaller country depots without the requirement for localised overtime, but that NIR has also systems in place to monitor equality of overtime opportunities across train driving staff, in line with internal staff agreements in relation to allocation of overtime.

Translink argue current arrangements for transfer of staff and train crews between depots ensures optimum efficiency of staff resource and ensures compliance with Working Time Directive requirements.

Translink

Mr J Spratt asked the Minister for Regional Development, pursuant to AQW 1720/10, how Translink determines a low-value contract. (AQW 2402/10)

Minister for Regional Development: Translink are a Centre of Procurement Expertise and are therefore operationally responsible for all procurement issues within its remit.

Translink determine a low value contract as a contract that is below the OJEU (Official Journal of the European Union) threshold value (for utilities/supplies and services £280k and for works £3.5 m).

In respect of the contracts for fuel installation referred to in AQW1720/10 Translink have agreed to meet face to face with yourself or any other interested party to discuss the evaluation. Translink have also highlighted that it is open to anyone to pursue a complaint about the tender process. This is set out on the Translink website.

Rail and Bus Fuel Installation, Inspection and Maintenance

Mr J Spratt asked the Minister for Regional Development, pursuant to AQW 1720/10, to detail the cost of the Rail and Bus Fuel Installation, Inspection and Maintenance contracts in each of the last three years. (AQW 2427/10)

Minister for Regional Development: The cost of the Rail and Bus Fuel Installation, Inspection and Maintenance contracts in each of the last three years are set out in the tables below:

COST OF FUEL INSTALLATIONS

	2006/07 £	2007/08 £	2008/09 £
Bus	Nil	381,720	208,652
Rail	Nil	123,789	26,701
Total		505,509	235,353

COST OF INSPECTION AND MAINTENANCE

	2006/07 £	2007/08 £	2008/09 £
Bus	34,617	72,706	45,821
Rail	15,096	28,553	22,823
Total	49,713	101,259	68,644

In respect of the contracts for fuel installation referred to in AQW1720/10 Translink have agreed to meet face to face with yourself or any other interested party to discuss the evaluation. Translink have also highlighted that it is open to anyone to pursue a complaint about the tender process. This is set out on the Translink website.

Cost of Legal Advice

Mr T Gallagher asked the Minister for Regional Development to detail the cost incurred by his Department for legal advice in relation to each public inquiry in (i) 2006/07; (ii) 2007/08; and (iii) 2008/09. (AQW 2442/10)

Minister for Regional Development: I should explain that general legal advice is provided in-house by the Department of Finance and Personnel's Departmental Solicitors Office. At present, no hard charge is imposed for this advice.

Counsels are appointed to provide legal advice and represent the Department at public inquiries. The costs incurred for counsel representation at public inquiries in each of the three subject financial years are as follows:-

Financial year of Inquiry	Inquiry Type	Cost (£)
2006/07	A4/A5 Corridor Improvements – Composite Environmental Statement/Direction Order/Vesting Order Inquiry.	£17,742
2006/07	A1 Grade Separated Junctions – Composite Environmental Statement/Direction Order/Vesting Order Inquiry.	£4,876
2006/07	A1 Beechhill to Cloghogue Vesting Order Inquiry.	£8,930
2006/07	Frederick Street Link Vesting Order Inquiry.	£3,525
2006/07	A2 Shore Road – Composite Environmental Statement/Direction Order/Vesting Order Inquiry.	£11,515
2006/07	Ballee Road – Composite Environmental Statement/Direction Order/Vesting Order Inquiry.	£5,875
2006/07	Broadbridge – Composite Environmental Statement/Direction Order/Vesting Order Inquiry.	£7,050
2006/07 Total Spend		£59,513
2007/08	Randalstown to Toome – Composite Environmental Statement/Direction Order/Vesting Order Inquiry.	£8,219
2007/08	Toome to Castledawson – Composite Environmental Statement/Direction Order/Vesting Order Inquiry.	£10,645
2007/08 Total Spend		£18,864
2008/09	NIL	

(1) Payment of costs may be after the financial year of the Inquiry.

Extension of the Railway System

Mr T Elliott asked the Minister for Regional Development if a business case has been provided for the extension of the railway system. (AQW 2452/10)

Minister for Regional Development: A business case has not been provided for the extension of the railway system here recently. The planned investment in public transport by the Department for Regional Development in the North of Ireland, over the next ten years, is set out in the Investment Delivery Plan which is published on the Strategic Investment Board's website. Development of the railway infrastructure is currently based on the recommendations arising out of the business case, produced in August 2007, for the New Trains Two Programme. This followed from the work of an inter-departmental group established in September 2006 which considered options for future investment in the railways network here. Given the available funding, my priority at this time is to maintain, improve and upgrade existing railway lines in the region.

Scoring of Tenders

Mr J Spratt asked the Minister for Regional Development, pursuant to AQW 1720/10, (i) if an individual or a panel was responsible for the scoring of tenders; and (ii) to identify those individuals or panel members involved. (AQW 2474/10)

Minister for Regional Development: Translink have provided the following information:

- Two separate panels were involved, one for bus and one for rail. A procurement advisor was attached to each panel.
- It would not be normal practice to reveal the names of panel members.

In respect of the contracts for fuel installation referred to in AQW1720/10 Translink have agreed to meet face to face with yourself or any other interested party to discuss the evaluation. Translink have also highlighted that it is open to anyone to pursue a complaint about the tender process. This is set out on the Translink website.

Rail and Bus Fuel Installation, Inspection and Maintenance

Mr J Spratt asked the Minister for Regional Development, pursuant to AQW 1720/10, to detail the anticipated spend on rail and bus fuel installation, inspection and maintenance for each of the next three years. (AQW 2537/10)

Minister for Regional Development: I refer to my recent answer to you in respect of AQW 2427/10 which set out the cost of the Rail and Bus Fuel Installation, Inspection and Maintenance contracts in each of the last three years. Translink have provided the following information.

Inspection and Maintenance

On inspection and maintenance, Translink have confirmed to me that they estimate spend in the next 3 years to be in line with the 2008/09 figures i.e. approximately £46,000 for bus and £23,000 for rail.

COST OF FUEL INSTALLATIONS

	2009/10 £'000	2010/11 £'000	2011/12 £'000	2112/13 £'000
Bus	195	60	60	60
Rail	77	50	1,196	-
Total	272	110	1,256	60

With the exception of the 2009/10 expenditure, Translink planned capital expenditure over the Corporate Plan years 2010/11 to 2112/13 should be treated as provisional as their Capital Plan has not yet been finalised or agreed. It is also worth noting that the indicative spend in some cases includes the cost of ancillary works, i.e. necessary construction/enabling works, as well as decommissioning and site rectification, depending on what is required at the individual locations. In short, spend reflects the total anticipated budget. All Fuel Installations relate to capital projects which will be separately tendered including the major capital works planned for 2011/12.

Review of Public Transport Reform

Mr T Gallagher asked the Minister for Regional Development if external consultants were involved at any stage of the preparation work for the Review of Public Transport Reform, and if so, to provide details.

(AQW 2545/10)

Minister for Regional Development: Yes. Consultants FGS McClure Watters in partnership with the University of Leeds and McGrigors were appointed in August 2008 to prepare an Outline Business Case. The purpose of the Outline Business Case was to provide a detailed analysis of the costs, risks and benefits of introducing reforms to the current institutional arrangements that support and deliver public transport here and to make recommendations on the preferred organisational model. It also included an examination of the opportunities for customer service improvements and for achieving efficiency savings under the revised arrangements.

The assignment was completed in June 2009 at a cost of £93,200.

Belfast Sewers Project

Mr G Savage asked the Minister for Regional Development to detail, from the inception of the Belfast Sewers Project (i) the damage caused to (a) buildings; (b) roads; and (c) above ground and under ground infrastructure; (ii) the estimated or actual cost of replacement or repair of this damage; and (iii) who has borne, or will bear, the costs.

(AQW 2584/10)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that from the inception of the Belfast Sewers Project:-

- (a) damage was caused to eleven properties, mostly minor damage such as broken windows and plasterwork.
- (b) there have been two instances of damage to roads, one of which was in a public road.
- (c) there has been no damage to above or below ground infrastructure, other than that referred to in (a) and (b) above.
- (ii) The estimated or actual cost of replacement or repair of this damage has not been assessed separately by NIW since it has been administered by the contractor.
- (iii) The costs of the damage are currently being borne by the joint venture company and their insurance company.

My Department's Roads Service has advised that any excavations and reinstatements, carried out on the public road network, associated with the Belfast Sewer's Project being undertaken by NIW, have been in accordance with The Street Works (Northern Ireland) Order 19

DEPARTMENT FOR SOCIAL DEVELOPMENT

Rent Arrears

Mr A Easton asked the Minister for Social Development how many people are currently in rent arrears to the NI Housing Executive; and how this compares to the last three financial years.

(AQW 2182/10)

Minister for Social Development (Ms M Ritchie): The number of current tenants in rent arrears and comparable figures for each of the last three financial years is as follows:

30 September 2009	23077
31 March 2009	22963
31 March 2008	23305
31 March 2007	25070

Merger of Volunteer Centres

Mr R McCartney asked the Minister for Social Development what decisions have been made by her Department and the Volunteer Development Agency in relation to the merger of volunteer centres. (AQW 2271/10)

Minister for Social Development: My Department has agreed to fund the Volunteer Development Agency in their work with 10 volunteer centres towards merger and modernisation. These autonomous organisations have decided to come together to pool their resources and reduce duplication of activities. No decision has been taken for the future Volunteer Infrastructure

Merger of Volunteer Centres

Mr B McElduff asked the Minister for Social Development if the volunteer centres which have withdrawn from the Volunteer Development Agency's merger process will be adequately resourced and appropriately funded in the 2010/11 financial year. (AQW 2312/10)

Minister for Social Development: My Department is providing funding to 15 Volunteer Centres until 31 March 2010 under the Volunteer Bureau Initiative. Future funding will be determined by the findings from the Volunteering Strategy consultation which closed on 6 November 2009. Consideration is being given as to how best to support volunteering in the interim until a finalised Strategy is in place. My Department will be writing to all Volunteer Centres in the coming weeks.

Omagh Volunteer Centre

Mr B McElduff asked the Minister for Social Development when she will finalise her Department's funding allocation for the Omagh Volunteer Centre beyond 31 March 2010. (AQW 2313/10)

Minister for Social Development: My Department is providing funding to 15 Volunteer Centres, including Omagh Volunteer Centre, until 31 March 2010 under the Volunteer Bureau Initiative. Future funding will be determined by the findings from the Volunteering Strategy consultation which closed on 6 November 2009. Consideration is being given as to how best to support volunteering in the interim until a finalised Strategy is in place. My Department will be writing to all Volunteer Centres in the coming weeks.

Review of Public Administration

Ms C Ní Chuilín asked the Minister for Social Development to detail the cost to her Department of the transfer of functions to local government as part of the Review of Public Administration. (AQW 2343/10)

Minister for Social Development: Up to September 2009 my Department spent £1.1 million on the Review of Public Administration.

Master Plans in West Belfast

Mr P Maskey asked the Minister for Social Development (i) how many plans or Master Plans has her Department commissioned in west Belfast since she came to office; (ii) to detail the total cost of these plans; (iii) if any of these plans have been implemented; (iv) of the plans not yet implemented, when she expects work to begin; and (v) how many plans will be commissioned in the next three years. (AQW 2412/10)

Minister for Social Development: Since taking up post in May 2007, I have commissioned one masterplan and four research studies in west Belfast.

I commissioned the Westside Regeneration Masterplan for the Greater Castle Street area in October 2007. This Masterplan was published on 22 September 2009 and will be implemented on a phased basis. The first phase has started with the commissioning of a public realm scheme for the renewal of Bank Square.

Also in late 2007, I commissioned five Strategic Regeneration Frameworks for areas of Belfast, via the Belfast Area Partnerships. Strategic Regeneration Frameworks for West Belfast and the Greater Shankill have

been prepared by consultants, in cooperation with the relevant Partnerships and are now subject to a process of engagement with statutory bodies, so that they can inform planning and budget decisions over the next cycle.

I have commissioned two further research studies in west Belfast: the Andersonstown Gateway Feasibility Study (published March 2009); and a report into the development potential of lands at the Glen Road. The Andersonstown Gateway and Glen Road studies are exploratory in nature, considering the development potential of the relevant areas and giving an initial indication of development options. I have already announced my intention to prepare a full masterplan for the Andersonstown Gateway area; I believe that a masterplan approach may also be appropriate for the lands at the Glen Road and for DSD-owned lands at Springvale.

The costs of these studies were as follows:

Plan/Strategy	Total cost
Westside Regeneration Masterplan	£204,000
West Belfast Strategic Regeneration Framework	£94, 635
Greater Shankill Strategic Regeneration Framework	£80, 972
Andersonstown Gateway Feasibility Study	£38, 035
Lands at the Glen Road Research Study	£52,125 (DSD Contribution: £22, 125)

NORTHERN IRELAND ASSEMBLY

Friday 20 November 2009

Written Answers to Questions

OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

Budgets for Good Relations

Dr S Farry asked the First Minister and deputy First Minister, pursuant to AQW 1391/10, to provide a breakdown of the allocation of budgets for good relations during each financial year of the current comprehensive spending review period. [R] (AQW 2342/10)

First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness): Further to your previous question AQW1391/10 regarding the allocation of the £29m budget for good relations within the current Comprehensive Spending Review period 2008-2011, the budget for each year has been allocated as follows:

2008/2009	£8.405m	£K
North Belfast Youth Intervention Scheme		100
Youth Interventions (Education & Library Boards)		400
District Councils' Community Relations Programme		2,563
Community Relations Groups & Bodies		425
Community Relations Council		3,341
Minority Ethnic Development Fund		945
General Admin Expenditure		631
2009/2010	£9.742m	£K
North Belfast Youth Intervention Scheme		113
Youth Interventions (Education & Library Boards)		400
District Council Community Relations Programme		2,760
Community Relations Council		3,547
Community Relations Groups and Bodies		560
Minority Ethnic Development Fund		1,047
General Admin Expenditure		640
Current Total		9,067

2010/2011 **£10.788m**

Funding allocations for 2010/11 have not yet been decided.

Maze Site

Mr T Elliott asked the First Minister and deputy First Minister if any asbestos was present on the Maze site during demolition and site clearance work; and if so, how was it removed and disposed, and at what cost.

(AQW 2466/10)

First Minister and deputy First Minister: Prior to the commencement of the major demolition work at the Maze/Long Kesh regeneration site in 2007, a detailed asbestos survey was undertaken. Asbestos was identified and removed before any major work was carried out at the site. The cost of the initial survey and removal of asbestos by a licensed contractor to a licensed disposal facility was £160,000.

In September 2009 as part of the finalisation of the demolition contract, some asbestos cement sheeting was found in underground ducts. The extent of this find is currently being assessed and costs will be determined before it is removed. All necessary related health and safety requirements are being observed during this assessment.

Afterschool Childcare Providers

Mr B McElduff asked the First Minister and deputy First Minister (i) when afterschool childcare providers will have certainty about their projects' funding beyond March 2010; and (ii) how Playboard is carrying out its work to assess the quality of, and need for, afterschools provision, in order to determine criteria for future support as a part of a wider strategy.

(AQW 2499/10)

First Minister and deputy First Minister: We recognise the importance of good childcare provision and are working closely with other Departments to seek a long term resolution to the current difficulties faced. At the September 2008 meeting of the Ministerial Sub-Committee on Children and Young People, it was agreed that a specific exercise should be undertaken to consider the potential for increasing childcare provision and that the work should be linked to the sub-group on child poverty which was asked to produce a report to the Ministerial Sub-Committee identifying options for future provision. The initial report of this sub-group was presented to relevant Ministers on 18 June when it was decided to progress economic appraisal of four strategic options.

The sub-group has now cleared the terms of reference for the economic appraisal and the carrying out of this exercise is currently being procured. It is intended to report back to Ministers in February 2010.

The continued funding for the PlayBoard projects is an interim approach pending a longer-term outcome from the work of the sub-group detailed above. Unfortunately, we are not in a position to give you any confirmation of future funding at this stage but we can assure you that we are continuing to consider this issue.

In relation to your question regarding how PlayBoard is carrying out its work to assess the quality of, and need for, afterschools provision, in order to determine criteria for future support as a part of a wider strategy, PlayBoard has recently launched its independent report 'School Age Childcare Matters!'. This report, compiled by Blueprint Development Consultancy, critically reviews the contribution and benefits of school age childcare services. It also examines the current case for continued support of the sector in the medium to long term.

Additionally PlayBoard is currently working with DHSSPS funded projects in order to determine criteria for future support. A Statistical Monitoring Form has been devised and sent to all projects for completion. The information gleaned from this exercise will give an exact status of each project. It is anticipated this data will give an informed up to date picture of the contribution of the DHSSPS funded school age childcare projects.

Parades

Mr T Gallagher asked the First Minister and deputy First Minister if they support the interim recommendations of the Ashdown Review on parading and the abolition of the Parades Commission.

(AQO 325/10)

First Minister and deputy First Minister: We received a detailed presentation from Lord Ashdown, Chair of the Strategic Review of Parading, and members of the Review Body earlier this year. The Review Body's interim recommendations were submitted in the first instance to the Secretary of State.

We understand that the Review Group has not yet reached agreement on its final recommendations.

Executive Agreement

Mr G Savage asked the First Minister and deputy First Minister to define what they mean by the term “agreement” in the context of the First Minister’s comments in the House on 22 September 2009 when he said that “the current Executive has reached agreement on 451 issues”. (AQW 2738/10)

First Minister and deputy First Minister: Ministers bring forward papers to the Executive containing recommendations to which they wish to seek its agreement. Where the Executive agrees these recommendations, this constitutes an agreement in the terms used by the First Minister.

Executive Confidentiality Protocol

Mr G Savage asked the First Minister and deputy First Minister to detail (i) the contents of the Executive Confidentiality Protocol agreed in September 2007; (ii) its legal status; and (iii) if each Executive Minister signed up to the protocols. (AQW 2799/10)

First Minister and deputy First Minister: As we informed you on 9 November in our response to your previous question on the confidentiality of Executive business, the protocol was unanimously agreed by the Executive at its meeting on 13 September 2007. As a decision of the Executive, it is binding on all Ministers under the terms of the statutory Ministerial Code. We also explained to you that the protocol sets out the principles which apply to the handling of information which Ministers obtain as members of the Executive and to the making of public statements on any matter that has been, or may be, the subject of Executive business. As the precise content of the protocol itself is subject to these principles it would be inappropriate to release its contents to you.

DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

Tyrone-Cavan Interconnector

Lord Morrow asked the Minister of Agriculture and Rural Development if studies have been conducted by, or on behalf of, her Department on the impact the proposed Tyrone-Cavan Interconnector will have on rural and farming communities, including any detrimental effect on livestock, arable produce, land value and landscape. (AQW 2238/10)

Minister of Agriculture and Rural Development (Ms M Gildernew): In July 2006, my Department was asked to provide comments to the environmental consultants, who were acting on behalf of NI Electricity (NIE). These consultants were preparing an environmental statement for the proposed Tyrone-Cavan Interconnector which would go forward to DOE as part of the planning application process. Two responses were made.

1. Rivers Agency had no objections from the drainage aspect to the proposed interconnector. The Agency advised that there are numerous watercourses both designated and undesignated over which the proposed overhead line would cross. The consultants were advised that under the terms of Schedule 6 of the Drainage (NI) Order 1973 the applicant must submit to Rivers Agency for its consent any proposal to carry out works which might affect a watercourse.
2. The advice from Countryside Management Branch focused on the possible impact of the siting of the overhead power lines associated with the interconnector on landscape, agricultural land, archaeological features, flora and fauna. Possible mitigation measures were also suggested.

In November 2007 I met with representatives for The Viridian Group. At this meeting I emphasised to them, the importance of continuing to liaise with rural dwellers, to ensure that all the options for siting the interconnector were explored to minimise the impact on individuals and the environment.

My Department also provided input to the DOE Planning Service in February 2009. The comments were made as part of the pre-application preliminary enquiry and reiterated the information supplied to the Environmental Consultants in 2007.

Glenaan River near Cushendall

Mr D O'Loan asked the Minister of Agriculture and Rural Development to specify the nature of the maintenance regime which will be applied to the newly designated section of the Glenaan River near Cushendall. (AQW 2240/10)

Minister of Agriculture and Rural Development: The newly designated section of the Glenaan River will be incorporated into the Rivers Agency's rolling programme of inspection and maintenance to ensure the free flow and thereby reduce the risk of flooding. This stretch will be inspected in the 2009/2010 financial year and any works identified as necessary will be carried out in the 2010/2011 financial year. Following this it will be included in a 3 year cycle for inspection and maintenance. Due to the nature of the Glenaan River any works identified will more than likely only involve the clearance of obstructions, general bush and tree cutting and would not involve any major machine or channel works.

Animal Welfare Bill

Mr P Weir asked the Minister of Agriculture and Rural Development to list the organisations her Department consulted on the proposed Animal Welfare Bill. (AQW 2369/10)

Minister of Agriculture and Rural Development: My Department consulted on the proposals for new animal welfare legislation in 2006. As that consultation was carried out during Direct Rule, I initiated a review of animal welfare legislation when I came to office in 2007. As part of that review, over the past two years my officials and I have engaged directly with key stakeholders to hear at first hand their views and concerns.

In order to ensure stakeholder had a further opportunity to outline their views, all those who responded to the original 2006 consultation were invited to an Animal Welfare Stakeholder Workshop on 17 September 2009. Of the 92 original respondents, 38 attended that Workshop. They received an overview of the proposals for the new Welfare of Animals Bill and were invited to submit any further written comments by 25 September 2009 when the consultation stage in the development of this Bill closed.

A list of the organisations and individuals who were consulted either in the 2006 consultation or subsequently is included in the Annex to this reply.

Annex

Stakeholders Who Were Consulted on Proposals for Inclusion in the New Welfare of Animals Bill

2nd Chance Wildlife Rehabilitation Trust

7th Heaven Animal Rescue Trust

Animal Rehoming Foundation

Animal Rescue Fund

Animal Welfare Federation

Assisi Animal Sanctuary

Ballymena Animal Welfare Society

Belfast Cats Protection

Belfast Cats Protection

Bright Eyes Animal Sanctuary

British Deer Society

British Horse Society

British Horse Society Ireland

British Koi Keepers Society (Ireland Section)

Captive Animals' Protection Society

Cats Protection

Cats Protection League

Chartered Institute of Environmental Health, NI Centre
Compassion in World Farming
Concordia
Countryside Alliance Ireland
Craigavon Leisure Centre
Crosskennan Lane Animal Sanctuary
Department of Enterprise, Trade and Investment
Dogs Trust
Dr Nigel M Donald
Environmental Health Officers
Federation of Small Businesses NI
Feral Feline Fellowship
General Consumer Council for NI
Greyhound Action NI
Greyhound Compassion League NI
Guide Dogs for the Blind Association
Happy Hedgehog Rescue Centre
Head of Consumer Protection, Belfast City Council
Head of European Commission
Hunting Association of NI
International League for the Protection of Horses
Irish Cattle Traders and Stock Owners Association
Irish Coursing Club
Irish Horse Board
Irish Kennel Club
Kennel Club
League Against Cruel Sports
Lisburn Animal Welfare Fund Raising Group
Livestock and Meat Commission for NI
Londonderry Greyhound Stadium
Lurgan Animal Welfare Fund Raising Group
Mid Antrim Animal Sanctuary
Millvale Animal Sanctuary
Mr Campbell Tweedie
Ms Anne E Moorhead
Ms Denise Corbett
Ms J Glass, Limavady Borough Council
National Beef Association
Newtownabbey Animal Welfare Support Group
NI Agricultural Producers Association
NI Aquaculture Council

NI Bat Group
NI Dairy Association
NI Cattle Traders Association
NI Deer Society
NI Food Chain Certification
NI Horse Board
NI Livestock Auctioneers' Association
NI Local Government Association
NI Master of Hounds
NI Meat Exporters Association
NI National Beef Association
NI Reed Bed Company
Oak Park Greyhound Stadium
Oak Tree Farm Animal Rescue Centre
Oaktree Animal Sanctuary
Ornamental Aquatic Trade Association Ltd
Pat Glancy
Pet Care Trust
Rabbit Charity NI
Rainbow Rehoming Centre
Raleagh Equine Rescue Ltd
Rare Breed Society
Rare Breeds Survival Trust
Rare Breeds Survival Trust (UK)
Royal Society for the Protection of Birds
Royal Ulster Agricultural Society
Sea Fish Industry Authority
Secretary NI Beef Breed Liaison Group
Society of Greyhound Veterinarians
Talnotry Avian Care Trust
Ulster Curers Association
Ulster Farmers' Union
Ulster Society for the Prevention of Cruelty to Animals
United Dairy Farmers
Veterinary NI (VetNI)
Wild Life NI
Wildlife NI
Wildlife Rescue NI
Young Farmers Clubs of Ulster

Boarding Establishments

A & S Kennels
Agivey Boarding kennels
Aldergrove Boarding Kennels
All Creatures Veterinary Health Centre
Animal Ark
Ardlochan Boarding Kennels
Ardnaveigh Boarding Kennels
Armagh Country Kennels
Ashbourne Kennels
Ballycraigy Pet Care
Ballygrainey Boarding Kennels
Ballyharvey Pet Country Club
Ballylig Boarding Kennels
Ballylone Kennels & Cattery
Ballynafie Boarding Kennels
Bally Paw Kennels
Bangor Pet Care Centre
Blue Mountain Boarding Kennls
Breeny Boarding Kennels
Brookevale Farm
Bushbane Boarding Kennels
Buskhill Boarding Kennels
Calharne Boarding Kennels
Campbell, Ardlough Rd, Londonderry
Carnlea Boarding Kennels
Carryduff Boarding Kennels
Cat Nap Boarding Kennels
Channelview Boarding Kennels
Churchview Farm
Cloghanramer Boarding Kennels
Cookstown Dog Pound
Copperbirch Pet Hotel
Corfannon
Corrick Lodge
Cosycats Cattery
Country Kennels
Craigycor Kennels & Cattery
Cranmore Pets Hotel
Cregagh Boarding kennels
Darragh, Ballyblack Rd, Newtownards

Decker, Church Street, Portaferry
Doleybrewer Farm
Dovecot Farm
Drumbonaway Kennels
Drumravin House
Ernevale Kennels
Farmhill Boarding Kennels
Fernbrook Country Kennels
Finn, Moy Road, Armagh
Forest Lodge Kennels
Forthview Kennels
Fourpaws Kennels & Cattery
Garden Lodge Kennels
Glenlark Boarding Kennels
Gills Kennels
Graham's Boarding Kennels & Cattery
Greenacres Kennels
Greer, Ballycorr Road, Ballyclare
Gorman, Ballyblack Rd, Newtownards
Happy Catz
Hazeldene Boarding Kennels
Highmoor Kennels
Hill Close Kennels
Hillcrest
Hillside Kennels
Hilltop Boarding Kennels
Hill Top Kennels
Hilltown House
Hollylane Boarding Kennels & Cattery
Ingle Nock
Jubilee Vet Clinic
Kath-More Kennels
Katy's Kennels
Keep & Care Boarding Kennels
Killysorrell Kennels
Loughash Cattery
Maginn, Glassdrumman Road, Newry
Mandalay
McCartney, Kilrea Rd, Newry
McCormick, Divernagh Road, Newry
McDowell, Church Road, Lisburn

Mill Cottage Dog Kennels

Newtown Cottage

Nutts Corner Boarding Kennels

Oakland Farm

Oldwood Boarding Kennels

Oxtown Boarding Kennels

Paws Barding Kennels & Cattery

Pets Paradise

Purrfect Pets

Rafferty Kennels

Rathmore Boarding Kennels

Red Barn Cattery

Rhanna Boarding Kennels

Ringhaddy Pet Lodge

Robert A Brothers, Dungannon

Roe Cattery

Rosebank Pet Hotel

Rosegarron

Saintfield Boarding & Training Kennels

Senior NCO – Police Dog Section

Spesmagna Kennels

Strone Farm Kennels

Tea Tree Boarding Kennels

The Cats Inn

The Orchard Kennels

The Nook

Thornbrook Kennels

Timber Lodge Kennels

Topping, Belfast Rd, Larne

Veaghmount Boarding Kennels

Wagging Tails

Wagtails Boarding Kennels

Whinney Hill Kennels

Windmill Cat Hotel

Windy Hill

Ziggy's

Dog Breeders

Acheson, Dairies Big, Drumcose

Aiken, Katesbridge Road, Dromara

Amos Rosscolban Avenue Kesh

Armstrong Brookmount Road Omagh
Armstrong, Ringrash Road, Coleraine
Aston, Ballynoe Road, Downpatrick
Aston, Church Lane, Carrowdore
Bailie, Ballywee Road, Parkgate
Bailie, Creevyargon Road, Ballynahinch
Bailie, Drumaness Road, Ballynahinch
Beacom, Gorteen, Kesh
Bennett, Arlington Drive, Dunnmurry
Birney, Derryad, Lisnaskea
Blevins, Derryhubbert Road, Dungannon
Bowman, Ballyglassey Road, Loughgall
Boyd, Tullykelter, Monea
Breen, Drumbaglin, Maguiresbridge
Brown, Springhull Cottage, Coleraine
Brown, Mourneview Park, Lisburn
Browne, Corick Road, Augher
Bryson, Marlborough Crescent, Carrickfergus
Bullimore, Windsor terrace, Cookstown
Bullimore, Ballymatoskerty Road, Randalstown
Burns Main Street Derrygonnelly
Byrne, Hollybush Road, Dundrum
Campbell, Donaghbrook Drive, Ballymoney
Carson, Rosemount, Ballymoney
Carson, Towerbeg, Garrison
Caughey, Mullnagowan, Newtownbutler
Caughey, Killaughy, Newtownbutler
Clyde, Gettistown House, Coleraine
Cocharne, Liswatty Road, Coleraine
Corrigan, Carrontreemall, Belcoo
Coulter, Inn Road, Lurgan
Coulter, Oakwood Avenue, Bangor
Crawford, Laragh, Enniskillen
Creelman, Drumeil Road, Coleraine
Crothers, Damhead Road, Broomhedge
Crothers, Halftown Road, Maze
Crudden, Tracey Terrace, Newtownbutler
Cummins, Garvaghy Road, Banbridge
Curry, Aughintra, Derrylin
Darragh, Glenside, Carnlough
Dickson, Friary Road, Ballymoney

Dillon Farmhill Road Omagh
Dobbin, Kilmandil Road, Ballymena
Doherty, Aghagreffin, Kesh
Donaghey, Kingslane, Ballykelly
Dorrian, Cross Lane, Magheragall
Dowey, Drumlee Road, Ballymoney
Dunlop, Shuttle hill, Coleraine
Dunlop, Drumad, Lisbellaw
Dunn, Lismalore, Brookeborough
Edgar, Tattysallagh Road, Omagh
Farlow, Cashel Road, Coleraine
Fleming, Corbet Road, Banbridge
Finn Keady Road Armagh
Fitzpatrick, Reilly's Wood, Teemore
Glass Mullydoo Road Greencastle
Gorman, Lisnagrot Road, Coleraine
Gorman, Rusheyhill Road, Stoneyford
Gott, Cloverhill, Springfield
Gracey, Meadowlands, Downpatrick
Graham, Ozone Avenue, Ballymoney
Hamilton, Drumcor Road, Tempo
Hamilton, Ardlochan, Roscavey
Hamilton, Clabby Road, Fivemiletown
Hamilton, Aghintain Road, Fivemiletown
Hamilton, Moysnaght, Clabby
Hamilton, Aghintain Road, Clabby
Hanlon, The Craig Road, Downpatrick
Hanna, Hillcrest Gardens, Ballymoney
Hanson, Glenmanus Village, Portrush
Harris, School Road, Gilford
Harrison, Carrickdale Gardens, Portadown
Harvey, Largy Road, Limavady
Hawthorne, Banbridge Road, Dromara
Henry, Kennelbridge Road, Ballymena
Hicks, Greenhill, Maguiresbridge
Hilditch, North Road, Carrickfergus
Hollywood, Greencastle Road, Omagh
Hull, Aughnaskeagh Road, Dromara
Hunter, Garryduff Road, Ballymoney
Ingram, Tullyrusk Road, Dundrod
Irvine, Loughmourne Road, Carrickfergus

Irwin, Whistling Bare, Dungiven
Iveagh Hounds Hunt Club
Jennett, Mullaleish Road, Richhill
Johnston Corkhill Road Seskinore
Johnston, Drumgavlin Road, Ballynahinch
Johnston Edergoole Road Fintona
Johnston Golan Road Omagh
Jordan, Rock Road, Stoneyford
Jordan, Steedstown, Stoneyford
Kelly, Drumkeeragh Road, Ballynahinch
Kennedy, Carlargh Road, Limavady
Kennedy, Ballygowan Road, Lisburn
Kerr, Grogey Road, Fivemiletown
Learmount, Killylane Road, Greysteel
Little, Killyvannon, Enniskillen
Little, Stonebank, Makenny
Logan Eshbane Lisnaskea
Loughrey, Dunmore Place, Limavady
Loughrey, Glenmill Park, Limavady
Lowe, Cairncastles Road, Larne
Lynn, Cooneen Road, Erdinagh
Lyons, Lisheeghan Lane, Ballymoney
Lyttle, Warren Crescent, Portstewart
Mackin, Kernane Road, Gilford
Macintosh, Station Road, Portstewart
Magill, Bankhall Road, Larne
Maginn, Commons Road, Ballykinler
Maguire, Coolisk, Lisnarick
Mallett-Black, Gorman Close, Greenisland
Marshall, Drumhorick, Ederney
Matthews, Grovehill Road, Moira
McAleese, Bravallen Road, Ballymoney
McAleese, Finvoy Road, Ballymoney
McBride, Wildean, Lisburn
McCaffrey, Drumgramph, Newtownbutler
McClarty, Ballywidelland Road, Ballymoney
McCracken, Waringstown Road, Banbridge
McCullagh, Limavady Road, Coleraine
McDaid, Ashdale Road, Limavady
McDonagh, Comber Road, Omagh
McDonald, Balteagh Road, Coleraine

McDowell, Knockagh Heights, Carrickfergus
McElhinney, Gortgar Avenue, Greysteel
McElwee, Sperrin Road, Limavady
McFaul, Portstewart Road, Portstewart
McGarry, Tober Road, Ballymoney
McGrath, Mullylusty, Belcoo
McGuinness, Benbraddagh Avenue, Limavady
McHugh, Stragolan House, Kesh
McKiernan Drumbrughas West Newtownbutler
McKelvey Cashty Road Omagh
McKibben, Rusky Park, Coleraine
McKinney, Drumskea Road, Ballymoney
McMahon Gardum Heights Dromore
McNaughton, Corkey Road, Ballymena
Mill, Knights Avenue, Carrickfergus
Millen, Windyhill Road, Coleraine
Mitchell, Fleegarran Road, Cookstown
Montagu, Sconce Road, Coleraine
MonteithTullyrush Road Omagh
Mooney, Rathvarna Gardens, Ballymacash
Moore, Peter's Road, Dungiven
Moore, Corbet Road, Banbridge
Moore, Old Belfast Road, Saintfield
Mulligan, Altan Drive, Lagmore
Murray, Articur Road, Ballymena
Murphy Drumhervin Kinawley
O'Kane, Bridge Road, Ballymena
O'Kane, Seacoast Road, Limavady
Oliver, Aughadulla, Dromore
O'Neill Moira Road Lisburn
Owens, Hannahstown Road, Lisburn
Patton, Milltown Road, Lurgan
Phillips, Knock Road, Ballymoney
Polley, Quarter Road, Cloughey
Purdy, Banbridge Road, Dromara
Quigg, Sunnyhill Park, Dunmurry
Rainey, Cranny Lane, Portadown
Rea, Glenside Road, Glenarm
Reid, Edenaveigh, Ederney
Rogers, Lagmore Downs, Dunmurry
Scott, Bellaghy Road, Ballymena

Scott, Lisnagade Road, Banbridge
Scott, Levally, Drumcose
Shanks, Parknasilla Way, Lurgan
Sharpe, Ballybrakes Road, Ballymoney
Shiels, Ballynameen Road, Coleraine
Skuce, Maghaberry Manor, Maghaberry
Smiley, Glassdrummond Road, Ballynahinch
Smith, Maguiresbridge Co Fermanagh
Smyth, Ballyhackett Road, Coleraine
Smyth, Rellan Road, Roslea
Somerville, The Street, Portadown
Spratt, Garryduff Road, Ballymoney
Stanfield, Gilford Road, Portadown
Stanley, The Lodge, Dromara
Stray, Flush Road, Castlewellan
Taggart, Ballynacree Avenue, Ballymoney
Tate, Windmill Gardens, Ballynahinch
Teggart, Fairley Drive, Lurgan
Telford, Crew Hill Place, Ardglass
Todd Coolesker House Beragh
Tornan, Drumglass, Craigavon
Tubman, Drumard Road, Kesh
Turner, Clabby, Fivemiletown
Treacy, Greaghcashel, Lisnaskea
Walker, Seafeld Road, Portstewart
Walker, Magheraconluce Road, Hillsborough
Warke, Benvardin Road, Ballymoney
Warwick, Boveedy Road, Coleraine
Watson, Harryville, Maguiresbridge
Watt, Casty Road, Omagh
Weatherhead, Woodlawn Villas, Carrickfergus
Whiteside, Seskinore Road, Seskinore
Williamson, Allenbrook, Larne
Williamson, Barnfield Road, Derriaghy
Williamson, Rosscairn, Enniskillen
Woods, Crichton Park, Tamlaght
Woods, Lurganclabby, Clabby
Wynne, Teemore Road, Teemore

Equine Horse Organisations

Association of Veterinary Surgeons Practicing in NI

British Horse Society

Dressage Ireland

Equestrian Federation of Ireland

Eventing Ireland

Fermanagh Connemara Breeders' association

Half Bred Horse Breeders Society

Irish Draught Horse Society

Irish Long Distance Riding Association

Irish Master Farriers Association

Irish Pony Society

Irish Thoroughbred Breeders Association

NI Carriage Driving Association

NI Dressage

NI Driving Club

NI Horse Board

NI Master of Hounds

NI Shetland Pony Group

NI Working Hunters Association

Pony Club

Riding Clubs

Riding for Disabled Association

Royal Ulster Agricultural Society

Showjumping Association of Ireland

Side Saddle Association

Ulster Pony Society

Ulster Rural Riders Association

Equine Sub Groups

Ballinteggart Stud

Ballyloughan Farm

Bell, Ballywillin Road, Larne

Casey, Loughdoo Road, Newtownards

Churchview Stud

Crawford, Millisle Road, Donaghadee

Down Royal Racecourse

Ervine, Tullykin Lough Road, Killyleagh

Ferguson, Mount Davy's Road, Cullybackey

Giltspur Scientific Ltd

Guy, Donegal Road, Belfast

Kidd, Hill Road, Banbridge
Mitchell, Cromlyn Park, Hillsborough
Montgomery, Rosemount House, Newtownards
Moy Riding School
Reid, Ballynahinch Road, Crossgar
Shilington, Altaford, Dromore
Stubington, Quarry House, Antrim
Suffern, Tullygraine House, Banbridge
Whelan, Ringneil Road, Comber

NI Councils

Antrim Borough Council
Armagh Borough Council
Ards Borough Council
Ballymena Borough Council
Ballymoney Borough Council
Banbridge Borough Council
Belfast City Council
Carrickfergus Borough Council
Castlereagh Borough Council
Coleraine Borough Council
Cookstown District Council
Craigavon Borough Council
Down District Council
Dungannon & South Tyrone District Council
Fermanagh District Council
Larne Borough Council
Limavady Borough Council
Lisburn Borough Council
Londonderry City Council
Magherafelt District Council
Moyle District Council
Newry & Mourne District Council
North Down Borough Council
Newtownabbey Borough Council
Omagh District Council
Strabane District Council

Pet Shops

Alphabet
Altanagelvin Garden
Animal Magic

Antrim Pets
Aquaria services
Ballykelly Pet Store
Ballynahinch Pet Centre
Barneys Pet Supplies
Beechill Pet Supplies
Birdmania
B M K Supplies
Brians Ark
C & A Collum
Castle Pets
Carrick Pet Stores
Causeway Koi
CC Pets
Chambers & McCartney
City Pets
City Reptiles
Colemans Nurseries
Coleraine Petshop
Comber Pet Stores
Companions Pet Shop
Conlon, Anderstown Road, Belfast
Cove Valley Ltd
Crazy Petz
Creighton, Letteran Road, Cookstown
Drumanee Aquatics
Erin Pet Wholesale Unit
Farquhar, Scotch Street, Dungannon
Fin & Feather
Fishy Business
Four Seasons Pet Shop
Glenkrag Ltd
Grosvenor Tropicals
Harrison, Bleary Road, Lurgan
Hiollies Pets
Holmes, Parkview, Ballymoney
Island Tropicals
J K Nurseries
Jollyes Pet Store
Kelly, Ellis Street, Carrickfergus
Kernoghans Garden Centre

Killyclooney Fish Farm
L.F. Jollye
Love, Drumleck Road, Shantallow
Magherafelt Pet Shop
Martin, Fountain Street, Antrim
McAuley, Ladysmith Terrace, Ballymena
McAuley, Main Street, Maghera
McColm, Main Street, Larne
Mid Ulster Garden Centre
Ness Garden Centre
Paws & Pets
Paws & Claws
Payne, Charlotte Street, Newry
Pets At Home Ltd/Petsmart
Pets Centre & Supplies
Pets Co
Pet Connection
Pets Corner
Pethouse
Pets 'N' Gardens
Pet Newtritions
Pets Paradise
Pets Plus
Pets R It
Pets R Us
Pet Supplies
Petz
Polly's Pets Supplies
Rik's Reptile and Aquatic Centre
Seagoe Tropicals
The Avenue Pet Shop
The Pet Shop
Tropical Magic
Value Pets
Weir, Townsend Street, Banbridge
Wells, Ballyclare Road, Glengormley

Pig Breeders

British Pig Association (NI)
Elite Pig Producers
Large White Pig Breeders Association

NI Landrace Pig Breeders Association
NI Pedigree Pig Breeders Association
Pig Production Development Committee
Progressive Lean Pigs
Ulster Pork & Bacon Forum

Pigeon Interest Groups

Ballymena Poultry Club
Bangor Bantam Club
Comber CBS
Dromore Bantam Club
FOFPK
Irish Fancy Birds
Irish Homing Pigeon Union & East Down Combine
Ligoniel Homing Pigeon Society
Lisburn CBS & NI Budgerigar Society
NIPA
North of Ireland Border
NI Variety Pigeon Club
Ulster Federation HPS
Ulster Poultry Federation

Poultry Organisations

NI Poultry Federation
NI Egg Merchants Association
NI Egg Producers Association
Ulster Poultry Federation

Riding Establishments

Ardminnan Equestrian
Ardmore Stables
Ardmourne Stables
Ashbrooke Equestrian Centre
Ashlee Riding Centre
Ballykeel Equestrian Sport
Ballykinlar Station Saddle Club
Ballyknock Riding School
Ballynahinch Riding School
Barkston Equestrian Centre
Beech Hill Stables
Belvedere Equestrian Centre
Birr Riding Establishments

Braiden, Moneymore Road, Cookstown
Burn Equestrian Club
Castle Hill Equestrian Centre
Cherry Tree Riding Centre
Connell Hill Riding
CTG Equestrian
Drumhoney Riding Stables
Dunbrock Stables
Enniskillen Agricultural College
Faughanvale Trekking Centre
Galgorm Parks Riding School
Gransha Equestrian
Greenfield Trekking Centre
Hill Farm Riding Centre
Islandmagee Riding Centre
Lakeland Equestrian Centre
Laurel View Stud
Lessans riding Stables
Lime Park Equestrian Centre
Lisburn Saddle Club
Lusk Equestrian
Marsh Kyfe Riding School
McBride, Colin Road, Ballymena
Millbridge Leisure
Moorhill Stables
Mossvale Riding Centre
Mountpleasant Pony Trekking Centre
Mourne Trail Riding Centre
Moy Riding School
Newcastle Riding Centre
Oakwood Riding School
Orchard Stables
Rainbow Equestrian Centre
Redwood Saddle Club
Shackelton Barracks
The Island Riding School
The Forest Stables
The Gamekeepers Lodge
The Riding Centre
Timbertop Riding Centre
Tollymore Riding School

Tullymurray Equestrian
Tullynewbank Stables
Tullywhisker Riding School
Watertop Farm
Western Riding
White, Maddybenny Park, Coleraine
Windwhistle Stables

Sheep Organisations

British Wool Marketing Board
National Sheep Association NI
NI Goat Club
North Antrim Co-Op Society
Northern Ireland Sheep Shearers Association
Suffolk Sheep Society (NI Branch)

Sheep Breeders

Sheep Breeders Development Group
Ulster Ram Breeders Association

Specifically Licensed Transporters

Aiken, Corbally Road, Carnew
Ballygarvin Cattle Sheep & Pig Hauliers
Bankauskas, Taraus 30, Lithuania
Beckett, Killultagh Farms, Lisburn
Bethel, Point Road, Banbridge
Bond, Gransha Road, Dromara
Bothwell, Gardiners Cross Road, Currin
Bothwell, Tattynuckle, Fivemiletown
Boyd, School Road, Clogher
Branniff, Carnreagh Road, Ballynahinch
Brian Saunders Horse Transport
Broome, Ballynahinch Road, Ballykeel
Byrne, Ashill house, Dromara
Campbell, Concession Road, Crossmaglen
Campbell & Murphy, Finnard Road, Rathfriland
Carmichael, Desertmartin Road, Moneymore
Carson, Forthill Farm, Dungannon
Clark, Draperstown Road, Tobermore
Coulter, Browndod Road, Doagh
Coyle, Chestnutt Farm, Annaghmore
Crothers, Derrylough Hill, Corbet

Curry, Albany Place, Belfast
Deerpark Pedigree Pigs
Duffin, Crosskeys Road, Ahoghill
Duffin, Culnafay Road, Toomebridge
Dunlop, Carnlea Seskinore
Francis Kelly Livestock Haulage
Gardiner - Moneygran Road, Kilrea
Geddis Transport
Hanna, Maghery Road, Dungannon
Hewitt, Lissheffield House, Loughgall
Islandreagh Transport
Keys, Annagh Road, Clogher
Knocker, Midland Terrace, Belfast
Lavery, Corkey Road, Loughiel
Lavery, Shelton Road, Loughiel
Lindsay Graham Livestock Haulage
Loughran, Mackney Road, Cookstown
Lusk Transport Ltd
Magill, Glasdrumman House, Poyntzpass
Martin, Ballycregagh Road, Cloughmills
McAleenan, St Gemmas Court, Belfast
McCann European Haulage
McCarroll, Doury Road, Ballymena
McCay, Drumcraw Road, Drumquinn
McCrory Transport
McCusker, Drumma House, Lurgan
McGurk, Grange Road, Magherafelt
McKelvey, Bradkeel Road, Plumbridge
McKey, Levallyreagh Road, Dromara
McMahon, Clonfad, Newtownbutler
McQuillan, Galdanagh Road, Carnlough
Milliken, Seygorry House, Killykergan
Monaghan, Orritor Road, Cookstown
Mullaghdrin Horse Livestock
Murdock, Ballynahinch Road, Carryduff
Nicholson Transport
North Down Meat Exporters
O'Kane, Drumderg Road, Draperstown
O'Kane, Newferry Road, Bellaghy
Powell, Slatrock Road, Newtownhamilton
Rea, Coleda, Crumlin

Reid & Sons, Lime Kiln Lane, Aghalee
Rice, Bloodstock, Dungannon
Rice, Seavers Road, Killeavy
Rice, Tulyelmer House, Armagh
Robinson, Donaghadee Road, Bangor
Robinson, Ravara Road, Ballygowan
Robinson, Springmount Road, Ballygowan
Ronnie McDonnell Transport
Ross, South Cleggan, Rathlin Island
S N Smyth Livestock
Samuel Contracts, Glenview, Hillsborough
Seamus Black Transport
Turley & Sons, Moneyslane Road, Castlewellan
Vallely, Lower Aghincurk Road, Newtownhamilton
Waite, Station Road, Moira
Waite, Churchill Farm, Moira
Ward Brothers
Watson, Ashfield, Portadown
Watson, Hillhead Road, Dundonald
Workman, Killvalley Road, Garvagh

Zoos

Belfast Zoo
Exploris Aquarium
Seaforde Butterfly House
The Wildfowl & Wetlands Trust
World of Owls

Access to Public Land for Horse Riders

Mr P Weir asked the Minister of Agriculture and Rural Development what action she is taking to increase access to public land for horse riders. (AQW 2371/10)

Minister of Agriculture and Rural Development: The majority of publicly owned land that falls within the remit of my Department is managed by the Forest Service. Within our forestry, there is in excess of 100 kilometres of designated pony trekking trails. In addition, we have a number of arrangements which facilitate local pony trekking centres, local pony clubs and the Irish Long Distance Riding Association.

I recently launched a strategy to develop the recreational and social use of our forests. In this, DARD has committed to producing operational guidelines in relation to developing cycling and horse riding trails in forests. The strategy places greater emphasis on forest recreation provision, as part of forest management planning, and seeks to increase the accessibility of forests to the public. The provision of additional horse riding access will be considered by Forest Service where there is a demand and where additional access can be accommodated.

Emergency Funds from the EU for Dairy Farmers

Mr P McGlone asked the Minister of Agriculture and Rural Development what method her Department intends to use for the distribution of emergency funds from the EU for dairy farmers in relation to milk prices. (AQW 2401/10)

Minister of Agriculture and Rural Development: I welcome the proposal for additional funding for the dairy sector made by the Council of Agriculture Ministers on 19 October. Following the significant lobbying which I and my Executive colleagues did over the past twelve months to help the dairy industry through these challenging times this would be a welcome boost. However, at this stage I am not able to say what method will be used to allocate the €280 million fund which has only been agreed in principle by the Council of Agriculture Ministers. The concrete nature of the measure has still to be decided and this budgetary move requires the approval of EU Finance Ministers who meet on 19 November. In addition, should the British Government not support this measure on 19 November and then refuse to provide additional funds for this purpose, this could disadvantage our dairy farmers compared to those in other EU countries.

Investigation into the Fire on the Bella Trixa

Mr J Shannon asked the Minister of Agriculture and Rural Development the outcome of the investigation into the fire on the Bella Trixa; and when the findings will be made public. (AQW 2438/10)

Minister of Agriculture and Rural Development: Responsibility for investigation of accidents at sea is not a matter for my Department, but is the function of the Marine Accident Investigation Branch (MAIB) of The Department for Transport. I am aware MAIB will investigate the recent incident in Belfast lough.

Decentralisation of Public Sector Jobs to West Tyrone

Mr B McElduff asked the Minister of Agriculture and Rural Development to detail the number; the location; and the grade of posts within her Department's employment currently located in (a) the Omagh District; and (b) the Strabane District; and to outline her Department's plans to decentralise public sector jobs to West Tyrone. (AQW 2447/10)

Minister of Agriculture and Rural Development: The attached Annex provides information regarding the number; the location; and the grade of posts within my Department's employment currently located in (a) the Omagh District; and (b) the Strabane District. The Department has no plans at present to decentralise public sector jobs to West Tyrone. However, the Minister fully supports the decentralisation of public sector jobs and has written to DFP to urge them to bring the Bain report to the Executive.

Annex

(A) Strabane District

1. Agricultural Office, Orchard Road, Strabane, BT82 9FR

Number of posts – 7

SUMMARY

Grade	Total number of staff
Veterinary Officer	1
Inspector Group 1	5
Administrative Officer	1
Total	7

2. Agricultural Office, Derborough Road, Plumbridge, BT79 8JX

Number of posts – 1

SUMMARY

Grade	Total number of staff
Support Grade Band 2, Cleaner	1
Total	1

(B) Omagh District

1. Rivers Agency, 6 Woodside Avenue, Omagh, BT 79 7BP

Number of post – 58

SUMMARY

Grade	Total number of staff
PPTO CE	1
SPTO CEA	1
HPTO CEA	1
HPTO CE	1
PTO CEA	3
Technical Grade I	3
Area Foreman PTO	1
Staff Officer	1
Executive Officer I	1
Executive Officer II	2
Administrative Assistant	4
Administrative Officer	5
Inspector Group 4	1
SGB2 Watchman/cleaner	1
Typist	1
Industrial	31
Total	58

2. Rural Development, 21 Hospital Road, Omagh, BT79 0AN

Number of post – 13

SUMMARY

Grade	Total number of staff
Principal	1
Deputy Principal	3
Staff Officer	5
Executive Officer I	1
Executive Officer II	1
Administrative Assistant	1
Administrative Officer	1
Total	13

3. Sperrin House, Sedan Avenue, Omagh, BT79 7AQ

Number of post –89

SUMMARY

Grade	Total number of staff
Divisional Veterinary Officer	1
Veterinary Officer	6
Veterinary Officer Testing	3
Agricultural Inspector Grade II	4
Agricultural Inspector Grade III	9
Staff Officer	1
Executive Officer I	2
Executive Officer II	4
Inspector Group 5	1
Inspector Group 4	8
Inspector Group 2	6
Inspector Group 1	11
Administrative Assistant	11
Administrative Officer	20
Support Grade Band 2 – Casual	1
Support Grade Band 2	1
Total	89

4. Vets Office, Omagh Meats, 52 Doogary Road, Omagh, BT79 0BQ

Number of post –12

SUMMARY

Grade	Total number of staff
Veterinary Officer	1
Senior Meat Inspector	1
Meat Inspector	9
Inspector Group 1	1
Total	12

Taxi Expenditure

Mr T Lunn asked the Minister of Agriculture and Rural Development how much her Department has spent on taxis in each of the last five years. (AQW 2459/10)

Minister of Agriculture and Rural Development: The Department does not hold records relating to the cost of taxis in the accounting system. This information could be obtained only by performing a manual review of all travel claim submissions by staff for each of the five years for which the information has been requested.

Animals in Circuses

Mr P Weir asked the Minister of Agriculture and Rural Development if her Department has any plans to ban the use of animals in circuses, either through the proposed Animal Welfare Act or any other legislation. (AQW 2485/10)

Minister of Agriculture and Rural Development: My Department's current role with regard to animals in circuses is limited as it has no powers to regulate circuses, nor powers of entry in respect of circuses. Only the PSNI has power of entry to investigate welfare complaints.

A public consultation on proposals for new animal welfare legislation took place in 2006 and included the issue of circus animals. As the original consultation took place under Direct Rule, when I came to office in 2007 I initiated a review of animal welfare legislation. As part of that review, over the past two years my officials and I have met a range of key stakeholders, including groups that have a specific interest in the welfare of circus animals, to hear at first hand their views and concerns about animal welfare issues.

My review of animal welfare legislation has now ended and the Executive agreed at their meeting on the 5 November to my final policy proposals for a new Welfare of Animals Bill. It is my intention to bring this new Bill through to enactment during the lifetime of this Assembly.

I intend to include in the new Bill enabling powers to regulate through subordinate legislation the use of animals in circuses. Specific proposals, which could include the licensing of circuses, banning the use of animals in circuses or limiting their use to certain species, laying down standards for their accommodation, or other measures as required, will be subject to public consultation.

Animals in Circuses

Mr P Weir asked the Minister of Agriculture and Rural Development what action her Department is currently taking to provide protection for animals in circuses. (AQW 2489/10)

Minister of Agriculture and Rural Development: My Department's role with regard to circuses is very limited as there is currently no welfare legislation in the north of Ireland which specifically covers performing animal acts. My Department has responsibility for the Welfare of Animals Act (NI) 1972, where Section III of the Act protects all animals, including circus animals, from unnecessary cruelty or suffering. Only the PSNI has the legal power of entry to circuses under this Act.

Commission Regulation EC 1739/2005, which lays down the animal health requirements for the movement of circus animals between Member States, requires circuses to be registered in the Member State where they are resident before moving to another Member State. My Department has powers to inspect circus animals under this Regulation.

While we have no circuses based in the north, there are a number of circuses registered in the south, some of which regularly travel here. My Department has recently agreed a protocol with the Department of Agriculture, Fisheries and Food which provides for an inspection of animals from these registered circuses before moving back to the south.

Woodburn Forest, Carrickfergus

Mr D Hilditch asked the Minister of Agriculture and Rural Development what steps her Department is taking to prevent motorcyclists from using and damaging Woodburn Forest, Carrickfergus. (AQW 2546/10)

Minister of Agriculture and Rural Development: The land at Woodburn forest is owned by NI Water and the trees are managed for timber production by my Department through the Forest Service. The remit of Forest Service, within this area, does not extend to recreation access or any associated anti-social behaviour, but we are aware of the issue you raise and the endeavours of NI Water and PSNI to deal with it.

I know that NI Water have placed notices prohibiting the use of quads and motorcyclists, and PSNI have distributed leaflets stating these activities are illegal and encouraging members of the public to report incidents to them.

Forest Service will assist by also reporting any incidents to PSNI and liaising on any joint preventative measures considered by NI Water and PSNI to reduce the risk of this type of illegal activity.

Animals in Circuses

Ms A Lo asked the Minister of Agriculture and Rural Development if she would consider banning the use of animals in circuses. (AQW 2547/10)

Minister of Agriculture and Rural Development: My Department's current role with regard to animals in circuses is limited as it has no powers to regulate circuses, nor powers of entry in respect of circuses. Only the PSNI has power of entry to investigate welfare complaints.

A public consultation on proposals for new animal welfare legislation took place in 2006 and included the issue of circus animals. As the original consultation took place under Direct Rule, when I came to office in 2007 I initiated a review of animal welfare legislation. As part of that review, over the past two years my officials and I have met a range of key stakeholders, including groups that have a specific interest in the welfare of circus animals, to hear at first hand their views and concerns about animal welfare issues.

My review of animal welfare legislation has now ended and the Executive agreed at their meeting on the 5 November to the final policy proposals for a new Welfare of Animals Bill. It is my intention to bring this new Bill through to enactment during the lifetime of this Assembly.

I intend to include in the new Bill enabling powers to regulate through subordinate legislation the use of animals in circuses. Specific proposals, which could include the licensing of circuses, banning the use of animals in circuses or limiting their use to certain species, laying down standards for their accommodation, or other measures as required, will be subject to public consultation.

Rivers Agency Regional Office for the Omagh area

Mrs C McGill asked the Minister of Agriculture and Rural Development to detail the number of staff connected to the Rivers Agency Regional office for the Omagh area who have (i) left employment with the Agency; and (ii) been on stress related sick leave in each of the last three years; and to indicate the geographical areas in which they operated. (AQW 2621/10)

Minister of Agriculture and Rural Development:

- (i) From 2007/2008 financial year to date 11 non-industrial and 12 industrial staff connected to the Omagh Regional Office have left employment with the Rivers Agency. In terms of the geographical breakdown of these members of staff, eleven non-industrial staff and nine Industrial staff operated in the Omagh Area, two industrial staff operated in the Moneymore Area, and one industrial staff operated in the Strabane/Castlederg Area.
- (ii) For the same time period 3 non-industrial and 7 industrial members of staff connected to the Omagh Regional Office have been on stress related sick leave. Again, in terms of the geographical breakdown this is three non industrial staff and three industrial staff operating in the Omagh Area, one industrial staff operating in the Moneymore Area, and three industrial staff operating in the Strabane/Castlederg Area.

Forestry Land

Mr J Shannon asked the Minister of Agriculture and Rural Development how much forestry land owned by her Department is currently rented or leased for hunting or sporting activities. (AQW 2622/10)

Minister of Agriculture and Rural Development: My Department currently lets 22,200 hectares of forestry land for sporting activities.

Forestry Land

Mr J Shannon asked the Minister of Agriculture and Rural Development to detail the total acreage of forestry land owned by her Department. (AQW 2624/10)

Minister of Agriculture and Rural Development: My Department owns 68,260 hectares of forestry land and leases a further 7,240 hectares. Forest Service manages the total area of 75,500 hectares.

Woodland Grant Scheme

Mr W Clarke asked the Minister of Agriculture and Rural Development to detail the outcome of the review of the Woodland Grant scheme, to increase the level of woodland creation. (AQW 2697/10)

Minister of Agriculture and Rural Development: As a result of a meeting with a cross section of stakeholders engaged in woodland creation, the Forest Service initiated a review of grant rates for both the Woodland Grant Scheme and the Farm Woodland Premium Scheme, as well as the need to continue grant aid for Short Rotation Coppice until 2013.

Forest Service completed both reviews recently and has now made a submission to me detailing their outcomes and recommendations. I am currently considering this submission and will shortly announce my decision.

EU Directives

Mr A Ross asked the Minister of Agriculture and Rural Development how many EU Directives her Department has (i) received; and (ii) implemented in each of the last three years. (AQW 2727/10)

Minister of Agriculture and Rural Development: In each of the last three years my Department has received the following number of EU Directives

2007	21
2008	20
2009	9

In each of the last three years my Department has implemented the following number of EU Directives

2007	10
2008	26
2009	17

Agri-Food and Biosciences Staff

Mr J Shannon asked the Minister of Agriculture and Rural Development if she has considered moving the Agri-Food and Biosciences staff from Stoney Road, Belfast to another site; and if so, why. (AQW 2734/10)

Minister of Agriculture and Rural Development: The location of staff on the AFBI-occupied estate is a matter for AFBI. I confirm that I have not been asked to consider moving staff from the Stoney Road site to another site at this time.

Flood Alleviation Measures in Cushendall

Mr D McKay asked the Minister of Agriculture and Rural Development what flood alleviation measures have been put in place in Cushendall since floods on 23 November 2008. (AQW 2788/10)

Minister of Agriculture and Rural Development: DARD Rivers Agency has no record of a flooding incident in the Cushendall area on 23 November 2008. However, following flooding in July 2007 along the Glenaar River that affects Cushendall, steps have been taken to help alleviate the risk of flooding. DARD Rivers Agency commissioned a feasibility study into possible flood alleviation schemes. Unfortunately the results of this study have indicated that there are limited viable options. However, on 29 October 2009 an additional length of the River Dall and a section of the Glenaar River were designated by the Drainage Council for NI for maintenance at public expense thereby improving the free flow of water and alleviating the risk of flooding as much as possible at this time.

DEPARTMENT OF CULTURE, ARTS AND LEISURE

Soccer Strategy

Mr D McClarty asked the Minister of Culture, Arts and Leisure if the £8 million budget allocated to local football under the Soccer Strategy has been released to the Irish Football Association to be distributed to local football clubs, and if not, why not. (AQW 2296/10)

Minister of Culture, Arts and Leisure (Mr N McCausland): Sport Northern Ireland (SNI) is responsible for the development of sport in Northern Ireland including the distribution of funding. Up to 31st March 2009, SNI has released a total of £5.489m for the IFA to assist it in implementing the Soccer Strategy. Of this a total of £364,095 has been provided to local football clubs under the Playing Facilities component of the Strategy as follows:-

Club	Cap/Rev	Amount paid
Donegal Celtic FC	Cap	£270,000
Cliftonville	Cap	£94,095
Total		£364,095

A number of football clubs have also benefited from separate Soccer Strategy investments as part of the support SNI provided to the IFA to enable it to host the UEFA Under 19 Championship Football Finals in Northern Ireland in 2005. Investments from which clubs benefited as part of this project were as follows:-

Club	Cap/Rev	Amount paid
Glenavon FC	Cap	£288,800
Newry City FC	Cap	£330,726
Glentoran FC	Cap	£34,573
Linfield FC	Cap	£33,520
Ballymena UTD	Cap	£20,000
Total		£707,619

In addition, a further £463,631 has been provided by SNI to date to clubs in the present financial year as part of the delivery of the Playing Facilities component of the Soccer Strategy. Details are as follows:-

Club	Cap/Rev	Amount paid
Dungannon Swifts	Cap	£232,000
Crusaders FC	Cap	£231,631
Total		£463,631

IFA Premiership Funding

Mr D McClarty asked the Minister of Culture, Arts and Leisure how much funding has been allocated by his Department to each IFA Premiership club, in each of the last five seasons. (AQW 2298/10)

Minister of Culture, Arts and Leisure: Sport Northern Ireland (SNI) is responsible for the development of sport in Northern Ireland including the distribution of exchequer funding to sport. My Department provides exchequer grant-in aid to SNI which is provided by SNI to sport on a financial year rather than seasonal basis. The amount of funding allocated by SNI to football clubs that have played in the Premier League in each of the last five financial years is as follows:-

FINANCIAL YEAR – 2009/2010

Club	Capital		Revenue Safety management	Total
	Stadia Safety	Soccer Strategy		
Dungannon Swifts FC	0	232,000	0	232,000
Crusaders FC	0	231,631	0	231,631
Total	£0	£463,631	£0	£463,631

FINANCIAL YEAR – 2008/2009

Club	Capital		Revenue Safety management	Total
	Stadia Safety	Soccer Strategy		
Donegal Celtic FC	627,764	186,523	0	814,287
Cliftonville FC	0	300,000	0	300,000
Total	£627,764	£486,523	£0	£1,114,287

FINANCIAL YEAR – 2007/2008

Club	Capital		Revenue Safety management	Total
	Stadia Safety	Soccer Strategy		
Donegal Celtic FC	0	0	938	938
Linfield FC	0	0	4,425	4,425
Cliftonville FC	0	0	900	900
Portadown FC	800,000	0	0	800,000
Total	£800,000	£0	£6,263	£806,263

FINANCIAL YEAR – 2006/2007

Club	Capital		Revenue Safety management	Total
	Stadia Safety	Soccer Strategy		
Ballymena Utd FC	161,636	0	6,690	168,326
Glentoran FC	0	0	11,706	11,706
Linfield FC	0	0	11,628	11,628
Cliftonville FC	0	0	4,023	4,023
Donegal Celtic FC	0	0	3,150	3,150
Crusaders FC	0	0	2,135	2,135
Portadown FC	0	0	4,995	4,995
Armagh City FC	0	0	3,365	3,365
Newry City FC	0	0	2,179	2,179
Ards FC	0	0	1,888	1,888
Dungannon Swifts FC	0	0	2,402	2,402
Total	£161,636	£0	£54,161	£215,797

FINANCIAL YEAR – 2005/2006

Club	Capital		Revenue Safety management	Total
	Stadia Safety	Soccer Strategy		
Cliftonville FC	800,000	0	0	800,000
Total	£800,000	£0	£0	£800,000

In addition, a number of football clubs that have played in the Premier League within the last five financial years also benefited from exchequer monies made available by SNI to assist the IFA stage the UEFA Under 19 Championship Finals in Northern Ireland in 2005. The clubs which benefited from this funding were as follows:-

Breakdown of exchequer funding provided by SNI to UEFA U19 2005

Club	Venue	£
Glenavon FC	Mourneview Park	288,800
Newry City FC	Newry Showgrounds	330,726
Glentoran FC	The Oval	34,573
Linfield FC	Windsor Park	33,250
Ballymena Utd FC	Ballymena Showground's	20,000
Total		£707,619

Bands and Parades Named After Loyalist Paramilitaries

Mr D McKay asked the Minister of Culture, Arts and Leisure if he has raised the issue of bands and parades named after loyalist paramilitaries with those participants who avail of funding through his Department.

(AQW 2304/10)

Minister of Culture, Arts and Leisure: The Department of Culture, Arts and Leisure does not fund bands or parades directly. Individuals and organisations can avail of funding from the Ulster-Scots Agency and the Arts Council of Northern Ireland. All organisations securing funding from either of these sources must comply with the Equality and Good Relations policies of the respective funding organisation.

As part of the ongoing process to promote the principles of a “shared and better future” across the remit of my department I will continue to engage with arms length bodies and other organisations.

Irish-Language and Ulster-Scots Engagements

Mr D McKay asked the Minister of Culture, Arts and Leisure to list all (i) Irish-language and; (ii) Ulster-Scots engagements he has attended, since taking office.

(AQW 2336/10)

Minister of Culture, Arts and Leisure: Since taking up office I have attended the following (i) Irish-language and (ii) Ulster-Scots engagements:

(i) Irish language

I attended an exhibition of paintings from the Donegal Gaeltacht at the 10th McCracken Summer School organised by the McCracken Cultural Society, on 27 July 2009.

(ii) Ulster-Scots Language Events:

I attended the opening of the Ullans Centre, Ballymoney on 23 July and the launch of the Ulster-Scots Word Project, Mosside, Co. Antrim on 8 October.

Ulster-Scots Cultural Events:

I attended the Drum Accordion band annual picnic in Drum, Monaghan on 17 July 2009; the Ulster Pipe Band Championships, Newcastle on 8 August; the launch of Ulster-Scots Community Network publication “The Lambeg Drum – Creating Ulster’s unique traditional instrument” on 3 September; the Annual Broadisland Gathering, Ballycarry on 5 September; and the launch of the new Ulster-Scots Agency website on 15 October.

Funding for Bands

Mr D McKay asked the Minister of Culture, Arts and Leisure to list all the bands that received funding from the Ulster Scots Agency, in each of the last five years; and how much each band received. (AQW 2338/10)

Minister of Culture, Arts and Leisure: I have detailed in Annex A (attached) the list of all bands and the amount of funding awarded to them for musical tuition by the Ulster-Scots Agency over the last five years.

Annex A

Name	Grant Award
2004	
Ballyclare Victoria Flute Band	£500.00
Belvoir Parish Drum Majors	£207.00
Belvoir Parish Drum Majors	£336.00
Carryduff & District Drum Majors	£711.00
Dunamoney Flute Band	£382.00
Killen Pipe Band	£435.00
Kilskeery Silver Band	£500.00
Legananny Accordion Band	£1,935.00
Letterkenney & District Caledonia Pipe Band	€ 2,300.00
Queen Elizabeth Pipe Band	£192.50
The Sperrin Pipers	£2,586.00
Upper Crossgare Pipe Band	£1,086.00
William Kerr Memorial Pipe Band	£1,320.00
2005	
Aughintober Pipe Band	£1,750.00
Aughlisnafin Accordion Band	£250.00
Burnside Accordion Orchestra	£1,125.00
Belvoir Parish Drum Majors	£690.00
Carnew Accordion Band	£336.00
Carryduff & District Drum Majors	£540.00
Clontibret Pipe Band	£681.00
Drum Accordion Band	€ 327.50
Drumlough Pipe Band	£250.00
Drumquin Pipe Band	£1,110.00
Drumquin Pipe Band	£1,150.00
Feaugh Pipe Band	£1,200.00
Leapoughs Pipe Band	£500.00
Lisbeg Pipe Band	£380.00
Lisbeg Pipe Band	£1,575.00
Lissarley Flute Band	£765.00
Millar Memorial Flute Band	£477.00
Omagh True Blues Flute Band	£1,575.00

Name	Grant Award
Queen Elizabeth Pipe Band	£232.50
South Down DUP Flute Band	£400.00
Waringsford Pipe Band	£2,150.00
2006	
Aughintober Pipe Band	£1,725.00
Aughnaskeogh Silver Band	£250.00
Brunswick Accordion Band	£2,250.00
Inver Flute Band	£630.00
Pioneer Flute Band	£745.00
Reaghan Pipe Band	£1,070.00
Upper Crossgare Pipe Band	£2,500.00
Upper Crossgare Pipe Band	£4,050
Upper Crossgare Pipe Band	£2,500
Feaugh Pipe Band	£2,100
Drum Accordion Band	£1,762.50
Trillick Pipe Band	£2,088.75
Dunamoney Flute Band	£250
William Kerr Memorial Pipe Band	£1,545.00
Drumquin Pipe Band	£1,320.00
Drumquin Pipe Band	£1,350.00
Drumlough Pipe Band	£1,425.00
Whitewater Pipe Band	£588.75
Thiepval Memorial Pipe Band	£768.75
Dyan Pipe Band	£2,315.00
Drumlough Fife & Drum	£1,950.00
Crilly Pipe Band	£2,295.00
Grallagh Part-Flute Band	£1,837.50
Blossomhill Pipe Band	£1,200.00
Curlough Accordion Band	£1,725.00
Benburb Memorial Pipe Band	£1,725.00
Edentilone Pipe Band	£1,815.00
Drumnaglough Flute Band	£1,833.00
Mourne Young Defenders FB	£4,575
Hamilton Flute Band	£1,500.00
Donemana Pipe Band	£1,800.00
Carricklongfield Pipe Band	£1,773.00
Lavin Flute Band	£900.00
Sir George White Memorial Flute Band	£1,800.00
Dunamoney Flute Band	£250.00

Name	Grant Award
Syerla & District Pipe Band	£1,800.00
Kellswater Flute Band	£1,800.00
Knockinroe Flute Band	£1,822.50
Mourne Young Defenders FB	£3,600.00
Cookstown Sons of William Flute Band	£0.00
Mullaghy Flute Band	£2,287.00
Moneymore Accordion Band	£1,260.00
2007	
Millar Memorial Flute Band	£250.00
Belvoir Parish Drum Majors	£250.00
East Antrim (Killyglen) Accordion Band	£2,422.50
Dunloy Accordion Band	£2,250.00
Dunloy Accordion Band	£7,200.00
Dunloy Accordion Band	£1,190.00
Dunloy Accordion Band	£2,250.00
Seymour Hill, Conway Network & Queensway Flute Band	£250.00
Sir George White Memorial Flute Band	£1,800.00
Killycoogan Accordion Band	£2,250.00
East Antrim Elementary Accordion Orchestra	£562.50
Tamlaght O'Crilly Pipe Band	£2,400.00
Maghera Sons of William Flute Band	£1,400.00
Ballymoughan Flute Band	£1,600.00
Knockloughrim Accordion Band	£1,800.00
Moneymore Accordion Band	£1,800.00
Cowan Memorial Flute Band	£1,800.00
Salterstown Flute Band	£900.00
Salterstown Flute Band	£900.00
Curlough Accordion Band	£1,725.00
Drumquin Pipe Band	£1,305.00
Drumquin Pipe Band	£2,662.50
Ardress Accordion Band	£1,672.50
Tamlaght Pipe Band	£2,400.00
Lisnaskea Accordion Band	£1,600.00
Magheraboy Flute Band	£1,800.00
Aughintoher Pipe Band	£1,725.00
Aughintoher Pipe Band	£2,925.00
Anktel Moutray Memorial Pipe Band	£1,800.00
Battlehill Pipe Band	£1,827.00
Donemana Pipe Band	£1,800.00

Name	Grant Award
Carnagh Accordion Band	£1,312.50
Kilcluney Volunteers Flute Band	£825.00
Markethill Pipe Band	£937.50
Markethill Pipe Band	£1,875.00
Grallagh Part Flute Band	£1,912.50
Banbridge Pipe Band	£3,075.00
Schomberg Folk Orchestra	£2,025.00
Schomberg Folk Orchestra	£250.00
Upper Crossgar Pipe Band	£3,000.00
Upper Crossgar Pipe Band	£3,500.00
Upper Crossgar Pipe Band	£3,000.00
Corbet Accordion Band	£2,400.00
Mourne Young Defenders Flute Band	£1,200.00
Doohat Accordion Band	£250.00
Mourne Young Defenders	£3,500.00
Cullybackey Pipe Band	£3,500.00
Waringsford Pipe Band	£2,550.00
Ballymartin Pipe Band	£2,325.00
Carryduff & District Drum Majors	£1,087.50
O'Neill Pipe Band	£3,225.00
Closkelt Pipe Band	£1,800.00
Inver Flute Band	£1,830.00
Ballydonaghy Pipe Band	£2,400.00
Drum Accordion Band	880 Euros
Derryogue Flute Band	£2,850.00
Crossgar Young Defenders	£2,955.00
Lisbeg Pipe Band	£1,320.00
Goldsprings TBFB	£2,100.00
Lisnaskea Accordion Band	£3,060.00
Bellanaleck Pipe Band	£1,200.00
Brookeborough Flute Band	£2,100.00
Roden Accordion Band	£2,100.00
Benburb Memorial Pipe Band	£2,365.00
Tullywhisker Pipe Band	£2,100.00
Ballindarragh Accordion Band	£750.00
Trillick Pipe Band	£1,065.00
Newtownbutler Flute Band	£1,100.00
Omagh True Blues	£1,575.00
Kilcluney Volunteers Flute Band	£825.00

Name	Grant Award
Drum Accordion Band	1400 Euros
2008	
Cullybackey Pipe Band	£300.00
Aghavilly Accordion Band	£1,312.50
Aughintober Pipe Band	£2,925.00
Ballinacross Accordion Band	£1,200.00
Ballinamallard Accordion Band	£0.00
Ballydonaghy Pipe Band	£2,400.00
Ballydonaghy Pipe Band	£1,600.00
Ballymartin Pipe Band	£2,325.00
Ballymoughan Flute Band	£1,200.00
Ballyrea Boyne Defenders Flute Band	£800.00
Benwarden Flute Band	£1,350.00
Bready Ulster Scots Pipe Band	£1,800.00
Brunswick Accordion Band	£2,100.00
Churchill Flute Band	£1,500.00
Clabby Pipe Band	£2,520.00
Co Armagh Drum Majors Group	£2,475.00
Craiganeer Accordion Band	£1,125.00
Craiganeer Accordion Band	£250.00
Craiganeer Accordion Band	£1,237.50
Crossgar Young Defenders	£2,955.00
Crossgar Young Defenders	£3,037.50
Cullybackey Pipe Band	£1,000.00
Cullybackey Pipe Band	£2,160.00
Cullybackey Pipe Band	£3,710.00
Curran Flute Band	£1,600.00
Desertmartin Accordion Band	£1,200.00
Desertmartin Accordion Band	£1,200.00
Dollingstown Star of the North Flute Band	£3,030.00
Drum Accordion Band	880 Euros
Drumderg Flute Band	£2,850.00
Drumquin Pipe Band	£2,665.00
Drumquin Pipe Band	£1,512.00
Dunaghy Flute Band	£1,920.00
Eden Accordion Band	£1,600.00
Eden Accordion Band	£1,600.00
George A Dummigan Memorial Accordion Band	£1,200.00
Hounds of Ulster	£2,700.00

Name	Grant Award
Hunter Memorial Flute Band	£3,750.00
Killyglen Accordion Band	£2,722.50
Kilrea Pipe Band	£1,098.00
Lack Pipe Band	£1,500.00
Legananny Accordion Band	£2,175.00
Lisbeg Pipe Band	£1,320.00
Lisburn Fusiliers Flute Band	£1,692.00
Lisnamulligan Pipe Band	£3,022.50
Lisnaskea Accordion Band	£1,875.00
Lower Woodstock Ulster Scots Flute Band	£2,100.00
Maghera Sons of William Flute Band	£1,200.00
Magheraboy Flute Band	£1,200.00
Magheragall Pipe Band	£2,250.00
Markethill Pipe Band	£1,875.00
Marlaco Pipe Band	£2,540.00
Mourne Young Defenders FB	2400
Movilla Young Conquerors	£0.00
Mulnahorn Pipe Band	£1,080.00
Pioneer Flute Band	£1,800.00
Portaferry Accordion Band	£2,100.00
Pride of Lagan Valley Flute Band	£2,100.00
Raphoe Pipe Band	220 Euros
Riada Concert Group	£2,280.63
Roden Accordion Band	£2,100.00
Roden Accordion Band	250
Salterstown Flute Band	£1,800.00
Sandholes Accordion Band	£1,672.50
Schomberg Fife & Drum	£1,275.00
Schomberg Fife & Drum	£700.00
Schomberg Fife & Drum	£850.00
Sir George White Memorial Flute Band	£2,250.00
Tobermore Loyal Flute Band	£1,400.00
Upper Crossgare Pipe Band	£2,830.00
Upper Crossgare Pipe Band	£3,500.00
Upper Crossgare Pipe Band	£250.00
William Kerr Memorial Pipe Band	£1,500.00
William Savage Memorial Flute Band	£2,100.00
William Beattie Memorial Accordion Band	£412.50
William Strain & William Lightbody Memorial Flute Band	£2,100.00

Name	Grant Award
2009	
Aughafatten Coronation Accordion Band	£2,250.00
Aughlisnafin Accordion Band	£2,512.50
Ballyhalbert Flute Band	£2,475.00
Ballykeel Loyal Sons of Ulster Flute Band	£1,600.00
Ballylone Concert Flute Band	£2,080.00
Ballywillan Flute Band	£2,250.00
Burnside Accordion Band	£1,800.00
Burnside Accordion Band	£2,355.00
Cahard Flute Band	£3,220.00
Cahard Flute Band	£1,787.50
Castlegore Amateur Flute Band	£2,100.00
Clontibret Pipe Band	£3,000.00
Commons Silver Band	£1,425.00
Craiganeer Accordion Band	£693.00
Crown Defenders Flute Band	£720.00
Curlough Accordion Band	£2,025.00
Donaghadee Flute Band	£2,100.00
Donaghmore Accordion Band	£1,950.00
Drum Accordion Band	£1,080.00
Drumlough Pipe Band	£2,202.75
Drumlough Pipe Band	£3,855.00
Dungiven Flute Band	£2,100.00
Dunloy Accordion Band	£2,250.00
Dunloy Accordion Band	£2,390.00
East Antrim (killyglen) Accordion Orchestra	£2,722.00
Flutes of Mourne	£2,175.00
Freeman Flute Band	£3,600.00
Garryduff Flute Band	£1,200.00
Gertrude Star Flute Band	£3,600.00
Girtaclar Pipe Band	£400.00
Howard Memorial Pipe Band	£2,625.00
Hunter Moore Memorial Flute Band	£4,050.00
John Hunter Accordion Band	£1,440.00
Kilkeel Silver Band	£1,800.00
Killyfargue Pipe Band	£3,000.00
Lisburn Fusiliers Flute Band	£2,496.20
Lisnagaver Flute Band	£1,252.00
Lord Londonderrys own CLB Flute Band	£2,100.00

Name	Grant Award
Magheraboy Flute Band	£1,125.00
Magheragall Pipe Band	£2,400.00
Magheragall Pipe Band	£2,250.00
Marlaco Pipe Band	£2,940.00
Mourne Young Defenders Flute Band	£3,840.00
Mullabrack Accordion Band	£405.00
Newtownards Melody Flute Band	£2,100.00
Pride of Ballinran Flute Band	£2,080.00
Pride of the Park Flute Band	£1,200.00
Queensway Flute Band	£1,575.00
SeaPatrick Flute Band	£1,063.36
Sir Edward Carson True Blues Flute Band	£3,000.00
Sir Edward Carson True Blues Flute Band	£1,080.00
Sir George White Memorial Flute Band	£2,250.00
Sir George White Memorial Flute Band	£2,250.00
Skeogh Flute Band	£2,400.00
Skeogh Flute Band	£2,600.00
South Down Defenders Flute Band	£1,650.00
South Down Defenders Flute Band	£3,590.00
Star of The Roe Flute Band	£1,575.00
The Geoghegan Memorial Pipe Band	£3,632.25
Thiepval Memorial Pipe Band	£720.00
Tullyvallen Silver Band	£1,120.00
Tyrone Ditches Pipe Band	£2,850.00
Upper Crossgare Pipe Band	£3,078.60
Vow Accordion Band	£1,800.00

Literary Festivals

Mr P Weir asked the Minister of Culture, Arts and Leisure to list the literary festivals that have received funding from the Arts Council in each of the last five years; and to detail the funding each one received.

(AQW 2445/10)

Minister of Culture, Arts and Leisure: Funding for literary festivals is summarised in the table below.

Year	Festival	Funding Programme	Amount
05/06	John Hewitt Society Summer School	ASOP	£16,400
	Between the Lines Festival (grant to the Crescent Arts Centre)	Lottery grant	£26,875
Total 05/06			£43,275
06/07	John Hewitt Society Summer School	MAP grant	£62,500
	Aspects Literary Festival (grant to North Down Borough Council)	Lottery grant	£22,500
Total 06/07			£85,000

Year	Festival	Funding Programme	Amount
07/08	Between the Lines Festival (grant to the Crescent Arts Centre)	Lottery grant	£25,000
Total 07/08			£25,000
08/09	Aspects Literary Festival (grant to North Down Borough Council)	Lottery grant	£20,000
Total 08/09			£20,000
09/10	John Hewitt Society Summer School	ASOP	£18,000
Total 09/10			£18,000

In addition, the Arts Council supports the Belfast Book Festival through its annual funding for the Linenhall Library.

Arts Council

Mr P Weir asked the Minister of Culture, Arts and Leisure to list the District Council projects or festivals that have received funding from the Arts Council in each of the last five years; and to detail the amount of funding each one received. (AQW 2446/10)

Minister of Culture, Arts and Leisure: Arts Council funding for district councils in each of the last five years is summarised in the table below. Details of all of the Arts Council's grants are available on the Arts Council's website at www.artscouncil-ni.org/funding

The Department also provides funding for festivals through the Community Festivals Fund. Since April 2008, this has been delivered directly by district councils.

Councils	2005/06	2006/07	2007/08	2008/09	2009/10
Antrim	£84,000				£717,269
Ards		£11,840	£37,490		£36,000
Armagh	£50,000	£140,000	£138,550		
Banbridge	£30,003			£16,900	£40,000
Belfast	£737,369	£54,000	£2,169,700	£116,975	
Carrickfergus		£16,425			£21,693
Castlereagh	£30,003				
Coleraine	£36,200	£22,500	£18,100		
Cookstown	£28,000	£90,000			£10,000
Craigavon	£46,383	£66,500		£212,250	
Derry		£18,300			
Down	£68,000	£92,250	£80,125		£600,510.25
Dungannon	£42,000	£10,990	£94,964		£500,000
Fermanagh	£48,000	£129,750			
Larne			£11,700	£27,406	
Lisburn		£50,580			
Moyle		£9,180			£25,000
Magherafelt			£18,266		
Newry and Mourne		£49,820		£24,240	
Newtownabbey			£11,500		£399,056
North Down		£22,500		£20,000	

Councils	2005/06	2006/07	2007/08	2008/09	2009/10
Omagh	£57,000	£100,000	£81,500	£50,000	
Strabane		£55,000	£22,000		£26,000
Total	£1,256,958	£939,635	£2,683,895	£467,771	£2,375,528.25

NB: Total funding allocations include lottery funding.

Maritime Heritage

Mrs N Long asked the Minister of Culture, Arts and Leisure to outline his Department's strategy for preserving maritime heritage. (AQW 2462/10)

Minister of Culture, Arts and Leisure: The Report of the Assembly's Culture, Arts and Leisure Committee Inquiry into the need for a Museums Policy for Northern Ireland included a recommendation that the policy address the issue of how the maritime museum sector can be developed.

Departmental Officials are working with key stakeholders to develop a policy which will address the Committee's recommendations including consideration of the development of the maritime sector. However it will be subject to the necessary funding and approvals being agreed.

Titanic Quarter: Maritime Heritage

Mrs N Long asked the Minister of Culture, Arts and Leisure what involvement his Department will have in the development of the Titanic Quarter; and how he will ensure that maritime heritage is integrated into this development. (AQW 2463/10)

Minister of Culture, Arts and Leisure: My Department is building new accommodation for the Public Record Office of Northern Ireland in the Titanic Quarter. The new Record Office, which is scheduled to open to the public in May 2011, is costing £29.5m and is a major investment in the Titanic Quarter.

The development of Titanic Quarter is a cross-Departmental project.

The Executive has already announced their support for the Titanic Signature Project which will tell the story of the maritime and industrial heritage of Belfast and the wider region, focussed to a large extent around the Titanic story.

Tug-Of-War Association

Mr T Elliott asked the Minister of Culture, Arts and Leisure how much funding his Department has allocated to the Northern Ireland Tug-Of-War Association or tug-of-war clubs in each of the last five years. (AQW 2465/10)

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 to sports governing bodies and clubs. SNI has made no funding allocation to Tug-of-War Clubs in the last five financial years. However, SNI allocated £18,000, under its Athlete Support Programme, to the Northern Ireland Tug-of-War Association in 2004/05 to support the development of talented athletes within the sport.

Ely Estate Trustees

Mr B McElduff asked the Minister of Culture, Arts and Leisure to outline (i) his Department's responsibilities in relation to the jetty and car-park adjacent to Lough Melvin at Loughside Road, Garrison, County Fermanagh; and (ii) how he plans to assist the Ely estate trustees in upgrading these amenities, and providing a launch facility for disabled people. (AQW 2538/10)

Minister of Culture, Arts and Leisure: DCAL has sold its interests in the car park at Lough Melvin to Fermanagh District Council and no longer has any responsibility for this amenity.

Lough Melvin is not part of the Public Angling Estate and is a private fishery. The upgrading of the amenities and the provision of a launch facility for disabled people is a matter for Fermanagh District Council and Ely Estate Trustees as owners of the property.

Regional Stadium Developments

Mr B McElduff asked the Minister of Culture, Arts and Leisure (i) how much funding will be invested in meeting the strategic stadia requirements of (a) gaelic games; (b) rugby; (c) soccer; and (ii) when the economic appraisal undertaken by FGS McClure Watters on regional stadium developments will be completed; and what are the next steps. (AQW 2729/10)

Minister of Culture, Arts and Leisure: On 26 June 2009 when my predecessor took his recommendations on progressing stadium development to the Northern Ireland Executive it was noted that the indicative funding package from Government was £110m. The final funding package would be determined following consideration of the Outline Business Case and would be subject to normal budgetary processes. The allocation of funding to the individual Governing Bodies cannot be determined until the outcome of the Outline Business Case is known and has been fully considered. The Outline Business Case is expected to be available to my Department by 27 November 2009 and will subsequently require full consideration of its analysis and recommendations. This will include referral to the Department of Finance and Personnel and ultimately to the Executive.

DEPARTMENT OF EDUCATION

Rainey Endowed School in Magherafelt

Mr B Armstrong asked the Minister of Education (i) to provide an update on the rebuilding of the Rainey Endowed School in Magherafelt; (ii) what funding has been secured; (iii) when the work is due to commence; and (iv) what is the estimated date of completion. (AQW 2430/10)

Minister of Education (Ms C Ruane): A new school for Rainey Endowed was to be provided via the PPP procurement route. The Department reviewed its use of PPP to take account of recent changes in the financial markets and the view was that an affordable, value for money solution to Rainey's accommodation needs was unlikely to be achieved through the use of PPP procurement in the current financial climate. It was therefore decided that it would be taken forward under a conventionally funded procurement route.

Tá sé an-tábhachtach go bhfuil an t-infheistiú san eastát oideachais i gcomhréir leis agus mar thacaíocht ag an chreat beartais a bhfuil á chur i bhfeidhm agam. Lárnach den bheartas seo atá Gach Scoil ina Scoil Mhaith, an Curaclam Athbhreithnithe, Scoileanna Inbhuanaithe, Aistriú 2010, An tAthbhreithniú ar an Ghaelscolaíocht agus an Creat Teidlíochta. De réir mar a thagann forbairt ar phleanáil de réir ceantair, beidh na polasaithe seo mar stiúradh ag athstruchtúró an eastáit agus na pleananna infheistithe a éireoidh as sin.

It is critically important that investment in the education estate is consistent with and supportive of the policy framework I am putting in place. At the heart of this are Every School a Good School, Revised Curriculum, Sustainable Schools, Transfer 2010, Irish Medium Review and the Entitlement Framework. As area based planning develops these policies will drive the reshaping of our estate and the consequential investment plans. As Minister for Education I need to ensure that the substantial resources we are now investing produce the best outcomes for children and value for the taxpayer. I have commissioned therefore a review of current projects to validate that all are consistent with the policy framework and hence will be viable and sustainable in the long term. It is anticipated that this review will be completed in the near future.

Peripatetic Tutors

Mr K Robinson asked the Minister of Education, pursuant to AQW 1635/10, which states that a breakdown by language is not readily available, to provide an estimate of (i) how much was paid in 2008/09 under the Languages Scheme to Peripatetic tutors in primary schools, in (a) Irish; (b) Spanish; and (c) Polish; and (ii) how much money is allocated to Peripatetic teachers for 2009/10 in (a) Irish; (b) Spanish; and (c) Polish. (AQW 2533/10)

Minister of Education: Níl an t-eolas le fáil san fhormáid a iarradh faoi láthair. D'iarr mé ar Bhord Oideachais agus Leabharlainne an Oirdheiscirt, a bhainistigh Clár na dTeangacha Bunscoile, an t-eolas a sholáthar, áfach. Dá bhrí sin, scríobhfaidh mé chugat, in am trátha, nuair atá an t-eolas le fáil.

The information is currently not available in the format requested. However, I have asked the South Eastern Education and Library Board who manage the Primary Language Programme to provide the information. I will, therefore, write to you in due course when the information is available.

Ministerial Visits to Schools in North Down

Mr P Weir asked the Minister of Education what schools she has visited in North Down in the last year. (AQW 2559/10)

Minister of Education: I limistéar Dhún Thuaidh, thug mé cuairt ar Sullivan Upper School in Ard Mhic Nasca sa bhliain a chuaigh thart.

In North Down, in the last year I have visited Sullivan Upper School in Holywood.

Newly Qualified Teachers

Mr A Ross asked the Minister of Education what progress has been made in assisting newly qualified teachers to gain full time teaching posts in Northern Ireland. (AQW 2612/10)

Minister of Education: Spreag an Roinn fostóirí chun tosaíocht a thabhairt do mhúinteoirí nua-cháilithe agus múinteoirí cleachta neamhscoirtha nuair a thagann folúntais do phostanna múinteora chun cinn. Ina theannta sin, thug an Roinn comhairle d'fhostóirí nár chóir dóibh múinteoirí scoirtha a athfhostú ach nuair nach bhfuil múinteoirí nua-cháilithe agus múinteoirí cleachta neamhscoirtha le fáil.

The Department has exhorted employers to give preference to newly qualified teachers (NQTs) and experienced non-retired teachers when vacancies in teaching posts arise. The Department has also advised employers that retired teachers should only be re-employed to provide short-term cover where NQTs or experienced non-retired teachers are unavailable.

In addition the capping of the levels of the central reimbursement of the costs of substitute cover also provides an incentive for schools to employ NQTs as substitutes.

The Department has also reduced the overall intakes to initial teacher education courses from 880 in the 2004/05 academic year to 643 in the current academic year (a reduction of nearly 27%).

Building Contract for Balmoral High School

Mr P Butler asked the Minister of Education, in relation to the building of Balmoral High School under the Public Finance Initiative contract, to detail (i) the cost of the build; (ii) how much has been paid to Northwin Construction to date; (iii) how much is left to pay Northwin Construction; and (iv) how many years are left on this contract. (AQW 2634/10)

Minister of Education: Ba é costas caipitil thógáil na scoile ná £7.4m. Níor íocadh méid caipitil le Northwin Construction cionn is gur íocadh costas caipitil an tionscadail ar fad trí bheart talaimh bharrachais ar aontaigh Bord Oideachais agus Leabharlainne Bhéal Feirste le hoibreoir na Comhpháirtíochta Príobháidí Poiblí.

The capital cost of the school build was £7.4m. No capital amount was paid to Northwin Construction as the capital cost of the project was paid in full through a surplus land deal agreed between BELB and the PPP Operator. Northwin Ltd has been paid £3.0m in relation to the services element of the Unitary Payment to date and there is £7.8m left to pay on the remainder of the contract. There are 17 years left to run on the contract.

Allegations of Child Abuse

Mr D Simpson asked the Minister of Education, pursuant to AQW 1580/10, how many allegations of child abuse have been presented to Boards of Governors in each of the last ten years. (AQW 2641/10)

Minister of Education: Leag mé amach go hiomlán mo sheasamh maidir le heolas ar líomhaintí faoi mhí-úsáid páistí i mo fhreagra ar AQW 1580/10.

I have set out the position fully in respect of information about allegations of child abuse in my answer to AQW 1580/10.

Dismissal Notices

Mr G Robinson asked the Minister of Education if she can confirm that it is not departmental policy to issue dismissal notices to employees who are on long-term sick leave due to cancer treatment. (AQW 2657/10)

Minister of Education: Gníomhaíonn an Roinn de réir Bheartas Neamhéifeachtachta na Státseirbhíse a cheadaíonn dífhostú ar fhoras neamhéifeachtachta a éiríonn as baill foirne a bhfuil freastal míshásúil acu agus atá neamhláithreach de bharr tinnis fhadtéarma ar chúis ar bith.

DE acts in accordance with the Civil Service Inefficiency policy which permits dismissal on grounds of inefficiency arising from the unsatisfactory attendance of staff who are on long term sickness absence for any reason.

EU Directives

Mr A Ross asked the Minister of Education how many EU Directives her Department has (i) received; and (ii) implemented in each of the last three years. (AQW 2661/10)

Minister of Education: Ní bhfuair an Roinn Oideachais aon treoir ar bith ón Aontas Eorpach agus ní raibh uirthi treoir ar bith ón Aontas Eorpach a chur i bhfeidhm sna trí bliana a chuaigh thart.

The Department of Education has not received or been required to implement any EU Directives in the last three years.

Positive Mental Health in Young Children

Ms D Purvis asked the Minister of Education what programmes are available for primary schools to promote positive mental health in young children. (AQW 2675/10)

Minister of Education: I believe strongly in promoting positive mental health for all our children and young people and that schools have a unique place in this task.

The revised curriculum, which is now in place in all year groups in all grant aided schools, has a very clear focus on raising standards in literacy and numeracy and on delivering a broad and balanced education that can stimulate and excite all young people. It has a very clear focus on developing skills as well as knowledge – including the skills that young people need to make healthy choices, to build self-confidence and self-esteem and to build constructive relationships.

Tá Forbairt Phearsanta ina cuid lárnach den churaclam athbhreithnithe, ón leibhéal bunscoile ar aghaidh. Tugann sí tacaíocht do dhaoine óga chun tuiscint níos fearr a bhaint amach ar fhadhbanna sláinte meabhracha, lena n-áirítear cúiseanna, galarchosc, agus forbairt straitéisí le déileáil leis na fadhbanna a bheidh acu, nó ag daoine a bhfuil aithne acu orthu, le linn a gcuid saolta.

Personal Development is an integral part of the revised curriculum, from primary level onwards. It supports our young people in better understanding mental health problems, including causes, prevention, and developing strategies to deal with any problems they, or someone they know, experience throughout their lives.

My Department is also in the process of developing a Pupils' Emotional Health and Wellbeing Programme, initially to focus on the post-primary sector. The Programme will address how a pupil's emotional health and

wellbeing is promoted by the school, both through the curriculum and all other school activity, what support systems are available to support a pupil under stress and what support is available to a school in the event of a crisis.

The outcomes from this work are expected during 2010 and it is intended that much of the Programme will be capable of being implemented directly within the primary and special sectors.

Dean Maguire College Newbuild

Mr P Doherty asked the Minister of Education (i) when the revised business case for the newbuild for Dean Maguire College will be completed; and (ii) to provide information and approximate timescales on the next stages of the project. (AQW 2764/10)

Minister of Education: Tá obair ar an bhreithmheas eacnamaíochta ag dul ar aghaidh ach ní féidir í a chur i gcrích roimh thoradh an athbhreithnithe bhreithiúnaigh i dtaca le cinneadh na seirbhíse pleanála ar thoiliú a thabhairt don scoil nua ar an suíomh scoile reatha sínte, mar is é seo ceann de na roghanna a breithníodh sa bhreithmheas eacnamaíochta. Dá bhrí sin, ní féidir liom amscála a thabhairt maidir le dul chun cinn na scéime seo faoi láthair.

Work on the Economic Appraisal (EA) is on-going but cannot be completed pending the outcome of the recent Judicial Review in relation to the planning service decision to grant consent for the new school on the current, extended school site, as this is one of the options examined in the EA. I cannot therefore provide an indicative timescale for the progression of this scheme at this time.

DEPARTMENT FOR EMPLOYMENT AND LEARNING

Step Ahead Initiative

Mr M Durkan asked the Minister for Employment and Learning how many places will be available on the Step Ahead initiative this year, broken down by constituency. (AQW 2230/10)

Minister for Employment and Learning (Sir Reg Empey): The Step Ahead initiative will provide a maximum of 1,000 temporary waged jobs within the Voluntary/Community sector at any one time. The allocation of Step Ahead job opportunities funded through the Steps to Work programme is by Steps to Work contract areas. Information on places available on the Step Ahead initiative broken down by constituency is not maintained.

The allocation of Step Ahead places within each contract area is as follows:

	Contract Area	Places
1.	Western	120
2.	Foyle *	100
3.	North West	85
4.	Antrim	110
5.	Southern	130
6.	South Eastern	100
7.	North Down	55
8.	East & South Belfast	95
9.	West Belfast	115
10.	North Belfast	90
	Total	1000

* Delivered through the New Deal programme.

I have attached a map showing the areas covered by the 10 contracts.

Allegations of Harassment or Bullying

Miss M McIlveen asked the Minister for Employment and Learning how many allegations of harassment or bullying have been reported by staff in his Department in each of the last five years. (AQW 2292/10)

Minister for Employment and Learning: The number of allegations of harassment and bullying which have been reported by staff in the Department for Employment and Learning in each of the last five years is set out in the table below:

Year	Number of reported allegations of bullying and harassment
2004	1
2005	4
2006	2
2007	1
2008	2

Transfer of Functions to Local Government

Ms C Ní Chuilín asked the Minister for Employment and Learning to detail the cost to his Department of the transfer of functions to Local Government as part of the Review of Public Administration. (AQW 2355/10)

Minister for Employment and Learning: There was no cost to my Department for the transfer of functions to Local Government as part of the Review of Public Administration.

Steps to Work Programme

Mr D Kennedy asked the Minister for Employment and Learning what percentage of participants have successfully gained employment in the County Antrim area under Step 2 of the Steps to Work programme. (AQW 2368/10)

Minister for Employment and Learning: Early indications are that 6.5% of participants within the Co Antrim area have moved directly from Step 2 of the programme into employment in the period from 29 September 2008 to 31 October 2009.

This figure is provisional and as such is subject to change following Departmental validation, however, given the bedding-in period of the new programme this figure is expected to rise over the longer term.

Steps to Work Programme

Mr D Kennedy asked the Minister for Employment and Learning what percentage of participants have successfully gained qualifications as a result of their participation in Step 2 of the Steps to Work programme in the County Antrim area. (AQW 2370/10)

Minister for Employment and Learning: Steps to Work is an employment programme. Qualifications may be undertaken where it is likely to assist an individual to access work. At 31 October 2009, of those participants who undertook a qualification within Step 2 provision of the Steps to Work programme in the County Antrim area, 30% successfully gained qualifications. This figure covers those who left the programme during the period 28 September 2008 to 31 May 2009 and is subject to revision as some results from qualification Awarding Bodies may still be pending.

Medical Student Education

Mr J McCallister asked the Minister for Employment and Learning to detail the funding universities received for medical student education (i) in the financial year 2008/09 ; (ii) in the financial year 2009/10; and to detail how this money is allocated and used. (AQW 2405/10)

Minister for Employment and Learning: Grant allocations to the Northern Ireland universities are made on an Academic Year basis. Translated into Financial Year terms the allocations for medical student education at the Queen's University of Belfast (QUB), made through my Department, are :

- Financial Year 2008/09 - £15,000,375
- Financial Year 2009/10 - £16,421,659

This funding is allocated by my Department to Queen's University Belfast specifically for the purpose of medical student education. The rate of funding per student is calculated in accordance with the Higher Education Funding Council for England (HEFCE) funding model. This recognises the higher costs associated with medical training compared to other disciplines.

The University of Ulster does not provide medical student education.

Apprenticeships

Mrs I Robinson asked the Minister for Employment and Learning how many students from the Strangford constituency have enrolled in an apprenticeship in the last five years. (AQW 2460/10)

Minister for Employment and Learning:

The Department has supported 1264 apprentices in the Strangford area in the last five years. Although these apprentices reside within the Strangford area, they may or may not have enrolled with Training Providers in the Strangford area and may or may not be employed by companies in the Strangford area.

Migrant Workers in Northern Ireland

Ms D Purvis asked the Minister for Employment and Learning when the report 'Economic, Labour Market and Skills Impacts of Migrant Workers in Northern Ireland' will be published; and if his Department plans to change current policy and practice in light of the findings of this research. (AQW 2479/10)

Minister for Employment and Learning: The report will be published in December and placed on the Departmental website. The amount of data gathered has been substantial and the Department will now be considering the policy implications arising from the findings.

Migrant Workers in Northern Ireland

Ms D Purvis asked the Minister for Employment and Learning when the report by the Institute for Conflict Research on the 'Experiences of Migrant Workers in Northern Ireland' will be published; and if his Department plans to change current policy and practice in light of the findings of this research. (AQW 2480/10)

Minister for Employment and Learning: The report will be published in December and placed on the Departmental website. The amount of data gathered has been substantial and the Department will now be considering the policy implications arising from the findings.

Apprenticeships

Mrs I Robinson asked the Minister for Employment and Learning how much apprentices are paid weekly. (AQW 2521/10)

Minister for Employment and Learning: Under current National Minimum Wage Regulations, employers are exempt from paying apprentices the minimum wage until the age of 19. Further, if apprentices begin their

apprenticeship at the age of 19 they are also exempt from National Minimum Wage regulations for their first year. However, employers participating in the ApprenticeshipsNI Programme are encouraged to pay an apprentice a wage commensurate with the industry rate for the job.

Apprentices who are participating in the Programme-Led Apprenticeships Programme are paid a non means tested Education Maintenance Allowance of £40 per week.

Adults with Autism

Mr D Hilditch asked the Minister for Employment and Learning to outline how his Department is assisting adults with autism to find suitable employment. (AQW 2522/10)

Minister for Employment and Learning: The Department for Employment and Learning has a range of programmes and services to assist people with disabilities, including those with Autistic Spectrum Disorder, find and keep suitable employment.

The Department runs the Pathways to Work programme to help people with health conditions and disabilities including those with Autistic Syndrome Disorder. The programme is delivered by specially trained Advisers who help new claimants on Incapacity Benefit and Employment and Support Allowance consider work options and provide help and support to seek and obtain work. This programme is open on a voluntary basis to those already in receipt of Incapacity Benefit. Pathways to Work eligible customers may also volunteer to participate in the Steps to Work Programme.

The Department's Disablement Advisory Service provides a range of employment programmes to meet the needs of individuals with disabilities, including Autistic Spectrum Disorder. These include Access to Work (NI), Workable (NI), New Deal for Disabled People, Job Introduction Scheme, Work Preparation Programme and Condition Management Programme.

The particular programme that is appropriate for each individual is discussed and agreed with a Pathways Personal Adviser based in local Jobs and Benefits Offices/Jobcentres across Northern Ireland.

Construction Industry

Mr B McElduff asked the Minister for Employment and Learning what steps his Department has taken to assist workers in the construction industry who have lost their job as a result of the economic downturn. (AQW 2536/10)

Minister for Employment and Learning: A comprehensive range of services is available through my Department's network of 35 Jobs and Benefits offices and JobCentres and through contracted Providers to help the unemployed find work including those in the construction industry. The services include mandatory work-focused interviews; action planning for certain clients and measures designed to improve the job prospects for those who have become unemployed. A range of additional measure has been introduced to address the specific needs of construction workers. These are:

- those who have lost their job from within the construction industry may immediately avail of any Step One provision within the Steps to Work Programme, such as up-dating their Curriculum Vitae or improving interview or jobsearch skills;
- workers who have been out of the labour market for 13 weeks or more may avail of Step 2 provision, such as undertaking a new qualification or retraining in a new occupational area. The participant may enter at an earlier stage, at the Adviser's discretion, for example if there is a positive prospect of a job outcome;
- contingency arrangements are in place for apprentices within priority sectors including construction who have been made redundant to give them the opportunity to continue their apprenticeship training through government programmes such as Steps to Work, Programme-Led Apprenticeships intervention (16 – 17 year olds) or indeed through fostering arrangements with another employer. All referrals to alternative provision are made through the Department's Careers Service ensuring that appropriate and adequate careers advice has been given.

Criteria for Further Education 'Home Fees'

Ms A Lo asked the Minister for Employment and Learning if his Department plans to change the criteria for further education 'Home Fees' to allow those on a dependent visa or who have resided in Northern Ireland for a specific period to avail. (AQW 2543/10)

Minister for Employment and Learning: My Department has no plans to change the eligibility criteria for students enrolling in further education.

In all circumstances individuals, including those on a dependent visa, must be settled in the United Kingdom (or its islands and dependent territories), the European Economic Area, European Union overseas territories and/or Switzerland for the three years preceding the first day of the course.

Attracting Foreign Students to Further Education Colleges and Universities

Dr S Farry asked the Minister for Employment and Learning (i) for his assessment of the potential to attract greater numbers of foreign students, particularly from the Persian Gulf and South East Asia, to Further Education Colleges and universities here; and (ii) what action his Department is taking on this. (AQW 2580/10)

Minister for Employment and Learning: My Department recognises the importance of the internationalisation of higher and further education and the potential to attract international students to Northern Ireland. In partnership with the British Council and in consultation with higher and further education providers in Northern Ireland, the Department has developed a specific and tailored international promotional campaign entitled 'Choose Northern Ireland'. This campaign endeavours to build alliances, identify potential target countries for marketing purposes and ultimately attract and increase the number of international students coming to study in further and higher education in Northern Ireland.

My Department is also currently developing a Higher Education Strategy. Internationalisation will form a fundamental aspect of the Strategy.

Further and higher education institutions also place significant emphasis on internationalisation and have dedicated international offices and teams to advance student recruitment and institutional collaborative opportunities. Our institutions recognise the Gulf States and South East Asia as new and developing markets.

The University of Ulster currently has 15 students from the Gulf States (plus 214 Ulster students based in Saudi); and 3 students from South East Asia.

Students from South East Asian countries combine to form one of the largest student cohorts at Queen's University, with the largest group from Malaysia (140), followed by Brunei (46). Smaller numbers come from Singapore, Thailand and Indonesia. The number of students from the Gulf States is growing, in what is a highly competitive market.

In addition, there are a total of 79 South East Asian students and one from the Persian Gulf region studying at the six Further Education colleges.

All-Ireland Skills

Mr P Butler asked the Minister for Employment and Learning, following the All-Ireland Skills Conference in Letterkenny in October 2008, to outline his Department's strategy for the development of all-Ireland skills. (AQW 2694/10)

Minister for Employment and Learning: My Department, through its Innovation Fund, is encouraging Further Education Colleges to develop north/south links. A specific aim of this Fund is to improve cross-border collaboration.

The Department has also been involved in producing a number of publications in relation to all-Ireland skills including the 'All-Island Skills Study' in October 2008 and 'Management Matters in Northern Ireland and the Republic of Ireland' in March 2009.

Since the 2008 Skills Conference my Department has given its support to twelve major, strategically important cross-border Research and Development collaborations. The total investment in the research base at Queen's

University and the University of Ulster is £17.2m to March 2011, including an investment of circa £11.8m to create approximately 120 new research/technician posts.

DEPARTMENT OF ENTERPRISE, TRADE AND INVESTMENT

Energy Prices

Mrs D Kelly asked the Minister of Enterprise, Trade and Investment what action she has taken to assist the private sector in dealing with the increase in energy prices. (AQW 1967/10)

Minister of Enterprise, Trade and Investment (Mrs A Foster): I am acutely aware of industry concerns about the rising costs of electricity as a result of increased Public Service Obligation and network costs, however my Department has very little scope to intervene in such matters, which are the primary responsibility of the Northern Ireland Authority for Utility Regulation (NIAUR).

My officials will continue to work alongside the Utility Regulator to ensure longer-term strategic benefits for all energy customers, including businesses, for example, through the operation of the Single Electricity Market and the planned NIAUR review of the long term power generation contracts in Northern Ireland. Businesses may obtain support on energy efficiency and energy saving measures through the Carbon Trust, funded by Invest NI.

The Department's recent Strategic Energy Framework (SEF) consultation proposes a target of 40% renewable electricity generation by 2020, which, if adopted could reduce our dependence on fossil fuels and their associated price volatility, and lead to downward pressure on electricity generation costs over the longer term.

Review of the Contribution of Taxis to Tourism

Ms D Purvis asked the Minister of Enterprise, Trade and Investment if she will set up a review on the contribution of taxis to the tourism package in Belfast, to ensure that the quality of service and vehicles is of an acceptable standard. (AQW 2361/10)

Minister of Enterprise, Trade and Investment: Existing public service vehicle legislation already ensures that vehicles used as taxis provide a minimum level of comfort and service to fare paying passengers. The Taxis Act (NI) 2008 provides the Department of the Environment with new powers to require taxi drivers to undertake further vocational training. This training may cover issues such as customer care and disability awareness.

Via a process of stakeholder engagement and brand implementation, taxi drivers have been identified as having the potential to influence the visitor experience in relation to their stay in Northern Ireland. They are often the first point of contact for visitors and provide invaluable insights to inform visitor experiences.

In recent years, Northern Ireland has seen a significant increase in the number of people choosing to explore Northern Ireland by taxi as travel patterns move from packaged travel to more independent means. A taxi driver pilot product knowledge project was developed and delivered this year which identified and filled a gap in tourism training provision for taxi drivers in relation to customers and product knowledge. A DVD and booklet were produced and distributed to taxi depots throughout Belfast. A booklet called 16 steps to becoming visitor inspired supports this programme and can be found on the www.nitb.com/visitorinspired

INTERREG IV Funding

Ms J McCann asked the Minister of Enterprise, Trade and Investment to outline the reasons for the delay in cross-border groups receiving Interreg IV funding through her Department, despite these groups having received indicative letters of offer and having submitted their multi-annual plans 15 months ago. (AQW 2478/10)

Minister of Enterprise, Trade and Investment: The Special EU Programmes Body (SEUPB) is the managing authority for the INTERREG IVA Programme and the Department of Finance and Personnel is the Northern Ireland sponsor Department for SEUPB. DETI is the NI Accountable Department for the Enterprise and Tourism themes. Only when SEUPB is satisfied that projects represent value for money do they present them to Accountable Departments in Northern Ireland and the Republic of Ireland for final consideration and approval.

To date, just 4 of the 40 or so enterprise/tourism multi-annual plan projects have been submitted to DETI by SEUPB. In all cases these have been reviewed promptly and are currently with SEUPB or the applicant for further information.

We understand from DFP that the processing of Multi Annual Plan projects by SEUPB had been frustrated by the lack of project detail provided by applicants but that guidance has now issued to clarify the requirements and good progress is being made.

My Department is committed to continued engagement with SEUPB and the cross-border groups to expedite projects through the assessment process. On 9 November I met with representatives from the East Border Region partnership to reinforce this point and highlight DETI's role in what is essentially an SEUPB-led process. My officials have subsequently written to each of the cross-border groups offering to meet with promoters whose projects have not yet been presented to DETI but where our early involvement may help avoid further delays down the line.

Hotel Occupancy Rates

Mr K Robinson asked the Minister of Enterprise, Trade and Investment to detail hotel occupancy rates, by (i) month; and (ii) constituency in each of the last two years. (AQW 2506/10)

- (i) Minister of Enterprise, Trade and Investment: The information sought was provided on 20 October 2009 in response to AQW No: 1256/10.
- (ii) The NITB does not record hotel occupancy rates by Parliamentary Constituency.

Hotel Beds

Mr K Robinson asked the Minister of Enterprise, Trade and Investment to detail the number of hotel beds available, by constituency in the each of the last five years. (AQW 2507/10)

Minister of Enterprise, Trade and Investment: The number of hotel beds available in Northern Ireland is not recorded by parliamentary constituency; however, the number of hotel beds available by local council area for the last five years is presented in Table 1. The number of hotel beds available across Northern Ireland increased by 18% between 2004 and 2008.

NI Tourist Board: Funding

Mr T Elliott asked the Minister of Enterprise, Trade and Investment how much funding has been allocated to each of the NI Tourist Board's five signature projects to date; and how much has been committed for future spend. (AQW 2526/10)

Minister of Enterprise, Trade and Investment: The table below summarises the current funding allocations and future commitments:

Signature Project	Current Allocation £m	Current Commitments £m
Titanic & Maritime Heritage Signature Project	36.95	36.95
The Causeway Coast & Glens Signature Project	12.05	0.45
The Walled City Signature Project	9.1	6.0
The Mourne Signature Project	2.2	0
St. Patrick & Christian Heritage Signature Project	2.3	0.191

Destination Fermanagh: Funding

Mr T Elliott asked the Minister of Enterprise, Trade and Investment how much funding has been allocated to Destination Fermanagh to date; and how much has been committed for future spend. (AQW 2527/10)

Minister of Enterprise, Trade and Investment: To date the Northern Ireland Tourist Board (NITB) has contributed £41,000 and Fermanagh District Council has contributed £35,000 towards the development of “Destination Fermanagh: The Vision for Tourism 2006 – 2016” Strategy. NITB has been concerned with the lack of progress taking forward Destination Fermanagh since the launch in 2006.

In an attempt to rejuvenate this plan, NITB organised and facilitated two workshops during 2008 with key public and private sector stakeholders in the County to discuss tourism performance and to gain insight and feedback regarding issues the industry are facing and seek innovative solutions to increase revenue potential and visitor numbers. A further seminar was organised by NITB to look at international best practice in destination management organisations.

Since then, NITB has been actively engaged in the Steering Group that is driving how the strategy can be moved forward. Whilst no commitment for future funding has been agreed, NITB will consider more proactively projects identified within this strategic context.

A number of applications under the Tourism Innovation Fund have been progressed to Economic Appraisal stage as part of the Destination Fermanagh Strategy. NITB also provided financial assistance of £194,997 towards the Inniskillings Regimental Museum and £50,000 towards the Medieval Maguire’s County Museum as part of the Enniskillen Castle Refurbishment project.

Caravan Tourists

Mr A Ross asked the Minister of Enterprise, Trade and Investment how many caravan tourists have visited Northern Ireland in each of the last five years; and what was the average length of their stay. (AQW 2554/10)

Minister of Enterprise, Trade and Investment:

- In 2008 215,000 visitors and domestic tourists stayed in caravans in Northern Ireland and their average length of stay was 3.2 nights.
- In 2007 284,000 visitors and domestic tourists stayed in caravans in Northern Ireland and their average length of stay was 2.9 nights.
- In 2006 304,000 visitors and domestic tourists stayed in caravans in Northern Ireland and their average length of stay was 3.1 nights.

Due to changes in methodologies in the measurement of domestic tourism, comparable data are not available for 2004 and 2005. The above figures should be treated with caution due to small sample sizes for visitors and domestic tourists staying in caravans in Northern Ireland.

Atlas Communications Point-of-Presence in Newry

Mr D Bradley asked the Minister of Enterprise, Trade and Investment, in relation to Atlas Communications point-of-presence in Newry if (i) the quality and range of services and pricing will be identical to those at the mandatory points-of-presence on the Kelvin network; and (ii) when the points-of-presence will be completed, given that the other point-of-presence are due to ‘go live’ in March 2010 and that any delay is likely to impact on investment decisions currently being made. (AQW 2730/10)

Minister of Enterprise, Trade and Investment: The Atlas Communications Point of Presence (POP) represents a private sector investment separate from the infrastructure being provided under the Project Kelvin contract with Hibernia Atlantic. I am not in a position to provide information on the quality, range or pricing of the services the company will provide.

However, in order to promote competition the terms of the Kelvin contract are such that any Telecomms company can access the broadband products specified in the contract. Atlas Communications would therefore be in a position to offer those products specified as well as its own range of products and services. As regards pricing, Atlas will be in competition with Hibernia (and other telecoms companies) for business in Newry and indeed any other location.

Atlas Communications’ announcement on 2 October 2009 indicated that its new POP would be completed within 12 months. However once the direct international link is operational any business at any location in Northern Ireland will be able to access the services; access in Newry will not be dependent on having the Atlas POP in place.

DEPARTMENT OF THE ENVIRONMENT

Mournes National Park

Mr S Gardiner asked the Minister of the Environment, in relation to the proposal for a Mournes National Park (i) when the proposal was first put forward under devolution; (ii) how many public consultations have taken place; (iii) how many reports have been produced by his Department; and (iv) what is the current status of the proposal. (AQW 2257/10)

Minister of the Environment (Mr E Poots):

- (i) The then Minister of the Environment, Dermot Nesbitt, announced the proposal on 25 September 2002.
- (ii) The DoE carried out a consultation on its discussion paper entitled “National Parks and other Protected Landscape Areas between October 2004 and January 2005. The Mourne National Park Working Party undertook a public consultation between September 2006 and January 2007 on boundary proposals.
- (iii) There have been seven reports produced by the Department.
- (iv) I am keen to progress new national parks enabling legislation which would pave the way for the establishment of one or more national park in Northern Ireland. I plan to present an emerging findings paper on this issue to the Executive shortly. This will build upon the ideas which were outlined to the Executive by my predecessor, Sammy Wilson, before the recess. The enabling legislation will set out the purpose and aims of a national park, including an aim concerning the promotion of communities’ economic and social development.

The proposals will also cover criteria for identifying potential national parks, management and funding arrangements, statutory duties and powers, and a clear and rational process by which parks would be designated. Until such times as enabling legislation is in place, I have no plans for any particular area for designation as a national park.

Clean-up of Bonfires

Mr T Clarke asked the Minister of the Environment to detail the cost of the clean-up of bonfires on council-owned property in each of the last five years. (AQW 2396/10)

Minister of the Environment: The expenditure incurred by each district council in the cleaning up of bonfires on council owned property in the last five years is set out in the table below.

Council	2004/05	2005/06	2006/07	2007/08	2008/09
Antrim	*1,995	*1,995	*1,995	*1,995	*1,995
Ards	6,198	17,059	7,313	12,482	10,946
Armagh	*10,000	*10,000	*10,000	*10,000	*10,000
Ballymena	3,107	2,396	699	1,920	10,290
Ballymoney	*3,750	*4,300	4,802	6,160	6,997
Banbridge	*1,000	*1,000	*1,000	*1,000	*1,000
Belfast	20,755	11,535	21,495	16,969	17,485
Carrickfergus	*500	*500	*500	*1,000	*1,000
Castlereagh	8,174	7,298	8,006	10,271	13,448
Coleraine	*400	*380	*450	*470	*500
Cookstown	*7,200	*7,400	*6,200	*6,450	6,800
Craigavon	2,426	4,128	2,630	4,351	3,743
Derry	*6,000	*6,000	3,113	8,984	7,974

Council	2004/05	2005/06	2006/07	2007/08	2008/09
Down	*2,000	*2,000	*2,000	*2,000	*2,000
Dungannon & S Tyrone	0	0	0	0	0
Fermanagh	*4,000	4,672	2,789	3,840	1,641
Larne	8,009	9,093	11,501	9,604	9,151
Limavady	*2,000	*2,000	*2,000	*2,000	*2,000
Lisburn	5,884	6,846	3,100	11,235	9,270
Magherafelt	*3,250	*3,400	*3,550	*3,700	*3,900
Moyle	*2,000	*2,000	*2,000	*2,000	*2,000
Newry & Mourne	*20,000	*20,000	*20,000	*20,000	*20,000
Newtownabbey	*15,000	15,453	1,551	1,759	1,736
North Down	*1,100	1,759	1,499	1,961	2,234
Omagh	*1,100	1,100	1,260	2,400	2,300
Strabane	*2,000	*2,000	*2,000	*2,000	*2,000
Total	137,848	144,314	121,453	144,551	150,410

*estimate

Public Sector Jobs in West Tyrone

Mr B McElduff asked the Minister of the Environment to detail the number, the location, the grade and the posts within his Department currently located in (a) the Omagh District; and (b) the Strabane District; and to outline his Department's plans to increase the number of public sector jobs in West Tyrone. (AQW 2437/10)

Minister of the Environment: The Department does not have any posts located in Strabane. The following posts are in Omagh.

DVA TESTING – GORTRUSH INDUSTRIAL ESTATE, OMAGH

TG1 Vehicle Inspectors	10
PTO Driving Examiners	3
Administrative Officers	5
TG1 Driving Examiners	4
Total	22

PLANNING SERVICE – COUNTY HALL, OMAGH

Divisional Planning Officer G6	1
PPTO	4
SPTO	9
HPTO	23
PTO	18
Casual PTO	1
Typist	1
SG Band 2	2
AA	10
AO	14

EO11	3
EO1	2
SO	2
Total	90

The Department has no plans to increase the number of posts within West Tyrone.

Disqualified Drivers

Mr T Elliott asked the Minister of the Environment, following the agreement reached between Northern Ireland, Great Britain and the Republic of Ireland concerning disqualified drivers, if a similar agreement will be made with other EU states, in particular with those member states which have communities living in Northern Ireland. (AQW 2454/10)

Minister of the Environment: There are currently no plans for the UK to make a similar agreement with any other EU member state.

Community Planning

Ms D Purvis asked the Minister of the Environment, pursuant to AQW 2082/10, if he will make a statement to the Assembly outlining his vision for community planning. (AQW 2512/10)

Minister of the Environment: Improving our public services and making a difference to the people who use these services are among the most important challenges for the Northern Ireland Executive, local government, other public bodies, and voluntary and community groups in Northern Ireland. The local government reform programme is designed to create stronger, more dynamic local government with public services that are in a position to respond better to the needs of communities. The Community Planning process will provide the structure and support to do this.

Effective engagement with the full range of organisations operating in a council area and the community will be central to Community Planning. Councillors and councils are best placed to forge these partnerships to guide the future development of their district and respond to local concerns.

Successful Community Planning will improve the connection between regional, local and neighbourhood levels but no organisation alone can solve the problems or exploit the opportunities that exist in an area - this can only be achieved by working together. It will require commitment from all partners, not just through agreement to a strategic vision, but through practical collaborative working.

I recognise that working through the partnerships, and developing new approaches for engaging effectively with the community, will not happen overnight. Bringing together a range of diverse agencies with different but complementary missions to develop a shared vision for the promotion of an area's well-being will not be without challenges, particularly in the short term.

There will be a need for changes to culture, behaviours and attitudes to achieve genuine community focus. I am however, confident that councils and the other organisations involved in the community planning process will rise to these challenges leading to more cohesive service delivery.

Community Planning will also provide the framework to bring together those partnership arrangements that are already established. This will be in a way that will help new and perhaps increased opportunities to deliver services in a more cohesive way.

My overriding priority is to put in place arrangements that ensure that all our citizens see improved outcomes on issues that affect them and the communities in which they live.

Funds Transferred to Local Councils

Ms C Ní Chuilín asked the Minister of the Environment what plans his Department has to introduce legislation to ensure that funds transferred to local councils as part of the Review of Public Administration will be protected and equality proofed, rather than Councils using budgets without due regard to objective need and deprivation. (AQW 2516/10)

Minister of the Environment: The methods used to transfer funding to local government will be a matter for the individual Ministers and the Executive. As part of the normal process, policies are screened and where it is considered necessary, are subjected to a range of impact assessments including those for rural and equality proofing. This process will be no different.

GM Crops

Mr B Wilson asked the Minister of the Environment in the light of the decision of the Irish government to ban the growing of GM crops, if he would introduce similar measures to make the island of Ireland GM free. (AQW 2525/10)

Minister of the Environment: I have no plans to ban the growing of GM crops in Northern Ireland.

Planning Applications

Mr T Burns asked the Minister of the Environment to detail the top five planning applications that have received most objections in the past five years. (AQW 2555/10)

Minister of the Environment: The five planning applications received by my Department in the past five years with most objections are as follows:

Applicant Name and Reference	Proposal	Location	Total Objections
Rose Energy (S/2008/0630/F)	Biomass fuelled power plant	Land approx. 190m south west of 29 Ballyvannon Road and 30m north east of 21 Ballyvannon Road, Glenavy, Crumlin, Co. Antrim	6733
Mrs V Stewart (R/2004/1897/F)	Housing development and extension to nursing home, pedestrian access and sewer connection to Strangford View. (Amended Scheme)	8 Downpatrick Road, Corporation, Killyleagh, Northern Ireland, BT30 9RG	2421
B Mullan & Sons Ltd. (C/2009/0143/F)	Proposed development of a non-hazardous landfill site including associated landfill infrastructure of leachate treatment and storage, gas collection and flaring, waste inspection area, plant shed and administration facilities.	500m north of 19 Cam Road, Macosquin, Co. Londonderry	1945
T O'Connell and Sons (C/2007/1136/F)	Development and operation of an inert landfill facility	31 Belraugh Road, Belraugh, Ringsend, Garvagh, BT51 5HB	1944
Belfast City Airport Ltd. (Z/2008/2306/F)	Proposed runway extension by 590m at North-East end of existing runway and retraction by 120m at South-West end of existing runway, associated landing lights and ancillary works	George Best Belfast City Airport, Belfast	1471

This table relates to applications received between 01/04/2004 and 31/10/2009.

Wolves and Beavers in Northern Ireland

Mr J Shannon asked the Minister of the Environment if he is aware of any plans to introduce wolves and beavers into Northern Ireland as has been done in Scotland. (AQW 2566/10)

Minister of the Environment: I have no plans to introduce wolves or beavers into Northern Ireland.

Chicken Waste Plant at Glenavy

Mr P Butler asked the Minister of the Environment to provide an update on (i) the planning application for a chicken waste plant at Glenavy; and (ii) the request by Rose Energy for public money for these proposals. (AQW 2575/10)

Minister of the Environment: (i) 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 in the Lisburn newspapers took place on 9, 10 and 11 September 2009. Advertisement of the addendum in the Antrim newspapers and in the three daily newspapers took place on 7, 8 and 9 October 2009. In accordance with the Environmental Impact Assessment Regulations, the public had 4 weeks from the date of advertisement to submit representations regarding the environmental effects of the proposals. The 4 week period ended on 6 November 2009.

A number of detailed and technical objection reports were submitted to Planning Service, on behalf of local objectors and Communities Against Lough Neagh Incinerator (CALNI), during September and October 2009. Further detailed objections reports were submitted to Planning Service, on 3 and 10 November 2009. 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.

(ii) The company originally applied to the DETI administered Environment and Renewable Energy Fund for funding of £16million. This application was rejected, however, and the consortium subsequently approached Invest NI for support.

Invest NI is currently developing casework regarding a potential offer of assistance towards project costs. An up to date quotation for the plant and equipment was requested and was received in July 09 and the project is being reappraised from an engineering and financial viewpoint. Upon receipt of these findings, Invest NI will ascertain an agreed quantum of support. This case will be processed through the approval procedure in due course.

Driving Licence Exchange Scheme

Ms A Lo asked the Minister of the Environment if his Department would consider introducing a driving licence exchange scheme. (AQW 2589/10)

Minister of the Environment: Driving licences issued in Great Britain, the Channel Islands, Isle of Man and Gibraltar, or other member state of the European Economic Area (EEA), may be exchanged for Northern Ireland licences subject to certain caveats regarding health and licence validity.

Other arrangements exist for countries outside the EEA. Where such 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 brought into force a new Designation Order which extends that list of countries designated for the exchange of driving licences. The Department has not been approached by the driver licensing authorities in any other countries to enter into exchange arrangements, nor is it planning to introduce any other driving licence exchange arrangements.

Reeves's Muntjac Deer

Mr J Wells asked the Minister of the Environment for his assessment of the population and range of Reeves's Muntjac deer. (AQW 2598/10)

Minister of the Environment: It is generally recognised that all deer species present difficulties in terms of gathering accurate data on both population and range. This is particularly the case with a species as small and elusive as the Muntjac.

To date there has been one confirmed report of a Muntjac in Northern Ireland from a site in County Down. It was a young male probably less than one year old.

The Invasive Species Ireland website has much information on Muntjac deer and requests that any sightings are sent to the Northern Ireland Environment Agency (NIEA) to collate. There are regular unconfirmed sightings of Muntjac received from across Northern Ireland.

In England and Wales, where the species has become naturalised, Muntjac are recognised as a species which can cause severe damage to natural habitats and species, particularly in woodlands. Given the potential impacts on our native biodiversity, NIEA and the Republic's National Parks and Wildlife Service have formulated an exclusion strategy and contingency plan for Muntjac in the island of Ireland.

Footpaths and Roads

Mr A Ross asked the Minister of the Environment what steps she is taking, or plans to take, to prevent town centres being blighted by chewing gum stuck to footpaths and roads. (AQW 2613/10)

Minister of the Environment: It is already an offence under the Litter (Northern Ireland) Order to drop litter and that includes chewing gum litter. At present the fixed penalty fine for littering offences is £50. There is also the option of prosecution. However, it is clear that litter, including discarded chewing gum, is still a problem.

There is little doubt that local environmental quality issues such as litter are major concerns for local residents which impact on the quality of life in our public places and local neighbourhoods. I recognise the importance and benefits of clean and tidy public spaces which is why I have decided to bring forward a Clean Neighbourhoods and Environment Bill to help district councils to deal more effectively with a wide range of local environmental quality issues, including litter.

Stronger and more effective legislation has a role to play in reducing litter and my legislative proposals will include, for example, the introduction of

higher fixed penalty fines. Councils are able to keep the revenue from such fines and use that money for the purposes of their litter enforcement functions.

The Bill will include a range of measures to deal with litter and will be subject to full public consultation.

Widgens on Strangford Lough

Mr J Shannon asked the Minister of the Environment how many widgens are in Strangford Lough this year, and if this information is not available, when will he be in a position to provide it. (AQW 2620/10)

Minister of the Environment: Counts co-ordinated by the Wildfowl and Wetlands Trust at Castle Espie have recorded the following maximum numbers of Widgeon on Strangford Lough over the last five years.

2004/05	3,281
2005/06	2,636
2006/07	3,476
2007/08	1,582
2008/09	1,540
2009/10	not available

The surveys are undertaken by volunteers and the data are not collated and validated until August each year. The survey data for winter 2009/2010 will be available in September 2010.

Social Housing Newbuilds

Mr S Hamilton asked the Minister of the Environment how many applications for newbuild social housing have been refused on the grounds that the application did not comply with PPS 8. (AQW 2633/10)

Minister of the Environment: My Department has not refused any planning applications for newbuild social housing on grounds that the proposal did not comply with Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation.

High Hedges

Ms A Lo asked the Minister of the Environment when legislation on high hedges is likely to be brought into effect. (AQW 2645/10)

Minister of the Environment: My aim is for the legislation to be in place within the lifetime of this Assembly.

UN Conference on Climate Change

Mr B Wilson asked the Minister of the Environment whether he will attend the UN Conference on Climate Change in December 2009. (AQW 2695/10)

Minister of the Environment: Responsibility for international negotiations at the UN Conference on Climate Change falls to the UK government and not the devolved administrations. I will be present in Copenhagen in support of the UK delegation.

Social Housing Newbuilds

Mr S Hamilton asked the Minister of the Environment what protocols exist between the Planning Service and the Housing Executive regarding PPS8 and the use of open space for newbuild social housing; and how have these protocols been implemented. (AQW 2700/10)

Minister of the Environment: A Joint Protocol has been in place between the Planning Service and Northern Ireland Housing Executive since 25 March 2007, for proposals by NIHE or its partner agencies (normally housing associations) to develop areas of open space, including for the provision of social housing. In dealing with such applications, my Department and NIHE operate the Joint Protocol which aims to facilitate the development of certain areas of open space for social housing.

Erosion in the High Mournes

Mr W Clarke asked the Minister of the Environment what steps he is taking to repair erosion in the High Mournes, South Down caused by hill walking and fell running. (AQW 2704/10)

Minister of the Environment: The Northern Ireland Environment Agency (NIEA) has for many years supported erosion control projects in the High Mournes and continues to do so through the Mourne Heritage Trust. In view of the increasing number of people involved in outdoor pursuits NIEA is currently supporting a project to develop best practice for outdoor events. I understand that a key outcome of the expected report will be the provision of advice for individuals, including those involved in hill and fell running, and organisers of recreational events within the Mournes to encourage them to use the area responsibly and to avoid highly eroded areas.

Planning Service

Mr B McElduff asked the Minister of the Environment to detail (i) the current status of planning application K/2008/0168/F; and (ii) for his assessment of the importance that Planning Service will attach to strongly expressed community opposition to the building of apartments in Fintona, Co, Tyrone, when determining this application. (AQW 2766/10)

Minister of the Environment:

- (i) The planning application is presently deferred by Omagh District Council as the Council disagreed with an opinion to grant permission. A meeting has been held between Planning Service, objectors and Councillors and the matters raised will be fully considered with a view to re-consulting Omagh District Council in January 2010.
- (ii) Planning Service acknowledges that it is important to fully consider strongly expressed community opposition made in respect of planning applications. All other material considerations including relevant planning policies will also need to be carefully weighed in reaching a final decision.

DEPARTMENT OF FINANCE AND PERSONNEL

Civil Service: Sick Absence

Mr S Hamilton asked the Minister of Finance and Personnel to outline the raw and standardised figures for sickness absence in the Civil Service in each of the 26 Local Government districts, in each of the last five years. (AQW 2409/10)

Minister of Finance and Personnel (Mr S Wilson): The information requested is set out in the attached table. In answering this question the raw (actual) rates have been calculated as the percentage of working days lost per NICS staff year in each of the 26 Local Government districts. The standardised rates attempt to show what each Local Government district's absence rate would be if they all had the same age, gender and grade profile, so taking into account differences in staffing structures.

ABSENCE RATES BY LOCAL GOVERNMENT DISTRICT1 2004/05 TO 2008/09

	2004/05		2005/06		2006/07		2007/08		2008/09	
Local Government District	Actual Rate	Standardised Rate	Actual Rate	Standardised Rate	Actual Rate	Standardised Rate	Actual Rate	Standardised Rate	Actual Rate	Standardised Rate
Antrim	10.5	9.9	10.0	10.3	9.7	11.7	8.9	6.8	9.4	8.9
Ards	13.8	8.8	8.5	4.7	15.3	9.6	16.9	13.3	10.0	7.1
Armagh	12.7	9.0	11.9	11.2	10.2	6.9	11.4	7.0	8.8	5.2

	2004/05		2005/06		2006/07		2007/08		2008/09	
Local Government District	Actual Rate	Standardised Rate	Actual Rate	Standardised Rate	Actual Rate	Standardised Rate	Actual Rate	Standardised Rate	Actual Rate	Standardised Rate
Ballymena	10.2	9.6	10.2	9.7	11.5	11.7	11.3	10.8	11.7	10.3
Ballymoney	16.5	10.2	15.0	7.5	11.7	5.6	9.9	4.5	11.0	6.1
Banbridge	24.3	13.3	20.4	8.7	17.1	10.5	13.6	8.2	12.7	7.3
Belfast	14.4	14.4	13.4	13.4	13.6	13.6	12.4	12.4	10.8	10.8
Carrickfergus	13.3	4.9	13.2	7.4	22.1	7.8	14.0	4.6	12.7	4.7
Castlereagh	9.7	10.9	8.2	9.7	9.8	11.2	8.6	8.8	7.6	7.2
Coleraine	13.8	13.2	13.8	12.0	13.2	10.9	15.4	13.2	11.5	8.5
Cookstown	13.5	12.2	17.7	15.2	13.4	10.2	7.5	5.8	17.0	6.9
Craigavon	14.5	13.3	17.0	16.6	17.2	16.7	15.4	13.6	10.9	11.6
Derry	17.1	15.1	16.5	14.7	18.4	15.1	17.5	14.0	15.0	12.4
Down	14.1	12.6	11.6	9.8	12.2	10.5	13.3	12.1	11.1	12.0
Dungannon	21.2	13.8	21.0	23.8	18.0	15.6	21.3	15.0	14.3	11.5
Fermanagh	9.7	8.3	11.4	10.4	12.9	10.2	14.0	11.1	8.5	6.6
Larne	16.9	10.7	12.3	6.7	15.9	9.0	13.0	8.2	9.2	8.8
Limavady	19.3	9.9	17.3	7.4	11.7	4.2	13.6	3.9	9.0	4.2
Lisburn	11.9	9.9	11.5	10.8	9.2	12.1	8.9	8.0	8.5	7.7
Magherafelt	18.5	13.2	22.2	12.7	18.8	8.4	19.1	18.5	7.8	5.7
Moyle ²	-	-	-	-	-	-	-	-	-	-
Newry & Mourne	19.1	15.4	17.2	14.1	17.9	14.0	18.7	17.1	15.5	10.8
Newtownabbey	9.7	6.8	12.8	6.4	13.6	9.7	15.9	8.9	11.0	6.7
North Down	11.0	11.0	10.7	10.7	10.3	10.1	9.9	9.5	8.6	8.0
Omagh	16.1	15.1	12.2	11.4	16.6	15.3	13.4	12.8	10.3	9.0
Strabane	13.8	9.1	17.9	12.3	11.9	8.5	17.0	9.3	14.8	9.9
NICS Overall	14.2	-	13.4	-	13.7	-	12.9	-	11.0	-

¹ Due to the small numbers of staff in some Local Government Districts, it is important that any analyses are interpreted with caution as they can be unduly influenced by, for example, a few cases of long term absence.

² Due to the extremely low staff numbers in Moyle Local Government District, these staff have been removed from the above table.

Social Security Office on Slieveban Drive, West Belfast

Mr P Maskey asked the Minister of Finance and Personnel to outline her plans for the land at the Social Security office on Slieveban Drive, west Belfast, when the office moves location. (AQW 2434/10)

Minister of Finance and Personnel: The property at Slieveban Drive, Andersonstown, which is owned by the Department of Finance and Personnel, will be vacated in early 2010, when the new Jobs and Benefits Office, The Kennedy Centre, Andersonstown Road, Belfast, becomes operational. The building has been declared surplus to the Government Estate and is scheduled for disposal.

This process, which is actioned by the Land and Property Services, has commenced, in line with the Disposal of Surplus Public Sector Property in Northern Ireland provisions.

Civil Service

Mr P Weir asked the Minister of Finance and Personnel to detail the number of people currently employed in the Civil Service as (i) Administrative Assistant; (ii) Administrative Officer; (iii) Executive Officer 2; (iv) Executive Officer 1; (v) Staff Officer; (vi) Deputy Principal; (vii) Grade 7; (viii) Grade 6; and (ix) Grade 5 and above. (AQW 2443/10)

Minister of Finance and Personnel: The information requested is set out in the attached table which shows the profile of permanent and casual staff in each General Service grade at 1 September 2009. Due to the grading structure used in the Northern Ireland Office it has been necessary to combine the Executive Officer grades and Grades 6 and 7.

Grade	Number
Administrative Assistant	1771
Administrative Officer	7640
Executive Officer 1 & 2	5723
Staff Officer	1881
Deputy Principal	1407
Grades 6 & 7	641
Grade 5 and above	193

Civil Service

Mr P Weir asked the Minister of Finance and Personnel to detail as a percentage, the community background of people employed in the Civil Service as (i) Administrative Assistant; (ii) Administrative Officer; (iii) Executive Officer 2; (iv) Executive Officer 1; (v) Staff Officer; (vi) Deputy Principal; (vii) Grade 7; (viii) Grade 6; and (ix) Grade 5 and above. (AQW 2444/10)

Minister of Finance and Personnel: The information requested is set out in the attached table which shows the profile of permanent and casual staff in each grade as at 1 September 2009. Due to the grading structure used in the Northern Ireland Office it has been necessary to combine the Executive Officer grades and Grades 6 and 7.

Grade	Protestant	Roman Catholic	Not Determined
Administrative Assistant	48.4%	47.3%	4.3%
Administrative Officer	43.9%	54.2%	1.9%
Executive Officer 1& 2	46.1%	51.8%	2.1%
Staff Officer	53.0%	44.3%	2.7%
Deputy Principal	53.6%	44.2%	2.2%
Grade 6 & 7	51.5%	44.1%	4.4%
Grade 5 and above.	53.9%	38.3%	7.8%

Funds from Dormant Bank Accounts

Ms D Purvis asked the Minister of Finance and Personnel if he plans to consult with children and young people, or community and voluntary organisations representing the needs of children and young people, on the manner in which funds from dormant bank accounts will be spent. (AQW 2518/10)

Minister of Finance and Personnel: A full and open consultation on the spending priorities for the Northern Ireland Dormant Accounts Scheme was held from the 6th August to 29th October 2009.

A total of 130 responses have been received to date. Of these around a third were from organisations that specifically state that they represent the interests of children and/or young people. Other community and voluntary organisations have highlighted issues/projects which relate to children and/or young people.

The responses are currently being considered by officials and a report presenting the overarching findings from the responses will be presented to the Executive in due course.

Flooding Incident Line

Mr A Ross asked the Minister of Finance and Personnel how many calls the Flooding Incident Line received during periods of prolonged rainfall in the last six months; and what the average response time was. (AQW 2550/10)

Minister of Finance and Personnel: The Flooding Incident Line receives calls on almost a daily basis. The following statistics relate to calls received during periods of prolonged and heavy rain over the past six months.

Fourteen such periods have been identified. The total number of calls received over these combined periods is 657. The average time to answer calls was 2 minutes 33 seconds. This average was affected by two particular instances (12 July and 31 August) where a surge of calls was unexpectedly received without a prior flooding warning. Apart from these two events, the average time to answer calls during periods of high demand was 42 seconds.

Funding to Charities, Community Groups and Voluntary Groups

Mr S Hamilton asked the Minister of Finance and Personnel what consideration he has given to having a more centralised, single audit system for funding granted by Departments to charities, community groups and voluntary groups. (AQW 2581/10)

Minister of Finance and Personnel: The work of the charity, community and voluntary sector (the third sector) is central to the development of communities and the delivery of better public services. DFP is committed to supporting partnerships with third sector organisations in a manner that is both proportionate and that ensures that public resources are correctly applied.

DFP has worked in partnership with the Department of Social Development (DSD) to support the delivery of Positive Steps, the Government's response to Investing Together: the Report of the Task Force on Resourcing the Voluntary and Community Sector. The implementation of Positive Steps has included a range of actions to improve the financial relationships between government and third sector organisations including the publication of Guidance to Funders and Purchasers issued under cover of DAO(DFP) 15/07. In addition Chapter 7 (Annex 7.7) of Managing Public Money Northern Ireland (MPMNI) sets out the main principles and offered direction to other sources of guidance. DFP will continue to advise and support DSD's work with the third sector and in particular the work of the Joint Government / Voluntary and Community Sector Forum as it seeks to refine the relationship between government and the sector, including possible opportunities to rationalise the existing audit requirements in a manner that balances administrative burdens against the need to ensure that public resources are correctly and effectively applied.

Both the Guidance to Funders and Purchasers, and MPMNI are available from the publications section of the Accountability and Accountancy Services Division (AASD) website www.aasdni.gov.uk.

Cancer Treatment

Mr G Robinson asked the Minister of Finance and Personnel what legal protection an employee who is absent from work due to cancer treatment has against dismissal. (AQW 2656/10)

Minister of Finance and Personnel: An employee who has been diagnosed with cancer will be considered to be disabled for the purposes of the Disability Discrimination Act 1995 and an employer in those circumstances will be obliged to put in place reasonable adjustments to enable that employee to remain in employment.

The nature and extent of any reasonable adjustments will differ from case to case and this is a matter on which the individual employee should seek his/her own legal or trade union advice.

Civil Service

Mr T Elliott asked the Minister of Finance and Personnel how many people recruited by the Civil Service since 2007 have conflict-related convictions. (AQW 2668/10)

Minister of Finance and Personnel: I assume the member is referring to those convictions relate to their part in the terrorist campaign. The Northern Ireland Civil Service (NICS) does not keep a record of staff recruited who have terrorism/scheduled convictions. All staff recruited to the NICS must satisfy a criminal record check regardless of whether their convictions are terrorism/scheduled or otherwise.

DEPARTMENT OF HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

Lawful Pregnancy Termination

Mr P Ramsey asked the Minister of Health, Social Services and Public Safety what care pathways and supports are in place for women who have undergone a lawful pregnancy termination. (AQW 1961/10)

Minister of Health, Social Services and Public Safety (Mr M McGimpsey): On 13 March 2009, legacy Health and Social Care Boards, along with Trust Chief Executives and Directors of Public Health and Nursing were issued with Circular HSS(MD) 9/2009 in respect of Guidance on the Termination of Pregnancy in Northern Ireland.

The circular identified 3 main areas of action to be progressed. These included the availability of appropriate care pathways to allow eligible women access to termination of pregnancy services, such as, access to counselling and aftercare medical services as required, and the development of regional information leaflets.

All Trusts have indicated that they either have these care pathways in place and/or provide support on a case by case basis for women who have undergone a lawful termination of pregnancy.

Lawful Pregnancy Termination

Mr P Ramsey asked the Minister of Health, Social Services and Public Safety what counselling services are available for women who have had a lawful pregnancy termination. (AQW 1962/10)

Minister of Health, Social Services and Public Safety: On 13 March 2009, legacy Health and Social Care Boards, along with Trust Chief Executives and Directors of Public Health and Nursing were issued with Circular HSS(MD) 9/2009 in respect of Guidance on the Termination of Pregnancy in Northern Ireland.

The circular identified 3 main areas of action to be progressed. These included the availability of appropriate care pathways to allow eligible women access to termination of pregnancy services, such as, access to counselling and aftercare medical services as required, and the development of regional information leaflets.

All Trusts have indicated that they either have these care pathways in place and/or provide support on a case by case basis for women who have undergone a lawful termination of pregnancy.

Guidance on the Termination of Pregnancy

Mr P Ramsey asked the Minister of Health, Social Services and Public Safety if his Department has provided information leaflets to Health and Social Care Trusts in relation to the draft Guidance on the Termination of Pregnancy. (AQW 1963/10)

Minister of Health, Social Services and Public Safety: On 13 March 2009, legacy Health and Social Care Boards, along with Trust Chief Executives and Directors of Public Health and Nursing were issued with Circular HSS(MD) 9/2009 in respect of Guidance on the Termination of Pregnancy in Northern Ireland.

The circular identified 3 main areas of action to be progressed. These included the availability of appropriate care pathways to allow eligible women access to termination of pregnancy services, such as, access to counselling and aftercare medical services as required, and the development of regional information leaflets.

All Trusts have indicated that they either have these care pathways in place and/or provide support on a case by case basis for women who have undergone a lawful termination of pregnancy.

Guidance on the Termination of Pregnancy

Mr P Ramsey asked the Minister of Health, Social Services and Public Safety if his Department has introduced mechanisms to accurately record and monitor the number and types of terminations that have been carried out since it issued the 'Guidance on the Termination of Pregnancy' in July 2008. (AQW 2012/10)

Minister of Health, Social Services and Public Safety: The Health and Social Care Board (HSCB), along with Trust Chief Executives and the Public Health Agency have been asked to take forward a number of actions arising from the issuing of the 'Guidance on the Termination of Pregnancy'. In particular, they have been asked to develop a regional pro-forma for recording terminations of pregnancy and that appropriate monitoring systems are put in place to ensure accurate recording of all terminations.

I am advised that the HSCB has established a small working group to identify the progress which has been made to date. Trusts are to submit a position paper on the progress on each of these actions to the Board in early 2010. Thereafter, the Board, PHA and the Trusts will work together to ensure that these requirements are addressed adequately and consistently across Northern Ireland.

Guidance on the Termination of Pregnancy

Mr P Ramsey asked the Minister of Health, Social Services and Public Safety what action his Department has taken, since it issued the 'Guidance on the Termination of Pregnancy' in July 2008, to ensure that Chief Executives in Health and Social Care Trusts are accounting for all pregnancy terminations taking place in their Trust area under the current legislative requirements. (AQW 2014/10)

Minister of Health, Social Services and Public Safety: Following publication of the Guidance on the Termination of Pregnancy, Trust Chief Executives were advised that they should ensure that they are satisfied that all terminations carried out within their Trusts fall within the legal criteria set out in the Guidance.

I am advised that the Health and Social Care Board has established a small working group to identify the progress which has been made to date in terms of the implementation of the guidance in the Circular. Trusts will be asked to prepare a position paper for submission to the Board in early 2010 on each of these actions. Thereafter, the Board, PHA and the Trusts will work together to ensure that these requirements are addressed adequately and consistently across Northern Ireland.

Dyspraxia

Mr M Durkan asked the Minister of Health, Social Services and Public Safety (i) to outline the services available to people with dyspraxia in the Western Health and Social Care Trust area; and (ii) what planning and co-ordination exists between health and social care service providers and other agencies to deliver services to this group. (AQW 2227/10)

Minister of Health, Social Services and Public Safety: In the Western Health and Social Care Trust, following an assessment of their individual needs, people with dyspraxia are provided with services such as speech and language therapy, occupational therapy, and physiotherapy. Liaison takes place between Trust staff and external service providers as appropriate to help maximise outcomes and promote social inclusion for people with dyspraxia.

Front Line Services

Mr R McCartney asked the Minister of Health, Social Services and Public Safety what steps he is taking to ensure that front-line services will not be adversely effected by financial constraints in the Health Service, with particular reference to community care in the Foyle area. (AQW 2234/10)

Minister of Health, Social Services and Public Safety: Despite the ever-growing financial constraints in the Health Service it is obligatory for my Department and all Health and Social Care bodies to live within the resources available. Where trusts are required to develop contingency plans to achieve this requirement my priority in considering any such plans is to protect frontline services to the absolute maximum degree possible.

Like other health and social care trusts, the Western Trust is currently implementing a financial contingency plan to ensure financial break-even in 2009/10. I have excluded measures proposed that would have had a significant impact on services, and I am not aware of measures that would adversely affect community care in the Foyle area.

Health Service Employees: Earnings from the Private Sector

Lord Morrow asked the Minister of Health, Social Services and Public Safety, pursuant to AWQ1528/10, to detail the percentage earnings that Health Service employed doctors, surgeons and consultants are permitted to make from the private sector. (AQW 2235/10)

Minister of Health, Social Services and Public Safety: There is no limit to the amount earned by practitioners for private professional services.

Under the terms and conditions of the new nationally agreed contracts full time practitioners are contracted to work 40 hours, or more, each week for the HSC.

Thereafter a practitioner may undertake private professional services for other organisations provided that this does not result in detriment to HSC patients or services or diminish the public resources that are available for the HSC.

Swine Flu

Lord Morrow asked the Minister of Health, Social Services and Public Safety if proposals have been submitted to open wards in the South Tyrone Hospital to deal with acute cases of swine flu. (AQW 2236/10)

Minister of Health, Social Services and Public Safety: There are no proposals to open wards in South Tyrone hospital to deal with acute cases of swine flu. The Southern Health and Social Care Trust has plans in place to expand acute capacity on the Craigavon Area and Daisy Hill Hospital sites. It is likely that a small percentage of patients will require critical care therefore critical care capacity can be increased on the Craigavon Area Hospital site.

Tyrone - Cavan Interconnector

Lord Morrow asked the Minister of Health, Social Services and Public Safety if a health impact study has been commissioned into the proposed Tyrone – Cavan Interconnector; and if he is satisfied that he is being kept fully informed of all health related implications of this proposal. (AQW 2237/10)

Minister of Health, Social Services and Public Safety: I understand that no planning application has been submitted in respect of the proposed electricity interconnector at this time.

Cardiac Rehabilitation Programme

Mr G Robinson asked the Minister of Health, Social Services and Public Safety if he will give an assurance that all health professionals will be urged to impress on patients the value of a comprehensive cardiac rehabilitation programme. (AQW 2248/10)

Minister of Health, Social Services and Public Safety: My Department recently launched the Service Framework for Cardiovascular Health and Wellbeing which sets standards for cardiac services for all Trusts to meet by 2011/12. These standards will mean that all patients identified as requiring cardiac rehabilitation will be offered this service, in line with regional guidelines.

Staff Employed in the Health Service

Mr S Hamilton asked the Minister of Health, Social Services and Public Safety how many staff are currently employed in Records Management in the Health Service; and how this figure has changed in the last ten years. (AQW 2249/10)

Minister of Health, Social Services and Public Safety: Current numbers of staff employed specifically in corporate records management in Health & Social Care organisations are provided in the table below. Information from 10 years ago is not available.

HEALTH & SOCIAL CARE STAFF IN RECORDS MANAGEMENT AT NOVEMBER 2009

Health & Social Care organisation	Records Management staff (WTE)
Belfast HSC Trust	2.0
Northern HSC Trust	1.0
South Eastern HSC Trust	2.0
Southern HSC Trust	4.3
Western HSC Trust	3.0
Health & Social Care Board/Public Health Agency 1	Not available
Business Services Organisation 2	0.0
NI Ambulance Service Trust	2.0
NI Blood Transfusion Service	1.2
Regulation Quality & Improvement Authority 2	1.5

Source: Health & Social Care organisations

Notes:

- 1 The Health & Social Care Board and Public Health Agency have 4 members of staff involved in records management. However, they are not dedicated records management staff and therefore a whole-time equivalent cannot be given.
- 2 The BSO does not employ specific or dedicated records management staff. Many staff, however, have records management responsibilities.

Cost of Staffing in the Health Service

Mr S Hamilton asked the Minister of Health, Social Services and Public Safety to detail the cost of staffing for Records Management in the Health Service; and how this figure has changed in the last ten years. (AQW 2250/10)

Minister of Health, Social Services and Public Safety: This information is not held by my Department and could only be obtained at a disproportionate cost.

Staff Employed in the Health Service

Mr S Hamilton asked the Minister of Health, Social Services and Public Safety how many staff are currently employed in Human Resources or Personnel in the Health Service; and how this figure has changed in the last ten years. (AQW 2252/10)

Minister of Health, Social Services and Public Safety: Current numbers of Human Resources staff in Health & Social Care organisations are provided in the table below. Information from 10 years ago is not available.

HEALTH & SOCIAL CARE STAFF IN HUMAN RESOURCES AT NOVEMBER 2009

Health & Social Care organisation	Human Resources staff whole-time Equivalent
Belfast HSC Trust	139.2
Northern HSC Trust	82.0
South Eastern HSC Trust	44.5

Health & Social Care organisation	Human Resources staff whole-time Equivalent
Southern HSC Trust	79.0
Western HSC Trust	96.6
Business Services Organisation 1	18.0
NI Ambulance Service Trust	8.0
NI Blood Transfusion Service	2.5
Regulation Quality & Improvement Authority 2	0.9

Source: Health & Social Care organisations

Notes:

- 1 The Business Services Organisation provides human resources support services to the Health & Social Care Board, Public Health Agency, Patient Client Council, NI Guardian ad Litem Agency, NI Post Graduate Medical and Dental Education Council, NI Social Care Council, NI Practice and Education Council for Nursing and Midwifery.
- 2 In addition, the RQIA also has a service level agreement with the BSO for human resources services.

Cost of Staffing in the Health Service

Mr S Hamilton asked the Minister of Health, Social Services and Public Safety to detail the cost of staffing for Human Resources or Personnel in the Health Service; and how this figure has changed in the last ten years.
(AQW 2253/10)

Minister of Health, Social Services and Public Safety: This information is not held by my Department and could only be obtained at a disproportionate cost.

Staff Employed in the Health Service

Mr S Hamilton asked the Minister of Health, Social Services and Public Safety how many staff are currently employed in Equality Units in the Health Service; and how this figure has changed in the last ten years.
(AQW 2254/10)

Minister of Health, Social Services and Public Safety: Current numbers of staff employed in equality units in Health & Social Care organisations are provided in the table below. Information from 10 years ago is not available.

HEALTH & SOCIAL CARE STAFF IN EQUALITY UNITS AT NOVEMBER 2009

Health & Social Care organisation	Equality Unit staff whole-time Equivalent
Belfast HSC Trust	6.35
Northern HSC Trust	3.5
South Eastern HSC Trust	2.4
Southern HSC Trust	7.0
Western HSC Trust	3.0
Business Services Organisation 1	4.5
NI Ambulance Service Trust	1.0
Regulation Quality & Improvement Authority 2	0.15

Source: Health & Social Care organisations

Notes:

- 1 The Business Services Organisation provides equality, diversity and human rights support services to a range of customers within Health & Social Care. These include Health & Social Care Board, Public Health Agency, Regulation Quality & Improvement Authority, NI Blood Transfusion Service, NI Practice & Education Council, NI Medical & Dental Training Agency, NI Guardian Ad Litem Agency and NI Social Care Council.
- 2 In addition, the RQIA also has a service level agreement with the BSO for equality services.

Bullet-proof or Knife-proof Vests for Patients

Mr A Easton asked the Minister of Health, Social Services and Public Safety if any part of the Health Service has ever funded the provision of bullet-proof or knife-proof vests for patients. (AQW 2262/10)

Minister of Health, Social Services and Public Safety: I am not aware of any part of the Health Service having ever funded the provision of bullet-proof or knife-proof vests for patients.

Swine Flu Cases

Mr A Easton asked the Minister of Health, Social Services and Public Safety what is the latest projected number of swine flu cases. (AQW 2264/10)

Minister of Health, Social Services and Public Safety: I refer to the latest Swine Flu planning assumptions, issued on 22 October 2009.

Storage of Archived Medical Notes

Mr A Easton asked the Minister of Health, Social Services and Public Safety to detail the cost to each Health and Social Care Trust of the storage of archived medical notes for the last three financial years. (AQW 2265/10)

Minister of Health, Social Services and Public Safety: Archived records refers to those that have been appraised as having continuing value, but have passed their retention period and are no longer required by HSC organisations for business use.

The Public Records Office is responsible for archiving those records selected for permanent preservation.

School Nurses

Mr A Easton asked the Minister of Health, Social Services and Public Safety to outline his Department's role in the supply of school nurses. (AQW 2266/10)

Minister of Health, Social Services and Public Safety: The Department's role in the supply of school nurses is to develop policy and legislation which secures effective commissioning arrangements between the Health and Social Care Board/Public Health Agency and Trusts to meet the needs of the school age population. This ensures Trust provision of a school based Child Health Promotion Programme to all school-age children within Primary and Secondary Schools which is delivered by school nurses working within the school health service

Efficiency Savings: DHSSPS

Mr A Easton asked the Minister of Health, Social Services and Public Safety to outline his Department's proposals for 3% efficiency savings. (AQW 2267/10)

Minister of Health, Social Services and Public Safety: My Department's proposals for 3% efficiency savings over the three years of the current CSR period to 2010/11 are as follows:

	2008/09 £m	2009/10 £m	2010/11 £m	3 Year Total £m
Trust targets:				
Belfast	24.7	55.6	91.7	172.0
Northern	11.7	26.5	43.6	81.8
Southern	9.7	21.9	36.1	67.7
South Eastern	10.0	22.4	36.9	69.3
Western	9.7	21.8	36.0	67.5
5-Trust Total	65.8	148.2	244.3	458.3

	2008/09 £m	2009/10 £m	2010/11 £m	3 Year Total £m
NI Ambulance Service	1.2	2.7	4.4	8.3
Non –trust targets				
Pharmaceutical savings (primary care)	17.9	26.2	32.8	76.9
NI Fire and Rescue Service	1.5	3.8	5.7	11.0
Administration, RPA in non trust bodies and pay savings	31.7	52.2	90.8	174.7
Total	118.1	233.1	378.0	729.2
Required CSR Target	118.0	233.0	344.0	695

Firework-Related Injuries

Mr A Ross asked the Minister of Health, Social Services and Public Safety how many firework-related injuries were reported over the weekend ending 1 November 2009; and how this figure compares with each of the previous five years. (AQW 2268/10)

Minister of Health, Social Services and Public Safety: Information on fireworks injuries is collected as part of an annual information gathering process over a 4 week reporting period around Halloween each year. This year the collection period covered Saturday 17th October 2009 to Saturday 14th November 2009. This information will be available from the fireworks injuries report which will be published in January 2010.

Information on how many firework-related injuries were reported during the 4 week period for each of the previous five years is available in the Annual Northern Ireland Fireworks Injuries Statistics at the following link:

http://www.dhsspsni.gov.uk/index/stats_research/stats-activity_stats-2/firework_statistics.htm

Sex-Change Operations

Mr J Shannon asked the Minister of Health, Social Services and Public Safety how many sex-change operations have been carried out in each of the last three years. (AQW 2269/10)

Minister of Health, Social Services and Public Safety: There were no sex-change operations carried out from 2005/06 to 2007/08 (the latest three year period for which information is currently available).

Professional Registration Fees

Mrs N Long asked the Minister of Health, Social Services and Public Safety if the Department has a policy on the payment of professional registration fees for public service workers, either employed directly by the Department or through the Health and Social Care Trusts. (AQW 2282/10)

Minister of Health, Social Services and Public Safety: In line with the NI Civil Service Human Resources handbook, the Department may pay subscriptions to a professional or similar body on behalf of Departmental staff, if the Department believes that it can be fully justified. The cost of membership will only be met where there is a business need for membership.

Health and Social Care employers do not make any contribution towards professional registration fees for clinical or medical staff employed by them.

Professional Registration Fees

Mrs N Long asked the Minister of Health, Social Services and Public Safety to outline which categories of public sector employees within his remit currently have professional registration fees paid, and which do not. (AQW 2283/10)

Minister of Health, Social Services and Public Safety: Health and Social Care employers do not pay professional registration fees for clinical or medical staff.

The Department may pay professional registration fees for Northern Ireland Civil Servants and other departmental staff if there is a justified business need for membership in professional bodies.

Health Centres in County Fermanagh

Mr T Gallagher asked the Minister of Health, Social Services and Public Safety to outline his Department's plans and timescales for the provision of new Health Centres in County Fermanagh. (AQW 2295/10)

Minister of Health, Social Services and Public Safety: Until the business case for each project has been approved together with the required funding, I am not in a position to confirm timescales for these projects.

Ambulance Service in the Mid-Ulster Area

Mr P McGlone asked the Minister of Health, Social Services and Public Safety to outline the protocols to be followed by the Ambulance Service in the Mid-Ulster area when dealing with cases where patients require transport for acute treatment. (AQW 2309/10)

Minister of Health, Social Services and Public Safety: The development and implementation of protocols for transporting patients is a matter for the Northern Ireland Ambulance Service (NIAS) in agreement with other Health and Social Care Trusts and the Regional Health and Social Care Board.

Vacant Posts in the Northern Health and Social Care Trust

Mr P McGlone asked the Minister of Health, Social Services and Public Safety to detail the number of vacant posts in the Northern Health and Social Care Trust; and the areas in which these vacancies exist. (AQW 2310/10)

Minister of Health, Social Services and Public Safety: The latest information available at 30th September 2009 is provided in the table below.

CURRENT STAFF VACANCIES AT 30TH SEPTEMBER 2009 IN NORTHERN HSC TRUST

Staff Group	Headcount	Whole-time Equivalent
Admin & Clerical	9	7.60
Estate Services	1	1.00
Support Services	18	11.45
Nursing & Midwifery	20	16.00
Social Services	23	18.46
Professional & Technical	43	35.45
Medical & Dental	25	24.00
Total	139	113.96

Source: Northern Health & Social Care Trust

Notes:

1. A vacancy is defined as a post which the organisation was actively trying to fill.
2. The whole-time equivalent number of staff 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. In this way, part-time staff are converted into an equivalent number of 'whole-time' staff. Due to rounding WTE totals may not tally exactly.

Caesarean Births

Mr B McElduff asked the Minister of Health, Social Services and Public Safety to detail the number, and percentage, of both planned and emergency caesarean births broken down by (i) Health and Social Care Trust area; (ii) hospital; and (iii) postcode area, in each of the last five years. (AQW 2314/10)

Minister of Health, Social Services and Public Safety: Information on the number, and percentage, of both planned and emergency caesarean births broken down by (iii) postcode area is unavailable. The number, and percentage out of all births, of both planned and emergency caesarean births broken down by (i) Health and Social Care Trust area; and (ii) hospital are given in the below tables:

Year	Hospital/Trust	Elective C/S	Emergency C/S
2008/09	Mater Infirmorum	177 (13.9%)	195 (15.4%)
	Royal Maternity	959 (17.7%)	999 (18.5%)
	Belfast HSC Trust	1136 (16.8%)	1194 (17.7%)
	Antrim	402 (13.3%)	512 (16.9%)
	Causeway	169 (11.8%)	188 (13.1%)
	Northern HSC Trust	571 (12.8%)	700 (15.6%)
	Lagan Valley	62 (5.5%)	123 (10.8%)
	Ulster	344 (9.9%)	458 (13.2%)
	South Eastern HSC Trust	406 (8.8%)	581 (12.6%)
	Craigavon Area	659 (17.4%)	673 (17.4%)
	Daisy Hill	281 (12.8%)	420 (19.2%)
	Southern HSC Trust	940 (15.5%)	1093 (18.0%)
	Altnagelvin Area	422 (14.9%)	359 (12.7%)
	Erne	247 (18.2%)	159 (11.7%)
	Western HSC Trust	669 (16.0%)	518 (12.4%)

Source: Child Health System

Year	Hospital/Trust	Elective C/S	Emergency C/S
2007/08	Mater Infirmorum	179 (15.1%)	147 (12.4%)
	Royal Maternity	974 (17.5%)	868 (15.6%)
	Belfast HSC Trust	1153 (17.1%)	1015 (15.0%)
	Antrim	402 (13.0%)	491 (15.8%)
	Causeway	151 (10.9%)	187 (13.5%)
	Northern HSC Trust	553 (12.3%)	678 (15.1%)
	Lagan Valley	88 (7.4%)	139 (11.7%)
	Ulster	273 (9.0%)	409 (13.5%)
	South Eastern HSC Trust	361 (8.6%)	548 (13.0%)
	Craigavon Area	667 (17.6%)	644 (17.0%)
	Daisy Hill	290 (13.2%)	371 (16.9%)
	Southern HSC Trust	957 (16.0%)	1015 (17.0%)
	Altnagelvin Area	381 (13.7%)	343 (12.4%)
	Erne	241 (18.6%)	97 (7.5%)
	Western HSC Trust	622 (15.3%)	440 (10.8%)

Source: Child Health System

Year	Hospital/Trust	Elective C/S	Emergency C/S
2006/07	Mater Infirmorum	161 (14.3%)	152 (13.5%)
	Royal Maternity	862 (16.2%)	992 (18.6%)
	Belfast HSC Trust	1023 (15.1%)	1144 (16.9%)
	Antrim	397 (14.5%)	401 (14.7%)
	Causeway	129 (10.2%)	125 (9.9%)
	Mid-Ulster	48 (12.8%)	35 (9.3%)
	Northern HSC Trust	574 (13.1%)	561 (12.8%)
	Lagan Valley	60 (5.1%)	110 (9.4%)
	Ulster	248 (9.0%)	360 (13.1%)
	South Eastern HSC Trust	308 (7.9%)	470 (12.0%)
	Craigavon Area	565 (15.8%)	575 (16.0%)
	Daisy Hill	252 (12.4%)	334 (16.4%)
	Southern HSC Trust	817 (14.5%)	909 (16.2%)
	Altnagelvin Area	298 (11.4%)	413 (15.8%)
	Erne	154 (12.3%)	152 (12.2%)
	Western HSC Trust	452 (11.7%)	565 (14.6%)

Source: Child Health System

Year	Hospital/Trust	Elective C/S	Emergency C/S
2005/06	Mater Infirmorum	164 (15.0%)	136 (12.4%)
	Royal Maternity	848 (16.6%)	1021 (20.0%)
	Belfast HSC Trust	1012 (15.0%)	1157 (17.1%)
	Antrim	361 (15.2%)	349 (14.7%)
	Causeway	140 (12.5%)	156 (13.9%)
	Mid-Ulster	44 (6.5%)	49 (7.3%)
	Northern HSC Trust	545 (13.0%)	554 (13.2%)
	Lagan Valley	70 (6.1%)	126 (10.9%)
	Ulster	256 (10.0%)	326 (12.7%)
	South Eastern HSC Trust	326 (8.7%)	452 (12.1%)
	Craigavon Area	477 (15.2%)	581 (18.5%)
	Daisy Hill	251 (13.0%)	285 (14.8%)
	Southern HSC Trust	728 (14.3%)	866 (17.1%)
	Altnagelvin Area	293 (11.2%)	330 (12.6%)
	Erne	168 (13.6%)	119 (9.7%)
	Western HSC Trust	461 (12.0%)	449 (11.7%)

Source: Child Health System

Year	Hospital/Trust	Elective C/S	Emergency C/S
2004/05	Mater Infirmorum	141 (13.5%)	145 (13.9%)
	Royal Maternity	853 (16.3%)	909 (17.3%)
	Belfast HSC Trust	994 (14.7%)	1054 (15.6%)
	Antrim	375 (15.6%)	312 (13.0%)
	Causeway	146 (12.0%)	121 (10.0%)
	Mid-Ulster	54 (8.2%)	58 (8.8%)
	Northern HSC Trust	575 (13.4%)	491 (11.5%)
	Lagan Valley	104 (8.5%)	171 (14.1%)
	Ulster	198 (8.0%)	342 (13.5%)
	South Eastern HSC Trust	302 (8.0%)	513 (13.7%)
	Craigavon Area	468 (15.0%)	514 (16.5%)
	Daisy Hill	223 (11.3%)	336 (17.1%)
	Southern HSC Trust	691 (13.6%)	850 (16.7%)
	Altnagelvin Area	254 (10.0%)	281 (11.1%)
	Erne	146 (13.1%)	119 (10.7%)
	Western HSC Trust	400 (11.0%)	400 (11.0%)

Source: Child Health System

Health Service Staff Stuck by a Needle

Mr T Burns asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 1768/10, to detail the number of recorded incidents where health service staff have been (i) accidentally; and (ii) as a result of assault, intentionally stuck by a needle, in each of the last five years. (AQW 2315/10)

Minister of Health, Social Services and Public Safety: The requested information is set out in the table below. The data does not include figures from the South Eastern Health and Social Care Trust which are not available.

Year	Staff accidentally stuck by a needle	Staff intentionally stuck by a needle*
2004/05	719	0
2005/06	806	1
2006/07	804	0
2007/08	775	0
2008/09	722	0

* Data for this category is not available for the South-Eastern Health and Social Care Trust.

Cost of Staffing in the Health Service

Mr S Hamilton asked the Minister of Health, Social Services and Public Safety to detail the cost of staffing for Equality Units in the Health Service; and how this figure has changed in the last ten years. (AQW 2326/10)

Minister of Health, Social Services and Public Safety: This information is not held by my Department and could only be obtained at a disproportionate cost.

Staff Employed in the Health Service

Mr S Hamilton asked the Minister of Health, Social Services and Public Safety how many staff are currently employed in Information Technology in the Health Service; and how this figure has changed in the last ten years. (AQW 2327/10)

Minister of Health, Social Services and Public Safety: Current numbers of staff employed in Information Technology in Health & Social Care organisations are provided in the table below. Information from 10 years ago is not available.

HEALTH & SOCIAL CARE STAFF IN INFORMATION TECHNOLOGY AT NOVEMBER 2009

Trust/Agency	Information Technology Staff 2009
	WTE1
Belfast Trust	75.7
Northern Trust	26.0
South Eastern Trust	43.1
Southern Trust	51.6
Western Trust	43.5
N.I Ambulance Trust	4.0
Business Services Organisation 2	138.7
N.I Blood Transfusion Agency	3.0
N.I Guardian Ad Litem Agency	1.0
Regional Quality Improvement Agency 3	1.4

Source: Health & Social Care organisations

Notes

1. WTE – Whole-time equivalent
2. BSO provides information technology support to the Health & Social Care Trusts, Health & Social Care Board and other HSC agencies.
3. RQIA are also provided ICT services by an outsourced provider.

Cost of Staffing in the Health Service

Mr S Hamilton asked the Minister of Health, Social Services and Public Safety to detail the cost of staffing for Information Technology in the Health Service; and how this figure has changed in the last ten years. (AQW 2328/10)

Minister of Health, Social Services and Public Safety: This information is not held by my Department and could only be obtained at a disproportionate cost.

Staff Employed in the Health Service

Mr S Hamilton asked the Minister of Health, Social Services and Public Safety how many staff are currently employed in Internal Audit in the Health Service; and how this figure has changed in the last ten years. (AQW 2329/10)

Minister of Health, Social Services and Public Safety: A regional Internal Audit service is now provided by the Business Services Organisation to 13 Health & Social Care organisations and 3 Non-Departmental Public Bodies (NDPB).

In 1999, the service was provided by the four Health & Social Services Boards. Information from 10 years ago is not available.

The information requested is provided in the table below.

Organisation	Internal Audit staff 2009 (WTE)
Business Services Organisation	41.93

Notes

1. WTE = whole-time equivalent.

Cost of Staffing in the Health Service

Mr S Hamilton asked the Minister of Health, Social Services and Public Safety to detail the cost of staffing for Internal Audit in the Health Service; and how this figure has changed in the last ten years. (AQW 2330/10)

Minister of Health, Social Services and Public Safety: This information is not held by my Department and could only be obtained at a disproportionate cost.

Patients with Criminal Convictions

Mrs I Robinson asked the Minister of Health, Social Services and Public Safety what mechanisms are in place to inform health care staff that a patient has a criminal conviction for sex offences. (AQW 2332/10)

Minister of Health, Social Services and Public Safety: There is no requirement for Health and Social Care staff to be routinely informed that a patient has a conviction for sex offences. The need for such information will depend on the nature of the care or treatment being provided and the setting in which it is provided.

Any sex offender who is assessed as being a risk to the community is managed under the Public Protection Arrangements for Northern Ireland which are led by the Northern Ireland Office. Health and Social Care, along with a number of other agencies including the Housing Executive and Probation, are full partners in these arrangements.

NI Ambulance Service Control Centre: Doctors Hours

Mrs I Robinson asked the Minister of Health, Social Services and Public Safety to detail the number of doctors' hours per month spent in the NI Ambulance Service control centre, and the cost. (AQW 2335/10)

Minister of Health, Social Services and Public Safety: Since January 2009 the Northern Ireland Ambulance Service (NIAS) has employed doctors in a pilot project to ensure that less urgent 999 calls receive a clinically appropriate response which may not involve the dispatch of an A&E ambulance. This has the potential to free up resources to deal with the most serious emergency calls. The doctors are employed at NIAS's Regional Emergency Medical Dispatch Centre, and work on average 367 hours per month at a cost of approximately £22,000.

Transfer of Functions to Local Government

Ms C Ní Chuilín asked the Minister of Health, Social Services and Public Safety to detail the cost to his Department of the transfer of functions to local government as part of the Review of Public Administration. (AQW 2344/10)

Minister of Health, Social Services and Public Safety: The Department of Health, Social Services and Public Safety (DHSSPS) did not transfer any functions to local government as part of the HSC (Reform) Act.

However, the community planning aspect of the Review of Public Administration is being lead by the Department of Environment (DoE) and may require some involvement from DHSSPS. In line with normal government budgeting practice it will be for DoE to identify these costs and secure the necessary resources.

Proposed Cuts in the Health and Social Care Trusts

Ms C Ní Chuilín asked the Minister of Health, Social Services and Public Safety to provide details of discussions held by his Department with all staff-side representatives regarding proposed cuts in the Health and Social Care Trusts. (AQW 2345/10)

Minister of Health, Social Services and Public Safety: I would refer the Member to my answer to AQW 747/2010 and AQW 2109/2010 in relation to my ongoing discussions with Trade Unions.

Firework-Related Injuries

Mr P Weir asked the Minister of Health, Social Services and Public Safety how many firework-related injuries were reported in each constituency, in each of the last five years. (AQW 2362/10)

Minister of Health, Social Services and Public Safety: Information on the number of patients reporting to A&E Departments and Minor Injuries Units with injuries from fireworks, since 2004, over a selected 4-5 week period covering the end of October and start of November (Halloween period) is available in the Annual Northern Ireland Fireworks Injuries Statistics at the following link:

http://www.dhsspsni.gov.uk/index/stats_research/stats-activity_stats-2/firework_statistics.htm

This information is not broken down at constituency level.

Target Response Times for Ambulances

Mr P Weir asked the Minister of Health, Social Services and Public Safety how many ambulances serving the North Down area (i) met; and (ii) failed to meet their target response times, in each of the last five years. (AQW 2367/10)

Minister of Health, Social Services and Public Safety: The Northern Ireland Ambulance Service (NIAS) does not measure response time performance for individual ambulances or on the basis of parliamentary constituencies.

Firework-Related Injuries

Mr J Shannon asked the Minister of Health, Social Services and Public Safety how many accidents and injuries caused by fireworks have been reported in each constituency, in each of the last 3 years. (AQW 2378/10)

Minister of Health, Social Services and Public Safety: Information on the number of patients reporting to A&E Departments and Minor Injuries Units with injuries from fireworks, since 2004, over a selected 4-5 week period covering the end of October and start of November (Halloween period) is available in the Annual Northern Ireland Fireworks Injuries Statistics at the following link:

http://www.dhsspsni.gov.uk/index/stats_research/stats-activity_stats-2/firework_statistics.htm

This information is not broken down at constituency level.

Drugs Removed from the GP Prescription List

Mr J Shannon asked the Minister of Health, Social Services and Public Safety (i) if he is aware of any drugs that have been removed from the GP prescription list in the last six months that can now only be prescribed by consultants; (ii) if he will give an assurance that these drugs will be available by repeat prescription; and (iii) to outline the reasons for the removal of these drugs. (AQW 2379/10)

Minister of Health, Social Services and Public Safety: No drugs have been removed from the GP prescription list in the last six months that can now only be prescribed by consultants.

Funding for Forster Green Hospital

Mr J Shannon asked the Minister of Health, Social Services and Public Safety if the funding currently available to Forster Green Hospital to make up for the shortfall of nursing staff will be recurrent. (AQW 2383/10)

Minister of Health, Social Services and Public Safety: Recurrent funding is only considered in cases where the Trust concerned can justify to commissioners and to my Department a recurrent need. Consequently, to the extent that any nursing shortfall at Forster Green Hospital is short term in nature, it would only be addressed by non-recurrent means.

Belfast Trust has assured me that it will ensure that safe staffing levels are maintained in all wards, including at Forster Green Hospital.

South-West Acute Services Hospital

Mr T Elliott asked the Minister of Health, Social Services and Public Safety for an update on the new South West Acute Services Hospital. (AQW 2389/10)

Minister of Health, Social Services and Public Safety: Construction of the New Acute Hospital for the South West began in May 2009. Piling works, which started in June 2009, are now nearing completion, while the substructure and rising elements are progressing to plan. The construction of the frame for the main hospital building will commence later this month and the hospital remains on target for completion in 2012.

Autistic Spectrum Disorder

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety what consideration he has given to making Autistic Spectrum Disorder (ASD) an officially recognised condition, in order to ensure a more fair and cost-effective distribution of resources to people diagnosed with ASD. (AQW 2390/10)

Minister of Health, Social Services and Public Safety: Health and social care services are provided on the basis of assessed need, irrespective of what condition or conditions the individual may have. ASD is widely recognised by our Health and Social Care Services and classified by the World Health Organisation as a neurodevelopmental disorder affecting communication, social interaction and behaviour.

Autistic Spectrum Disorder

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety (i) if he is aware that many facilities for respite care for people with learning disabilities are not suitable for people on the autism spectrum; and (ii) what action he will take to provide respite care suitable for people with Autistic Spectrum Disorder who do not have a learning disability. (AQW 2391/10)

Minister of Health, Social Services and Public Safety: Health and Social Care services are provided on the basis of individually assessed need and not on the basis of a particular disability. Whilst all Trusts may not have dedicated services specifically for people affected by autism spectrum disorder, they can and do accommodate many service users who are affected by autism. Trusts also contract with voluntary organisations to provide respite to those affected by autism spectrum disorder.

The Regional ASD Network is overseeing the implementation of the ASD Strategic Action Plan. This has been developed to identify, quantify and address any deficiencies in services to individuals of all ages affected by ASD, which includes the need for service redesign to improve ASD care.

Independent Review on Autism

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety why the minutes from the Independent Review on Autism are not made public. (AQW 2392/10)

Minister of Health, Social Services and Public Safety: If held by the Department of Health, Social Services and Public Safety, the minutes of the Independent Review of Autism Services would be exempt from public

disclosure under section 41 of the Freedom of Information Act (FOIA). Section 41 applies to information that has been obtained from another person and whose disclosure to the public would constitute an actionable breach of confidence.

Independent Review on Autism

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety how many meetings of the Independent Review on Autism were carried out in (i) public session; and (ii) private session. (AQW 2393/10)

Minister of Health, Social Services and Public Safety: Given that this was an Independent Review, it was left to the Chairman, together with members of the Independent Review Team to arrange how, when and in what circumstances, they would meet. It is my understanding, however that a wide range of individuals, carers and representatives from the voluntary and community, private and statutory sectors attended meetings, or met with the Independent Review Team as part of the process of preparing the Independent Review Team Report.

Regional Autism Spectrum Disorder Network

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety (i) when the Regional Autism Spectrum Disorder Network will have its first meeting; (ii) how often these meetings will take place; (iii) the projected annual cost of the Network; (iv) who has been appointed to this group; (v) how many sub-groups it will have; and (vi) who will sit on the sub-groups. (AQW 2394/10)

Minister of Health, Social Services and Public Safety:

- (i) this took place on 20th April 2009
- (ii) Project Board meets quarterly, Trust fora meetings are every 2 months, sub groups meet monthly,
- (iii) no costs, other than administrative cost of £17.5k annually for initial establishment and continuing administrative support
- (iv) representation from the Public Health Agency, Health and Social Care Board, each Health and Social Care Trust, ASD Diagnosticians Forum, individuals with ASD, parents, carers, voluntary sector representatives, Department for Social Development, Department of Education, Education Library Board, Department for Culture Arts and Leisure, Department for Employment and Learning, DHSSPS, Patient Client Council, other relevant Statutory Agencies as required, other representatives to be co-opted / identified as required
- (v) 4 network sub groups
- (vi) relevant stakeholders from (iv) above

Health Service Employed Doctors, Surgeons and Consultants

Lord Morrow asked the Minister of Health, Social Services and Public Safety to outline how his Department ensures that Health Service employed doctors, surgeons and consultants do not carry out private work during Health Service time. (AQW 2397/10)

Minister of Health, Social Services and Public Safety: Under the terms and conditions of the new nationally agreed contracts, consultants, specialty doctors and associated specialists are permitted to undertake private professional services for other organisations. However, the priority for practitioners is service to the HSC and they are contracted to work 40 hours, or more, each week for their HSC employer. Thereafter, a practitioner may undertake private professional services for other organisations provided that this does not result in detriment to HSC patients or services or diminish the public resources that are available for the HSC.

Changes to the Mid-Ulster Hospital

Mr P McGlone asked the Minister of Health, Social Services and Public Safety to detail the findings of the Equality Impact Assessment on the changes to the Mid-Ulster Hospital that take effect on 6 November 2009. (AQW 2398/10)

Minister of Health, Social Services and Public Safety: Assessment of the impact of these proposals on service users was fully detailed in the Trusts 'Reconfiguration of Acute Hospital Services – Consultation and Equality Impact Assessment – January 2009' and can be found on the Trust's website at

http://www.northerntrust.hscni.net/pdf/Reconfiguration_of_acute_hospital_services.pdf

Cardiac Ambulance Cover at the Mid-Ulster Hospital

Mr P McGlone asked the Minister of Health, Social Services and Public Safety what provision exists for cardiac ambulance cover at the Mid-Ulster hospital (i) in the evenings; (ii) on weekends; and (iii) on public holidays. (AQW 2399/10)

Minister of Health, Social Services and Public Safety: The Northern Health and Social Care Trust operates a cardiac ambulance from the Mid-Ulster Hospital between 9.00 am and 5.00 pm Monday to Friday (excluding public holidays) which supports the Northern Ireland Ambulance Service (NIAS), if required. NIAS provides 24 hr emergency response cover provided by fully trained paramedics in addition to this specialist resource.

Staff Employed in the Health Service

Mr S Hamilton asked the Minister of Health, Social Services and Public Safety how many staff are currently employed in Press or Communications Offices in the Health Service; and how this figure has changed in the last ten years. (AQW 2407/10)

Minister of Health, Social Services and Public Safety: Please see information requested in the table below. Information from 10 years ago is not available.

HEALTH & SOCIAL CARE STAFF IN PRESS OR COMMUNICATIONS OFFICES AT NOVEMBER 2009

Trust/Agency	Press/Communications staff 2009
	WTE
Belfast Trust	18.7
Northern Trust	8.5
South Eastern Trust	4.6
Southern Trust	8.3
Western Trust	6.5
N.I Ambulance Trust	1.0
Business Services Organisation	0
N.I Blood Transfusion Agency	0
N.I Guardian Ad Litem Agency	0
Regional Quality Improvement Agency	1.0
Health & Social Care Board 2	N.av

Source: Health & Social Care organisations

Notes:

1. N.av = Not Available. WTE = Whole-time equivalent.
2. Accurate whole-time equivalents are not available for the Board as some of the staff carry out public relations duties as part of their responsibilities and not as a full-time post.

Cost of Staffing in the Health Service

Mr S Hamilton asked the Minister of Health, Social Services and Public Safety to detail the cost of staffing for Press or Communications Offices in the Health Service; and how this figure has changed in the last ten years. (AQW 2408/10)

Minister of Health, Social Services and Public Safety: This information is not held by my Department and could only be obtained at a disproportionate cost.

Forster Green Hospital Site

Mrs C Hanna asked the Minister of Health, Social Services and Public Safety when a decision will be made on funding to maintain the operational safety of the Forster Green Hospital site. (AQW 2411/10)

Minister of Health, Social Services and Public Safety: In advance of construction of a new Neurology Unit at Musgrave Park Hospital funding will be provided as required to address any identified problems at Forster Green Hospital.

Fire Service Pay Award

Mr A Easton asked the Minister of Health, Social Services and Public Safety when he expects an agreement on the Fire Service pay award. (AQW 2413/10)

Minister of Health, Social Services and Public Safety: I refer the member to my answer to AQW 2468/10

Outpatient Appointments

Mr A Easton asked the Minister of Health, Social Services and Public Safety how many outpatient appointments were cancelled in the last financial year. (AQW 2414/10)

Minister of Health, Social Services and Public Safety: Information on the number of outpatient appointments cancelled by each hospital is submitted to Hospital Information Branch each quarter on the Quarterly Outpatient Activity Return (QOAR) and is published annually in the Northern Ireland Hospital Statistics publication, which is available at the following link:

http://www.dhsspsni.gov.uk/index/stats_research/stats-activity_stats-2/hospital_statistics.htm.

Review of Autism Services Group

Ms J McCann asked the Minister of Health, Social Services and Public Safety to detail the membership of the Review of Autism Services group, and its terms of reference. (AQW 2416/10)

Minister of Health, Social Services and Public Safety: This information was published in a press release in September 2007, and is available on the Departments website at <http://www.northernireland.gov.uk/news/news-dhssps/news-dhssps-september-2007>

Review of Autism Report

Ms J McCann asked the Minister of Health, Social Services and Public Safety to outline how his Department intends to take forward the recommendations outlined in the Review of Autism report. (AQW 2417/10)

Minister of Health, Social Services and Public Safety: The recommendations of the Independent Review of Autism Services along with evidence from other relevant research was taken into account in the development of the ASD Strategic Action Plan 2008/09 – 2010/11 which was published in June 2009.

Swine Flu Vaccination

Mr A Easton asked the Minister of Health, Social Services and Public Safety the uptake level of swine flu vaccination in North Down. (AQW 2431/10)

Minister of Health, Social Services and Public Safety: As the swine flu vaccination programme only began on 21 October it is too early to provide uptake figures.

Swine Flu Vaccination

Mr A Easton asked the Minister of Health, Social Services and Public Safety if GPs in North Down are coping with the demand for swine flu vaccination. (AQW 2432/10)

Minister of Health, Social Services and Public Safety: I am not aware of any particular difficulties in North Down.

Residents in the Republic of Ireland Using Health Service Facilities

Mr A Easton asked the Minister of Health, Social Services and Public Safety to detail the cost to the Health Service of residents in the Republic of Ireland crossing the border to make use of Health Service facilities. (AQW 2433/10)

Minister of Health, Social Services and Public Safety: The information is not held centrally and could only be obtained at disproportionate cost.

People with Suspected Cancer

Mr J Shannon asked the Minister of Health, Social Services and Public Safety what steps he is taking to ensure that people with suspected cancer will see a specialist within two weeks. (AQW 2440/10)

Minister of Health, Social Services and Public Safety: My Department working with the Northern Ireland Cancer Network have developed regional cancer referral pathways to ensure that patients with suspected cancer are treated within current targets, which are that –

- 98% of patients diagnosed with cancer (decision to treat) should begin their treatment within a maximum of 31 days; and
- 95% of patients urgently referred with a suspected cancer should begin their first definitive treatment within a maximum of 62 days.

In addition, women requiring an urgent assessment for suspected breast cancer (i.e. they have been referred by a GP with a symptom) are to be seen at a specialist breast clinic within 14 days of referral.

Though not a Ministerial target, it is agreed that the most appropriate management is for a patient to be seen for an initial diagnostic test within two weeks. This provides a more effective and streamlined pathway for suspected cancer patients than them being seen by a specialist at an earlier stage without access to test results.

Sex-Change Procedures

Mr J Shannon asked the Minister of Health, Social Services and Public Safety how many people undergoing a sex-change procedure have received pre-operation, and post-operation treatments, in each of the last three years. (AQW 2448/10)

Minister of Health, Social Services and Public Safety: Information is not available on the number of people undergoing a sex-change procedure who have received pre-operation, and post-operation treatments.

Deaf-blind Children and Adults

Mr M Durkan asked the Minister of Health, Social Services and Public Safety, regarding the identification and assessment of deaf-blind children and adults, to outline (i) what specific duties are placed on statutory health and social care bodies and agencies; and (ii) how these duties are currently fulfilled by each body or agency. (AQW 2450/10)

Minister of Health, Social Services and Public Safety:

- (i) A number of legislative instruments are in place to ensure Health and Social Care Trusts identify and assess the individual needs of all service users with a disability, including those with dual sensory loss. Examples of legislation include: the Chronically Sick and Disabled Persons (NI) Act 1978; the Disabled Persons (NI) Act 1989; the HPSS (NI) Order 1991; the Carer's and Direct Payments Act (NI) 2002; the HPSS (Quality Improvement and Regulation) N.I Order 2003; the Disability Discrimination (NI) Act 1995; the Human Rights Act 1998; and the Children (Northern Ireland) Order 1995.
- (ii) Each Health and Social Care Trust has a dedicated sensory support service, which provides those who may have dual sensory loss with an individual assessment of their hearing and sight loss. Based on their identified needs, a range of services may be provided, including the installation of equipment to promote independent living, rehabilitation training, emotional support, information, advocacy, direct payments and support and assistance to carers.

Taxi Expenditure

Mr T Lunn asked the Minister of Health, Social Services and Public Safety how much his Department has spent on taxis in each of the last five years. (AQW 2455/10)

Minister of Health, Social Services and Public Safety: This information can only be provided at disproportionate cost.

Review of the Use of Temporary Staff in the HSC

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety, in relation to the review of the Use of Temporary Staff in the HSC to be undertaken during 2009/10, to outline (i) the terms of reference; (ii) who will be leading the review; (iii) if recruitment agencies will be consulted; (iv) the overall timeframe; and (v) the total budget. (AQW 2467/10)

Minister of Health, Social Services and Public Safety:

- (i). The terms of reference include
 - identifying the level and cost of use of temporary staff in the HSC by staff category.
 - exploring the variations and scale of temporary posts across NI and between NI and GB.
 - identifying the key reasons why temporary staff are required and what measures can be taken to reduce the requirement to recruit on a temporary basis.
 - examining the quality of information available, including systems currently used in the management and control of this area.
 - examining the management arrangements in this area, including examining current policies, procedures and operational practices. Trend analysis to be provided. Identify potential savings that could accrue through improved management arrangements.
 - identifying examples of good practice.
 - to draw conclusions and make appropriate recommendations
- (ii). The Department will be leading the review and a Project Steering Group made up of representatives from the Department and HSC will oversee the progress of the audit.
- (iii). The use of recruitment agencies is included within the scope of the audit.
- (iv). A final agreed report is due by 30 June 2010.
- (v). The total budget for this audit is £35,000.

Pay Increase for all Uniformed Fire Service Employees

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety (i) why the 1.25% pay increase for all uniformed Fire Service employees, due to take effect from 1st July 2009, has yet to be paid; (ii) when it will be implemented; and (iii) if the pay will be backdated to 1st July 2009. (AQW 2468/10)

Minister of Health, Social Services and Public Safety: Normal government procedures on dealing with public sector pay required my Department and the Department of Finance and Personnel to scrutinise the pay award to ensure value for money.

The Northern Ireland Fire and Rescue Service were notified on the 16 October that their pay award had been agreed. The pay award is effective from 1st July 2009 and will be processed by NIFRS to include any back dating payments as soon as is possible.

Card Before You Leave Appointment System

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety (i) why the Card Before You Leave Appointment system has been postponed for the third time; and (ii) what measures are being put in place to ensure that the new date for implementation will not be subject to further postponement. (AQW 2469/10)

Minister of Health, Social Services and Public Safety: I refer to my answers to AQW 2036/10 and AQW 2093/10. I am pleased to say that the Card Before You Leave Scheme has been implemented with effect from 1st November 2009.

Residents in the Republic of Ireland Using the Health Service

Mr A Easton asked the Minister of Health, Social Services and Public Safety how many people from the Republic of Ireland used the Health Service, in each of the last five years. (AQW 2471/10)

Minister of Health, Social Services and Public Safety: I refer the member to the answer I gave to AQW 2030/10.

Health and Social Care Trusts: Procurement

Ms C Ní Chuilín asked the Minister of Health, Social Services and Public Safety (i) how many services and facilities have been procured through Private Finance Initiatives or Public Private Partnerships in each Health and Social Care Trust; and (ii) to list each of the services and facilities procured through this route. (AQW 2497/10)

Minister of Health, Social Services and Public Safety: To date there have been 8 services and facilities procured through Private Finance Initiatives (PFI) or Public Private Partnerships (PPP) in the Trusts. The Belfast Trust has 4, the Northern Trust 2 and there is one each for the Western and Southern Trusts. Detail per Trust is set out below:

Trust	Facility/Service	Location
Belfast	Multi Storey Car Park Facility	Royal Group of Hospitals
	Managed Equipment Services	Royal Group of Hospitals
	Renal Dialysis Facilities and Renal Services	Belfast City Hospital
	Managed Equipment Services	Belfast City Hospital
Northern	Renal Dialysis Facilities and Renal Services	Antrim Hospital
	Contract Energy Services	Holywell Hospital
Southern	Contract Energy Services	Craigavon Area Hospital
Western	Labs and Pharmacy Facilities	Altnagelvin Hospital

Security Staff at the Ulster Hospital

Mr J Shannon asked the Minister of Health, Social Services and Public Safety what security staff are on duty at the Ulster Hospital in (i) day-time hours; and (ii) night-time hours. (AQW 2500/10)

Minister of Health, Social Services and Public Safety: The provision of security services at the Ulster Hospital is accommodated through the use of a 3-shift rota -early 0600 – 1400, late 1400 – 2200, night 2200 – 0600.

This permits a minimum of two staff on duty during early / late shifts and a minimum of three staff on the night shift. Additionally three staff on a Car Parking rota can support the security rota.

Organ Donors

Mr J Shannon asked the Minister of Health, Social Services and Public Safety what steps he is taking to encourage more people to become organ donors. (AQW 2501/10)

Minister of Health, Social Services and Public Safety: Northern Ireland, along with the rest of the UK, is working on implementing the 14 recommendations of the Organ Donation Taskforce. Those recommendations aim to bring about a 50% increase in UK organ donation within 5 years. The first year of implementation is complete and results to date are positive with a 7% increase in people signing on to the Organ Donor Register. Registration now stands at 27% of the UK population (16,329,316 people) and Northern Ireland is close to this average. There has also been a record rise in both UK deceased and living donation rates.

Northern Ireland also part funds UK promotional activity carried out by NHS Blood and Transplant including the current UK wide campaign promoting organ donation.

Child Abuse

Mr D Simpson asked the Minister of Health, Social Services and Public Safety what are the health implications of (a) the decision by the Children's Commissioner to play down concerns about child abuse in the Republic of Ireland for political reasons and to couch a report in order to not "undermine the system"; and (b) the agreement reached between the Roman Catholic church and PSNI to only provide summary files relating to allegations of child sexual abuse in Northern Ireland. (AQW 2719/10)

Minister of Health, Social Services and Public Safety: I am not in a position to comment on the matters in question. I would suggest that matters relating to the Children's Commissioner should be addressed to OFMDFM and matters pertaining to the PSNI should be addressed to the NIO.

Thrombosis Centre Availability

Mr G Campbell asked the Minister of Health, Social Services and Public Safety what provision would have been available for a stroke victim admitted to Causeway Hospital on 7 November 2009, in terms of the availability of the Thrombosis Centre and on-call consultancy. (AQW 2857/10)

Minister of Health, Social Services and Public Safety: To date a service has been developed at a number of acute hospital sites across the 5 Health and Social Care Trusts, including Causeway Hospital. Although this service is only currently available as a 9 to 5 weekday service I expect this to progress to a full 24/7 service in keeping with the target deadline of March 2011, at which time it will not be acceptable to admit stroke patients to a unit unless there are arrangements in place to assess suitability for and administer thrombolysis, if appropriate.

I am advised that Accident and Emergency staff were available on November 7 at Causeway Hospital and equipped to deal with medical emergencies including stroke. A full consultant team was also on call and available.

Haemochromatosis

Mr I McCrea asked the Minister of Health, Social Services and Public Safety what measures are in place to identify cases of haemochromatosis. (AQO 368/10)

Minister of Health, Social Services and Public Safety: General Practitioners are usually the first point of contact for patients suffering from the symptoms of haemochromatosis and are responsible for the onward referral of patients for further tests and/or treatment. Many of the signs and symptoms associated with haemochromatosis can exist in other common illnesses or conditions however, specific blood tests usually confirm diagnosis. Genetic tests and liver biopsy are also available and may be considered.

Neurology Patients

Mr M Durkan asked the Minister of Health, Social Services and Public Safety if he can provide an assurance, given the current financial constraints on Health Trusts, that there will be no reduction in palliative care, respite care and rehabilitation available to patients accessing neurology services. (AQO 369/10)

Minister of Health, Social Services and Public Safety: Despite the challenges of the current financial climate, I am fully committed to providing appropriate care for all people with a disability in Northern Ireland.

As I said earlier, work has commenced to develop a physical and sensory disability strategy which will recognise the importance of neuro- disability and the care and support required for these conditions, including respite and rehabilitation.

I recently announced my commitment to the development of a Palliative and End of Life care Strategy for Northern Ireland which should be issued for consultation shortly. It is anticipated that the Strategy will be in place by the end of March 2010.

Maternity Services: Aftercare

Mr A Attwood asked the Minister of Health, Social Services and Public Safety what after-care will be available to new mothers discharged early from hospital. (AQO 370/10)

Minister of Health, Social Services and Public Safety: The safety of mothers and babies is a fundamental priority for the Health Service and any decision to allow women home early will be based on clinical decisions by those responsible for their care.

The Belfast Trust is considering the early transfer of women with uncomplicated pregnancies and births to the care of community based midwives. This is part of a wider discussion about how we modernise our service to make the best use of the resources available to us, and provide a service which meets women's individual needs.

DHSSPS: Capital Budget

Mr K Robinson asked the Minister of Health, Social Services and Public Safety for an assessment of his Department's capital budget allocation. (AQO 371/10)

Minister of Health, Social Services and Public Safety: I have been allocated £3.3bn across the 10-year ISNI period ending 2017/18 against a need estimated at more than £7.8bn. This level of funding is clearly insufficient to address all the needs across health and social care. I now also have to manage Swine Flu pressures from within my existing resources with the result that I am now struggling to maintain the capital development programme within current constraints.

My planned capital programme, which is designed to address the legacy of under investment in health, may have to be delayed, with serious implications in terms of service risk and health and safety. Effectively my investment programme has been stalled just as it had begun. Health is the number one priority and needs much greater investment not less.

Cardiac Surgery: Waiting Times

Mr P Ramsey asked the Minister of Health, Social Services and Public Safety how many patients have been waiting longer than the 13-week target waiting time for cardiac surgery and what is the average waiting time in excess of this target. (AQO 372/10)

Minister of Health, Social Services and Public Safety: At 30th June there were 11 patients waiting for cardiac surgery longer than the maximum waiting time target of 13 weeks. Their average waiting time was 17 weeks.

Fire and Rescue Service: Training

Mr L Cree asked the Minister of Health, Social Services and Public Safety to outline his plans to improve training facilities for the Northern Ireland Fire and Rescue Service. (AQO 373/10)

Minister of Health, Social Services and Public Safety: My Department is currently engaged in the development of a joint training college for the Northern Ireland Fire and Rescue Service (NIFRS), the Police Service of Northern Ireland and the Northern Ireland Prison Service. I am very supportive of the new college, which will be located at Desertcreat, near Cookstown. It will replace existing NIFRS training facilities, which are very outdated and no longer fit for purpose. On current estimates, my Department's contribution to the development of new college will be £30m. I need to ensure that the limited resources available are targeted to those areas of greatest need across health, social care and public safety. I am therefore currently reviewing my Department's contribution to the new training facility.

Stroke Strategy

Mr J O'Dowd asked the Minister of Health, Social Services and Public Safety to detail how the £9 million allocated to Health and Social Care Trusts each year to support the Stroke Strategy is being utilised. (AQO 374/10)

Minister of Health, Social Services and Public Safety: I allocated an additional £14m over the CSR period for the implementation of the stroke strategy recommendations. This allocation is broken down as, £2 million in 2008/09, £3 million in 2009/10 and £9 million in 2010/11 and recurrently from April 2011.

The Health and Social Care Board (HSCB), as commissioners are responsible for allocating this money to the Trusts based on the current capitation formula and I am advised that the annual allocation is being invested in stroke services. To date this has included investment in Consultants and Allied Health Professionals together with funding for additional training. The use of this funding is monitored by the HSCB through its regular performance management meetings with each Trust.

DHSSPS: Budget

Mr B McCrea asked the Minister of Health, Social Services and Public Safety for an assessment of his Department's overall budget allocation. (AQO 375/10)

Minister of Health, Social Services and Public Safety: The Health Service is faced with increasing demand, pandemic flu and challenging efficiencies. I am in the business of helping to save lives; that is why I asked for exemption from efficiency savings.

With a pro-rata approach to cuts in 2010/11 I would be faced with cutting both capital and revenue investment and existing services. The cuts in my capital budget alone would equate to at least 2 health and care centres, several children's homes and a new local hospital.

The effect of this will be to increase pain and distress and to shorten lives. As an Executive, we must target any budget reductions on the lowest priority areas of our entire spending and we must make these decisions speedily.

DEPARTMENT FOR REGIONAL DEVELOPMENT

Road Flooding

Mr G Robinson asked the Minister for Regional Development if he will investigate the underlying causes of road flooding on the weekend of Saturday 31 October and Sunday 1 November 2009; and if he will develop an urgent action plan to correct any faults. (AQW 2233/10)

Minister for Regional Development (Mr C Murphy): I can advise that responsibility for drainage infrastructure is shared between my Department's Roads Service, Northern Ireland Water (NIW), and the Department of Agriculture and Rural Development's Rivers Agency. These three agencies have formulated procedures for liaison and co-ordination of the emergency response to flooding, resulting in the production of Best Practice Guidelines and Flooding Hotspots lists. These procedures were applied when flooding occurred at a number of locations, over the weekend of Saturday 31 October and Sunday 1 November 2009.

The combined flooding hotspots register is a list of key flooding locations across the North, and identifies, for each location, the agency which should take the lead during a flooding event. The combined flooding hotspots list is continually updated as new locations are reported, or problem locations rectified. However, the flooding problems at these locations are not always easy to resolve, as remedial work may be prohibitively expensive, or the solution may not be immediately obvious and may require further investigation or consultation with other Departments or adjacent landowners.

In addition to the hotspots register, each Roads Service Section Office also identifies areas which are regularly affected by flooding in their respective areas. Programmes of work are prepared by each office to undertake remedial measures at the areas identified, on a priority basis.

Closure of Car Parks for Public Events

Mr P Weir asked the Minister for Regional Development to outline Roads Service policy on the closure of car parks for public events. (AQW 2260/10)

Minister for Regional Development: My Department's Roads Service has advised that the Road Traffic and Vehicles Off-Street Parking Order (Northern Ireland) 2000 does not include a formal provision for the closure of car parks for public events. However, in certain circumstances, Roads Service will consider the closure of its car parks for civic events organised by local councils.

Vehicles Clamped

Mr J Shannon asked the Minister for Regional Development how many vehicles have been clamped in the first nine months of 2009, broken down by constituency. (AQW 2277/10)

Minister for Regional Development: My Department's Roads Service has advised that in conjunction with its contractor, NSL Services Group, it is involved in clamping vehicles, solely in relation to the collection of debt, arising from unpaid Penalty Charge Notices.

Unfortunately, information relating to clamping is not collated on a constituency basis, however, Roads Service has advised that in the first nine months of 2009 the number of vehicles clamped for this reason was 118.

Clamping Vehicles

Mr J Shannon asked the Minister for Regional Development if there are any controls or restrictions on companies responsible for clamping vehicles, and if so, how are they monitored. (AQW 2278/10)

Minister for Regional Development: My Department's Roads Service, in conjunction with its contractor, NSL Services Group, is involved in the clamping of vehicles on the public road network and in Roads Service car parks. The clamping of vehicles is carried out in relation to illegal parking contraventions and debt recovery arising from unpaid Penalty Charge Notices. This activity is carried out in accordance with the provisions of The Traffic Management (NI) Order 2005.

I should explain that Roads Service is not involved in any clamping activity on private land and, my Department has no responsibility for the regulation of clamping operations by companies on private land. However, I understand that the NIO is working with the Security Industry Authority to introduce the licensing of all those working in certain sections of the private security industry, including private clamping.

I can further advise that the Driver and Vehicle Agency (DVA), within DOE, has the authority to clamp unlicensed vehicles used or kept in areas accessible by the public.

Allegations of Harassment or Bullying

Miss M McIlveen asked the Minister for Regional Development how many allegations of harassment or bullying have been reported by staff in his Department in each of the last five years. (AQW 2291/10)

Minister for Regional Development: The following numbers of allegations of harassment or bullying have been made within DRD in the last five years.

Year	No of Complaints Received
2005	6
2006	5
2007	3
2008	8
2009 (to date)	5

Cross-Border Bridge Link at Narrow Water

Mr P J Bradley asked the Minister for Regional Development if he will meet with his Ministerial counterpart in the Republic of Ireland to discuss specifically the proposed new cross-border bridge link at Narrow Water. (AQW 2293/10)

Minister for Regional Development: As indicated in my answer to the Member's recent question AQW 1688/10, the Narrow Water Bridge proposal is being taken forward by Louth County Council, and my Department has no direct involvement in this project, nor has been asked for any commitment to contribute funds to this scheme.

During my previous meetings with my Ministerial counterpart in the South, the proposed new bridge link at Narrow Water has been among the items discussed. I will continue to co-operate with him in the future, as Louth County Council take forward, and develop, this project.

Additional Traffic at the Mourne Country Roundabout

Mr P J Bradley asked the Minister for Regional Development what plans he has to ensure that motorists using the Mourne Country roundabout, Ashgrove Road and Upper Damolly Road, will not be inconvenienced by additional traffic when the new Abbey Grammar School opens. (AQW 2294/10)

Minister for Regional Development: Full planning permission for the Abbey Grammar School, Ashgrove Avenue, Newry, was granted on 17 May 2007 and following 2 years of construction, the school is scheduled to open in January 2010.

As part of the Planning Process, a detailed Transport Assessment was conducted on behalf of the School Authority.

The Transport Assessment indicated how school children would travel to the school, and a strong emphasis was placed on the need for the school to adopt a travel plan to encourage school children to travel to the school by means other than car, i.e. walking, cycling and public transport. The Assessment also identified that improvement work would be required to the existing access roadway, known as Castleowen, and that the internal school road layout and car park would be provided to a high standard to enable buses, and those parents transporting children by car, to do so safely and conveniently.

While I am satisfied that all traffic issues surrounding this school were carefully assessed and measures have been put in place to deal with any problems, should they arise, Roads Service has also advised that it will monitor the traffic situation in the vicinity of the new school in early

2010 and implement any measures necessary to regulate traffic flows, subject to the necessary finance being available.

Penalty Charge Notices

Mr T Burns asked the Minister for Regional Development, in relation to penalty charge notices issued to taxi drivers by National Car Parks since the beginning of the National Car Parks contract (i) how many have been issued; (ii) how many notices were paid in full within 14 days at the £30 rate; (iii) how many were paid after 14 days at the £60 rate; (iv) to detail the total revenue generated; (v) how many were contested; and (vi) how many contested notices were successfully repealed. (AQW 2318/10)

Minister for Regional Development: My Department's Roads Service has advised that it is not possible to provide details of how many Penalty Charge Notices (PCNs) have been issued to drivers of Public Hire Taxis, as the data is not collated in this format. I am therefore unable to provide the requested information.

I should explain that Traffic Attendants issue PCNs when they detect vehicles which are illegally parked. However, Roads Service has advised that it is difficult to issue a PCN to a public-hire taxi as the driver normally stays with the vehicle and, if it is parked illegally, will move off before a PCN can be issued. I am assured that Traffic Attendants do engage with the drivers and attempt to provide enforcement.

Road Openings

Mr S Gardiner asked the Minister for Regional Development how many road openings have been carried out by utility operators or service providers in each constituency, over the past 12 months. (AQW 2322/10)

Minister for Regional Development: As I advised the Member in my answer to his Assembly Question, AQW 2221/10, my Department's Road Service does not hold the requested information on a Constituency basis. However, I enclose details of numbers of road openings carried out by utility operators or service providers by, Roads Service Section Office area, for the period 1 November 2008 to 31 October 2009. This information is taken from the NI Streetworks Registration and Notification System (NISRANS).

Section Office Area	Road Openings
Antrim	1,467
Ards	2,339
Armagh	1,570
Ballymena and Larne	1,941
Ballymoney and Moyle	1,204
Banbridge	1,233
Belfast North	5,757
Belfast South	6,323
Castlereagh	1,279
Coleraine	2,064
Cookstown	722
Craigavon	2,078
Down	1,945
Dungannon	1,703
Fermanagh	1,405

Section Office Area	Road Openings
Limavady	863
Lisburn	2,847
Derry	2,562
Magherafelt	737
Newry and Mourne	2,579
Newtownabbey and Carrickfergus	2,663
North Down	1,707
Omagh	929
Strabane	983
Total	48,900

Road Openings

Mr S Gardiner asked the Minister for Regional Development to list any incidences where utility operators or service providers have opened a newly constructed road within 12 months of the road being completed.

(AQW 2323/10)

Minister for Regional Development: My Department's Roads Service has advised that details of incidences of openings carried out by utility operators or service providers on newly constructed roads, within 12 months of the road being completed, are not recorded separately from other road openings on the NI Streetworks Registration and Notification System (NISRANS). Therefore, I am unable to provide the information requested by the Member.

My Department's Roads Service works closely with utilities to ensure that, as far as possible, appropriate provision is made for utilities' apparatus in advance of substantial road works, or as part of construction of new roads.

Road Openings

Mr S Gardiner asked the Minister for Regional Development to outline the process by which roads are opened by utility operators and service providers.

(AQW 2324/10)

Minister for Regional Development: The process by which my Department's Roads Service controls and coordinates road openings by utility operators/service providers, is set out in the following series of codes of practice, developed by the NI Road Authority and Utilities Committee and published by The Stationary Office.

- Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters (2nd Edition) 31 January 2005 (ISBN 0-337-08717-2);
- Specification for the Reinstatement of Openings in Roads (2nd Edition) July 2006 (ISBN 0-337-08775-X); and
- Code of Practice for Inspections (2nd Edition) 1 September 2003 (ISBN 0-337-08622-2).

Road Openings

Mr S Gardiner asked the Minister for Regional Development to list any incidences of roads not being reinstated to the required standard by utility operators or service providers after their work is complete; and what action his Department has taken in each case, in each of the last three years.

(AQW 2325/10)

Minister for Regional Development: Details of the number of defects identified in permanent reinstatements on street works sites and on earlier reinstatements or ironwork, as published each year by my Department's Roads Service in its Annual Report, are provided in the table below.

Year	Number of Defects
2006/07	11,524
2007/08	11,855
2008/09	12,011

Roads Service has advised that on all the defects identified, it requested remedial works to be carried out by the relevant utility and this work was completed.

Door-to-Door Transport Scheme

Mr B Wilson asked the Minister for Regional Development if he would extend the catchment area for the Bangor Door-to-Door Transport Scheme to include the Ulster Hospital, Dundonald. (AQW 2331/10)

Minister for Regional Development: I have no plans to extend the Bangor catchment area.

Door-to-Door transport is an urban based scheme designed to allow members to access local services and facilities. Trips outside the catchment area are allowed in limited circumstances but to include the Ulster Hospital in the Bangor catchment area could mean a vehicle being out of the current operational area for a long period of time thus reducing the availability of the service.

I understand that Translink operate a regular bus service between Bangor and the Ulster Hospital using fully accessible vehicles.

Traffic Survey: Bangor

Mr B Wilson asked the Minister for Regional Development to detail the most recent traffic survey for the Rathgael Road, Bangor, including the volume of traffic for each weekday. (AQW 2333/10)

Minister for Regional Development: My Department's Roads Service has advised that it collects data from approx 300 automatic traffic census sites located throughout the North's road network. The most recent average weekday traffic flows for the Rathgael Road, Bangor, are provided in the table below:

Road	Monday	Tuesday	Wednesday	Thursday	Friday
Rathgael Road (2008)	13569	13950	14301	14324	11790

Traffic Survey: Bangor

Mr B Wilson asked the Minister for Regional Development to detail the most recent traffic survey for the dual carriageway between Springhill flyover and Newtownards Road Roundabout, Bangor, including the volume of traffic for each weekday. (AQW 2334/10)

Minister for Regional Development: My Department's Roads Service has advised that it collects data from approx 300 automatic traffic census sites located throughout the North's road network. Roads Service has assumed that you are referring to the Bangor Ring Road, at Clandeboye. The most recent average weekday traffic flows for the Bangor Ring Road, are provided in the table below:

Road	Monday	Tuesday	Wednesday	Thursday	Friday
Bangor Ring Road (2007)	21542	21060	21814	22615	23145

On-site Surveys of the Comber Greenway

Mrs N Long asked the Minister for Regional Development which company has been appointed to conduct on-site surveys of the Comber Greenway; and if this appointment was subject to tender. (AQW 2357/10)

Minister for Regional Development: Due to the value of the commission, the appointment was procured by Central Procurement Directorate's Consultancy Framework. The successful consultant is McAdam Design, who is employing CCS Surveying.

CCS Surveying is currently carrying out the topographical survey of the Comber Greenway. The survey commenced on 26 Oct 2009. This work is part of an overall EWAY and WWAY topographical survey commission, valued at £220k.

Parking Tickets

Mr D Hilditch asked the Minister for Regional Development how many parking tickets have been issued in Carrickfergus since January 2009. (AQW 2376/10)

Minister for Regional Development: My Department's Roads Service has advised that 1,318 Penalty Charge Notices were issued in Carrickfergus in the period 1 January 2009 to 31 October 2009.

Parking Tickets

Mr D Hilditch asked the Minister for Regional Development how many parking tickets have been issued in Larne since January 2009. (AQW 2377/10)

Minister for Regional Development: My Department's Roads Service has advised that 573 Penalty Charge Notices were issued in Larne in the period 1 January 2009 to 31 October 2009.

Stranmillis College: Roundabout

Mr J Spratt asked the Minister for Regional Development what measures he intends to take to alleviate the congestion at the roundabout beside Stranmillis College, Belfast. (AQW 2403/10)

Minister for Regional Development: My Department's Roads Service has advised that it has carried out observations at the roundabout beside Stranmillis College. It was noted that vehicles pass through the junction in a steady and controlled manner at peak times. Delays experienced by traffic on the non-arterial routes were not excessive, when considered within the context of many junctions within the Greater Belfast area. It was also noted that traffic flows well outside of the peak times.

Taking these factors into consideration, along with the pressures on budgets from other potential schemes, Roads Service does not consider that works to adjust the existing road layout are a high priority, at this time. Consequently, Roads Service has no plans to alter the existing roundabout.

Roads in Stranmillis Area

Mr J Spratt asked the Minister for Regional Development if there are plans to resurface the roads in Stranmillis within the next two years. (AQW 2404/10)

Minister for Regional Development: My Department's Roads Service undertakes an annual programme of reconstruction and resurfacing works, which is implemented on a scheme priority basis and subject to the availability of financial resource. There are currently no plans to carry out such works in the Stranmillis area within the next two years.

Roads Service, however, reviews its proposed resurfacing programme on an annual basis.

Department for Regional Development: Staff Located in Omagh and Strabane

Mr B McElduff asked the Minister for Regional Development to detail the number, the location, the grade and the posts within his Department currently located in (a) the Omagh District; and (b) the Strabane District; and to outline his Department's plans to retain and increase the number of such posts in West Tyrone. (AQW 2436/10)

Minister for Regional Development: The posts currently located in the Omagh and Strabane District Council areas are shown in the tables below.

OMAGH	
Grade	Number of Posts
Professional and Technical	
Senior Professional and Technical Officer	1
Higher Professional and Technical Officer	2
Professional and Technical Officer	5
Technical Grade 2	5
Administrative	
Administrative Officer	1
Administrative Assistant	1
Industrial	
Road Worker I	2
Road Worker II	29
Road Worker II Team Leader	3
Road Worker III	4
Road Worker III Team Leader	1
Electrician	1

STRABANE	
Grade	Number of Posts
Professional and Technical	
Senior Professional and Technical Officer	1
Higher Professional and Technical Officer	1
Professional and Technical Officer	4
Technical Grade 2	4
Administrative	
Administrative Officer	1
Administrative Assistant	1
Industrial	
Road Worker II	25
Road Worker II Team Leader	2
Road Worker III	3

The implications of the Review of Public Administration proposals for the reform of local government will be a consideration in any plans to retain and increase the number of such posts in West Tyrone.

NI Water's 'leakage allowance'

Mr T Elliott asked the Minister for Regional Development if he will undertake a review of NI Water's 'leakage allowance' criteria to include rural properties which are not connected to the public sewerage system. (AQW 2453/10)

Minister for Regional Development: I am advised by Northern Ireland Water (NIW) that a review of its leakage policy is underway to ensure it is fair and consistent for all customers. As part of the review, NIW will consult widely with stakeholders including elected representatives, farmers representatives, the Federation of Small Businesses and the Consumer Council NI.

NIW is aiming to complete the review by 31 March 2010.

Funding to Public Transport

Mr D McKay asked the Minister for Regional Development what plans his Department has to gradually increase the priority of funding to public transport compared to the funding received by Roads Service. (AQW 2484/10)

Minister for Regional Development: The Regional Transportation Strategy set out the spending priorities for transport to tackle the historic under investment in roads and public transport. At the time, it suggested a spending ratio for roads to public transport of 65:35.

The ongoing and planned improvements to our Strategic Roads Network will improve the flow of traffic, including public transport and freight, across the region, contributing to competitiveness and economic growth. As we complete these schemes, however, we will have to make decisions on how we spend our money in the future.

I believe that we now need to change the emphasis of our investment to improve public transport more. This is being considered as part of the ongoing Review of the Regional Transportation Strategy.

My Department aims to issue a draft Revised Regional Transportation Strategy for public consultation before July 2010. As the review impacts on the work of a number of Departments, I intend to present the Revised Strategy to the Executive before its publication. If it is endorsed by the Executive, I would then intend to make a Statement to the Assembly.

Legal Fees

Miss M McIlveen asked the Minister for Regional Development how many (i) inquiries; (ii) arbitrations; (iii) tribunals; (iv) counsel's opinions; and (v) other civil proceedings involving his Department incurred legal fees in each of the last five years. (AQW 2504/10)

Minister for Regional Development: The information requested in AQW 2504/10, which is available within DRD in the format required, is set out in the table below. It is not exhaustive.

My Department's Roads Service have advised that it is not possible to provide details of (ii) arbitrations; (iii) tribunals; (iv) counsel's opinions; and (v) other civil proceedings, as the data is not collated in this format.

	(i) inquiries	(ii) arbitrations	(iii) tribunals	(iv) counsel's opinions	(v) other civil proceedings *
	No	No	No	No	No
2009-10	1	-	-	1	184
2008-9	-	-	1	0	397
2007-8	2	-	-	1	503
2006-7	7	-	-	1	509
2005-6	2	-	-	0	580

* Most civil proceedings cases, also include figures for counsel's opinions.

The figures also include other fees associated with legal proceedings as it is not possible to isolate the legal fees alone.

The figures also include cases for Water claims received prior to 1 April 2007 but still outstanding when NIW was created.

Expenditure on Legal Fees

Miss M McIlveen asked the Minister for Regional Development how much his Department has spent on legal fees on (i) inquiries; (ii) arbitrations; (iii) tribunals; (iv) counsel's opinions; and (v) other civil proceedings in each of the last five years. (AQW 2505/10)

Minister for Regional Development: The information requested in AQW 2505/10 which is available within DRD in the format required, is set out in the table below. It is not exhaustive.

My Department's Roads Service have advised that it is not possible to provide details of (ii) arbitrations; (iii) tribunals; (iv) counsel's opinions; and (v) other civil proceedings, as the data is not collated in this format.

	(i) inquiries £	(ii) arbitrations £	(iii) tribunals £	(iv) counsel's opinions £	(v) other civil proceedings * £
2009-10	5,290	NIL	NIL	750	1,373,663.75
2008-9	NIL	NIL	32,410.70	NIL	2,421,926.39
2007-8	18,864	NIL	NIL	1,100.00	2,129,076.29
2006-7	59,513	NIL	NIL	850	2,363,125.38
2005-6	21,854	NIL	NIL	NIL	2,497,092.25

* Most civil proceedings cases, also include figures for counsel's opinions.

The figures also include other fees associated with legal proceedings as it is not possible to isolate the legal fees alone.

The figures also include cases for Water claims received prior to 1 April 2007 but still outstanding when Northern Ireland Water was created.

Greenan Road, Newry

Mr P J Bradley asked the Minister for Regional Development what plans he has to address the continuous flooding of the Greenan Road, Newry, at the location known as the 'Mill Dam'. (AQW 2509/10)

Minister for Regional Development: My Department's Roads Service is aware that the Greenan Road floods periodically, usually following periods of prolonged heavy rain. The flooding on the Greenan Road normally alleviates quickly and is directly related to the water level in the Mill Pond. When the water level is high, the Mill Pond overflows onto the Greenan Road, as the levels are similar.

The Mill Pond and the downstream land are in private ownership and Roads Service has contacted the owners of the land to request investigation and possible maintenance, of the outfall and downstream area, to ensure that the water from the mill pond can discharge adequately.

I have asked the Divisional Roads Manager in Southern Division, Mr Bertie Ellison, to write to you when he is in a position to update you on progress made with this matter.

Flooding in Clermont Gardens, Warrenpoint

Mr P J Bradley asked the Minister for Regional Development to provide an update on the proposed project to alleviate flooding in the Clermont Gardens area of Warrenpoint. (AQW 2511/10)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that work on the first phase of improvements to the sewerage system to reduce the risk of flooding in the Clermont Gardens area of Warrenpoint was completed earlier this year. The second phase is currently at an advanced stage of design and work will commence subject to the availability of finance.

Road Safety at the Castlewellan Road, Hilltown and the Kinghill Road Junction

Mr P J Bradley asked the Minister for Regional Development to provide an update on the proposal to improve road safety at the Castlewellan Road, Hilltown and the Kinghill Road junction. (AQW 2513/10)

Minister for Regional Development: My Department's Roads Service has advised that a scheme to improve visibility at the Castlewellan Road, Hilltown and the Kinghill Road junction is currently being considered for inclusion in a future programme of improvement works.

Newry Southern Relief Road Project

Mr P J Bradley asked the Minister for Regional Development for the estimated start and finish dates of the Newry Southern Relief Road project. (AQW 2514/10)

Minister for Regional Development: The Feasibility Report into the Newry Southern Relief Road has now been produced, which confirms that this scheme would provide a new strategic transport link to support the economic growth of the City. Although it is too early in the development of the scheme to give start and finish dates, I have asked Roads Service to proceed with further environmental and engineering assessments, and to engage in a wider consultation process, considered necessary to identify a preferred corridor for the Newry Southern Relief Road.

The progress of the scheme will be dependent on a number of factors, which, in addition to the development process and statutory procedures, will include the priority which the scheme attracts when compared to other competing demands, and the availability of finance.

Southern By-Pass, Enniskillen

Mr T Elliott asked the Minister for Regional Development to outline the progress on the route option identification for a southern by-pass at Enniskillen. (AQW 2519/10)

Minister for Regional Development: Earlier this year my Department's Roads Service appointed consultants, AECOM, to commence route identification work on the proposed Enniskillen Southern Bypass. This work is ongoing with the intention of identifying a preferred route corridor by summer 2010.

A public information/consultation day is planned for autumn 2010, when the preferred route corridor will be presented and the views and comments of the general public sought.

Cherrymount Link Road, Enniskillen

Mr T Elliott asked the Minister for Regional Development when work is due to begin on the Cherrymount Link Road, Enniskillen. (AQW 2528/10)

Minister for Regional Development: My Department's Roads Service remains committed to the completion of this worthwhile project. The land required for the construction of the Cherrymount Link Road has been acquired, and construction work could start in 2011, subject to the level of funding available at that time.

Park and Ride Facilities

Mr A Ross asked the Minister for Regional Development how many park and ride facilities there are in the East Antrim constituency, and what plans he has for additional facilities in the next two years. (AQW 2552/10)

Minister for Regional Development: My Department's Roads Service provides some 3,800 spaces at 48 sites across the North through its Park and Ride and Park and Share schemes. These sites are situated at strategic locations and are generally at key junctions on the motorway and trunk road network.

There are no Park and Ride sites currently situated within the East Antrim constituency, however, Roads Service are investigating the possibility of providing a site at Millbrook roundabout, Larne. The proposals are at a very early stage and a feasibility study is being undertaken to determine the viability and the number of spaces that could be provided at such a site.

In addition to facilities provided by Roads Service, I understand that Translink provide a total of 339 Park and Ride spaces at NIR stations from Whiteabbey through to Larne.

Pay and Display Machines

Mr A Ross asked the Minister for Regional Development how much revenue has been generated from each of the pay and display machines in (i) Larne; (ii) Carrickfergus; and (iii) Newtownabbey in each of the last three years (AQW 2553/10)

Minister for Regional Development: My Department's Roads Service has advised that the revenue figures requested for the last three years, including the current financial year to the end of September 2009, are set out in the tables below:-

LARNE

Car-Park	No. of Machines	2007/08 (£000)	2008/09 (£000)	2009/10 (£000)
Agnew Street	2	25.2	24.9	9.3
Circular Road	2	13.5	14.2	5.7
Fairhill	1	11.3	11.6	4.8
Narrow Gauge	4	29.2	31.5	15.9

CARRICKFERGUS

Car-Park	No. of Machines	2007/08 (£000)	2008/09 (£000)	2009/10 (£000)
High Street	2	63.1	62.3	27.1
Joymount	2	21.5	20.8	9.9
Lancastrian St.	3	42.8	44.1	23.2
St. Brides	4	34.3	33.2	16.8

NEWTOWNABBEY/BALLYCLARE

Car-Park	No. of Machines	2007/08 (£000)	2008/09 (£000)	2009/10 (£000)
Market Square	2	26.7	24.1	11.8
Harrier Way	3	37.1	36.1	18.4

Note, that the above revenue figures are inclusive of VAT payable.

All revenue generated from car parking charges, along with income from parking penalty charge notices, supplement the overall financing of Roads Service by Central Government. I should point out that the cost of managing Roads Service off-street car parks and enforcing the on-street parking restrictions, exceed the total revenue received.

Traffic Calming Schemes

Mr P Weir asked the Minister for Regional Development what traffic calming schemes are planned for the North Down constituency in 2010/11. (AQW 2557/10)

Minister for Regional Development: I would remind the Member that information on the completed and proposed roads schemes can be found in my Department's 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.

Cromac Street, Belfast

Mr G Savage asked the Minister for Regional Development to detail (i) his Department's; (ii) Roads Service; and (iii) NI Water's response to the collapse of a section of the road in Cromac Street, Belfast on Saturday 7 November 2009. (AQW 2585/10)

Minister for Regional Development: I have been advised by Northern Ireland Water that following the road collapse at Cromac Street on Saturday 7 November 2009 its contractors immediately attended the site and following investigations commenced repair work.

My Department's Roads Service closed the section of road affected, utilised permanent and mobile variable message equipment to support temporary traffic signs indicating recommended diversion routes and arranged extensive coverage of the temporary arrangements in the news media, local press and on the Roads Service traffic website and traffic information telephone line. The Traffic Information Control Centre continuously monitored the traffic situation during the course of the repair work and traffic information was regularly updated.

The repair work was undertaken round the clock and the road was re-opened to traffic on the evening of Friday 13 November.

Cromac Street, Belfast

Mr G Savage asked the Minister for Regional Development what emergency measures have been taken by (i) his Department; (ii) Roads Service; and (iii) NI Water to ensure that Cromac Street, Belfast is reopened as soon as possible after the collapse of a section of the road on Saturday 7 November 2009. (AQW 2586/10)

Minister for Regional Development: I have been advised by Northern Ireland Water that following the road collapse at Cromac Street, Belfast on Saturday 7 November its contractor immediately attended the site to undertake investigations and commence emergency repair work. This work, which included the laying of a reinforced concrete slab, continued round the clock and the road was re-opened to traffic on Friday 13 November 2009.

Cromac Street, Belfast

Mr G Savage asked the Minister for Regional Development whether his Department will have to pay for the repair and reinstatement of the road in Cromac Street, Belfast following the partial collapse on Saturday 7 November 2009. (AQW 2588/10)

Minister for Regional Development: I have been advised by Northern Ireland Water that the costs of repairing and reinstating the road at Cromac Street, Belfast will be assessed and apportioned appropriately when investigations into the cause of the collapse are complete.

Sewerage Network, Portrush

Mr A McQuillan asked the Minister for Regional Development if NI Water is conducting bacteriological examinations of the sewerage network in Portrush to rule out illegal connections. (AQW 2603/10)

Minister for Regional Development: I have been advised by Northern Ireland Water that it is not conducting bacteriological examinations of the sewage network in Portrush however, the Northern Ireland Environment Agency undertakes investigations to identify the causes of pollution incidents and that this may include an examination of the surface water sewerage network to identify any illegal connections.

Sewerage Network, Portballintrae

Mr A McQuillan asked the Minister for Regional Development if NI Water is conducting bacteriological examinations of the sewerage network in Portballintrae to rule out illegal connections. (AQW 2604/10)

Minister for Regional Development: I have been advised by Northern Ireland Water that it is not conducting bacteriological examinations of the sewage network in Portballintrae however, the Northern Ireland Environment Agency undertakes investigations to identify the causes of pollution incidents and that this may include an examination of the surface water sewerage network to identify any illegal connections.

North Coast Waste Water Treatment Works

Mr A McQuillan asked the Minister for Regional Development for his assessment of the compliance of the North Coast Waste Water Treatment Works. (AQW 2605/10)

Minister for Regional Development: I have been advised by Northern Ireland Water that the North Coast Wastewater Treatment Works began discharging in June 2007 and since then it has been fully compliant with its discharge consent under the Water (Northern Ireland) Order 1999 and the Urban Waste Water Treatment Regulations (NI) 2007.

Reservoir, Ballycastle Road, Newtownards

Mr J Shannon asked the Minister for Regional Development to outline the reasons for the delay in repairing the leak in the reservoir at the Ballycastle Road in Newtownards. (AQW 2623/10)

Minister for Regional Development: I have been advised by Northern Ireland Water that investigations to locate and repair the leak at Ballyblack Reservoir commenced on 5 October but were delayed until 12 October 2009 due to the need to gain safe access to a private field containing a bull. Excavations in the field confirmed that the leak was within the reservoir site but it proved difficult to locate due to the depth and complexity of the pipework. The leak was repaired on 16 October 2009.

Belfast City Centre: Pedestrians

Lord Browne asked the Minister for Regional Development what measures have been implemented by Translink during the last twelve months to enhance the safety of pedestrians in Belfast City Centre. (AQO 385/10)

Minister for Regional Development: Translink has issued safety related notices and briefings to all driving staff and has introduced enhanced supervision by inspectors within the city centre focussing on the new traffic arrangements in Donegall Place and Castle Junction.

Additionally, Translink has introduced a speed restriction of 10 mph and a requirement to use dipped headlights in Donegall Place and Royal Avenue.

Translink continues to engage with Roads Service, the Department for Social Development, Belfast City Centre Management and PSNI regarding city centre operations and the impact of public realm work.

Bus Routes

Mr S Moutray asked the Minister for Regional Development to outline any discussions he has had with Translink in the last six months regarding bus routes that have been removed and possible new bus routes. (AQO 386/10)

Minister for Regional Development: During discussions related to the development of the Translink Corporate and Financial Plan for 2009/10, my department discussed with Translink issues relating to the cost effectiveness of certain bus services. It was concluded that some low use Ulsterbus town service frequencies could be reduced and some routes consolidated in a manner which would still leave an acceptable service in place. This discussion took place within the context of plans for fare increase and other financial analysis.

Translink will continually review the provision of bus services in light of passenger demand and the financial constraints upon which it must operate to minimise fares. There has been a particular focus on Ulsterbus services partly as a result of the evidence that greater efficiencies are required in this area. The review of bus services is an ongoing process and will involve discussions with local interested parties. I am aware of discussions that have taken place with local political representatives on specific bus service issues but this in a context where the overall bus network remains unchanged. I have held recent discussions with Translink to emphasise the importance of local consultations prior to service changes. A timetable for agreeing next years financial plan with Translink is agreed and I will be discussing the overall plan for bus and rail services in that context.

In addition, under the Rural Transport Fund my department provides support to Translink to operate a number of rural bus services that while uneconomic to operate are considered socially usefully. Officials are in regular discussion with Translink in monitoring the performance of these routes and will if necessary, withdraw those that are performing poorly and replace them with new services.

A8 Dual Carriageway

Mr A Ross asked the Minister for Regional Development for an update on the A8 project. (AQO 387/10)

Minister for Regional Development: On 5 August 2009, I announced the selection of the preferred route, for the 14 kilometre section of the A8 Belfast to Larne dual carriageway, between Coleman's Corner roundabout and Ballyrickard Road.

The detailed development of the preferred route, which is the next stage of the project, has also commenced. This work will determine, more precisely, the amount of land required to construct the dual carriageway and its associated junctions with side roads. This stage will also include a detailed environmental impact assessment.

My Department's Roads Service anticipates that the necessary Draft Statutory Orders and Environmental Statement will be published in early/mid 2011, followed by a Public Inquiry later that year.

A5 Dual Carriageway

Mr A Bresland asked the Minister for Regional Development when the exact route of the proposed A5 dual carriageway will be finalised. (AQO 388/10)

Minister for Regional Development: My Department's Roads Service has advised that the exact route of the proposed A5 dual carriageway will be finalised after the Public Inquiry, which is due to be held in 2011.

Rathlin Island

Mr D Ford asked the Minister for Regional Development to provide an update on the draft Rathlin Island policy. (AQO 389/10)

Minister for Regional Development: Public consultation on the draft Rathlin Island Policy closed on 18 September this year. A total of 14 responses were received and a consultation workshop was held on the Island. A very productive and successful consultation event was also held on Rathlin Island on 7 October. The event was attended by around two thirds of the Islanders.

In light of the responses, amendments to the draft Policy are now being considered.

It is my intention to bring a final version of this Executive Policy back to the Executive before the end of the year.

The Action Plan to implement the policy will be completed within six months of the publication of the final Rathlin Island Policy document.

Public Transport Reform

Mr P Maskey asked the Minister for Regional Development to outline the main proposals in his Department's consultation document 'Public Transport Reform' and when it will be published. (AQO 390/10)

Minister for Regional Development: The consultation document and associated papers were published on Monday, 9 November.

The main proposal is the establishment of a public transport agency within the Department for Regional Development. The agency would be responsible for designing and managing public transport services and securing their provision from transport operators including Translink. In addition the agency would regulate public transport, including fares, and control route licences; would designate shared facilities such as bus stations; and would develop and agree local transport plans with the new local authorities.

My aim is to make arrangements that ensure public transport is a first choice and not a last resort.

DEPARTMENT FOR SOCIAL DEVELOPMENT

State Pension Age

Mr S Gardiner asked the Minister for Social Development what proportion of men and women over the state pension age (i) continue to work in their existing employment; and (ii) undertake new employment.

(AQW 1845/10)

Minister for Social Development (Ms M Ritchie): The department does not hold this information

Electrical Wiring Testing

Mr P Weir asked the Minister for Social Development why there is no legal requirement to test electrical wiring every five years in the domestic rental sector; and what plans she has to introduce such a requirement.

(AQW 2255/10)

Minister for Social Development: There is no statutory requirement under the previous or the current edition of the Institute of Electrical Engineers Regulations (BS7671: 2008) to carry out a test every five years on electrical installations in the domestic rental sector. Best practice guidance by the Institute of Electrical Engineering and Technology is to carry out a test every ten year period or at a change of tenancy. The Housing Executive and Housing Associations are expected to follow best practice guidance. I have no plans at present to introduce such a requirement.

Housing Executive Waiting List

Mr A McQuillan asked the Minister for Social Development (i) how many people in the Coleraine Borough Council area, with 85 points or more, are on the Housing Executive waiting list; and (ii) what is the average waiting time before receiving an offer of a house with 85 points or more in this area.

(AQW 2307/10)

Minister for Social Development: : At the 30 September 2009 there were 233 applicants with 85 points or more on the Coleraine waiting List. The information regarding average waiting time is not available. However, the table below illustrates allocations in the Coleraine area from April to September 2009 by number of points and waiting time.

Waiting Time	80-89 Pts	90-99 Pts	100-149 Pts	150-199 Pts	200-299 Pts	300 Pts or more	Totals
0-6mths	1	2	22	3	2	0	30
6-12mths	4	3	12	3	0	0	22
1-2yrs	0	2	13	0	0	1	16
2-3yrs	0	0	2	0	0	0	2
3-4yrs	1	0	4	2	0	2	9
4yrs or more	1	2	9	1	0	1	14
Totals	7	9	62	9	2	4	93

Homeless People

Mr A Ross asked the Minister for Social Development how many people have been registered as homeless in (i) Larne; (ii) Carrickfergus; and (iii) Newtownabbey, in each month of the last three years. (AQW 2351/10)

Minister for Social Development: The information is not available in the format requested. However, the table below details the number of applicants who were accepted as homeless by Housing Executive District Office, during the last three years:-

Area	2006/2007	2007/2008	2008/2009
Larne	152	131	92
Carrickfergus	193	192	202
Newtownabbey 1 Rathcoole District	179	191	180
Newtownabbey 2 New Mossley District	313	265	243

Home Improvement Grants Scheme

Mrs N Long asked the Minister for Social Development, when the finance becomes available to reopen the Home Improvement Grants scheme, if she will consider prioritising applications on the basis of urgency, rather than on a first come first served basis. (AQW 2352/10)

Minister for Social Development: The Housing Executive currently has in place a system to deal with those cases where it becomes apparent that exceptional circumstances exist, such as an imminent and significant health and safety risk, and these cases are already permitted to progress their grant. The Housing Executive has carefully considered the best course of action should additional funding become available and concluded that the fairest most equitable method would be to proceed on a date order basis. Should additional funding becoming available, the Housing Executive intends to prioritise those cases where statutory applications had been refused because of a lack of funding ("Category 1" cases) over those cases which had been cancelled at the Preliminary Enquiry stage which had not reached application stage ("Category 2" cases). The Housing Executive will first contact the Category 1 cases to advise them accordingly and any applications arising out of those cases will be processed to approval stage in strict date order. Then, if funding is still available after the processing of any Category 1 cases, the Category 2 cases will be contacted in strict date order of receipt of the original preliminary enquiry, and up to the level that the additional funding will permit.

Clean-up of Bonfires

Mr T Clarke asked the Minister for Social Development to detail the cost of the clean-up of bonfires in each of the last five years. (AQW 2395/10)

Minister for Social Development: The cost of the clean up of bonfires incurred by the Housing Executive in the past five years is as follows:-

- 2005/06 £156,500
- 2006/07 £146,500
- 2007/08 £167,000
- 2008/09 £125,500
- 2009 to date £108,700

On-Street Drinking

Mr A Ross asked the Minister for Social Development how many people have been prosecuted for on street drinking in (i) Larne; (ii) Carrickfergus; and (iii) Newtownabbey, in each month of the last two years. (AQW 2418/10)

Minister for Social Development: While my Department is responsible for confirming bye laws made by councils prohibiting the consumption of intoxicating liquor in designated streets and public places, prosecution of offenders is a matter for the relevant district council. My Department does not hold records of prosecutions; the relevant information may be obtained from (i) Larne Borough Council (ii) Carrickfergus Borough Council and (iii) Newtownabbey Borough Council respectively.

Social Housing Waiting List

Mr A Ross asked the Minister for Social Development how many people have been on the social housing waiting list in (i) Larne; (ii) Carrickfergus; and (iii) Newtownabbey, in each month of the last two years.

(AQW 2419/10)

Minister for Social Development: The information is not available in the format requested. However, the table below details the applicants on the waiting list each quarter for the last two years, by Housing Executive District Office at Larne, Carrickfergus, Newtownabbey 1, Newtownabbey 2.

Date	Larne	Carrickfergus	Newtownabbey 1	Newtownabbey 2
Sep-07	541	1015	811	849
Dec-07	512	1032	827	886
Mar-08	518	1073	873	952
Jun-08	525	1075	870	975
Sep-08	509	1082	843	965
Dec-08	496	1034	841	944
Mar-09	526	1032	814	912
Jun-09	531	1021	801	902
Sep-09	523	1007	790	902

NI Housing Executive Schemes

Mr A Ross asked the Minister for Social Development what NI Housing Executive schemes will be delivered (i) this year; and (ii) next year in (a) Larne; (b) Carrickfergus; and (c) Newtownabbey. (AQW 2420/10)

Minister for Social Development: The schemes to be delivered this year for each area are detailed below:-

Scheme	Dwellings	Work content
Larne		
Craigyhill & Rural	218	External Cyclical maintenance
Seacourt	84	Kitchens
Carrickfergus		
Whitehead/Eden	87	Kitchens
Newtownabbey		
Ballyclare	76	Kitchens
Rathcoole Close	44	Kitchens
Abbeyville/Rathfern	229	External Cyclical maintenance
Rathcoole Drive/Avonlea	59	Kitchens

With regard to 2010/11, the Housing Executive is unable to confirm details of its programmes of activity beyond the current financial year. The Housing Executive will review its programmes when budgets have been confirmed as the delivery of programmes is dependent on the availability of funding in any given year.

Warm Homes Scheme

Mr A Ross asked the Minister for Social Development how many people have been successful in their application to the Warm Homes Scheme for (i) heating; (ii) insulation; and (iii) heating and insulation in (a) Larne; (b) Carrickfergus; and (c) Newtownabbey in each month of the last two years. (AQW 2423/10)

Minister for Social Development: The new Warm Homes Scheme commenced on 1 July 2009. Prior to that, the scheme was delivered by EAGA plc. When their contract for Warm Homes ended, they handed over all the records they held relating to the scheme to the Department for Social Development. The Northern Ireland Housing Executive holds those records on behalf of the Department.

It is not possible to analyse those records in the manner requested. However, since the start of the new Warm Homes Scheme, the following have successfully applied for help:

	Larne	Larne	Larne	C'fergus	C'fergus	C'fergus	N'abbey	N'abbey	N'abbey
Month	Insul	Heat'g	Heat/Insul.	Insul	Heat'g	Heat/Insul.	Insul	Heat'g	Heat/Insul
Jul-09	6	0	1	4	0	0	10	0	1
Aug-09	14	0	2	7	0	1	24	0	2
Sep-09	11	0	1	14	0	0	18	2	1
Oct-09	7	0	0	4	0	0	0	0	1
Nov-09	0	0	0	1	0	0	0	0	0
Total	38	0	4	30	0	1	52	2	5

Warm Homes Scheme

Mr A Ross asked the Minister for Social Development how many people have been unsuccessful in their application to the Warm Homes Scheme for (i) heating; (ii) insulation; and (iii) heating and insulation in (a) Larne; (b) Carrickfergus; and (c) Newtownabbey in each month of the last two years. (AQW 2424/10)

Minister for Social Development: The new Warm Homes Scheme commenced on 1 July 2009. Prior to that, the scheme was delivered by EAGA plc. When their contract for Warm Homes ended, they handed over all the records they held relating to the scheme to the Department for Social Development. The Northern Ireland Housing Executive holds those records on behalf of the Department.

It is not possible to analyse those records in the manner requested. However, since the start of the new Warm Homes Scheme, the following have been unsuccessful in applying for help:

	Larne	Larne	Larne	C'fergus	C'fergus	C'fergus	N'abbey	N'abbey	N'abbey
Month	IO	HO	HI	IO	HO	HI	IO	HO	HI
Jul-09	0	0	0	0	0	0	0	0	0
Aug-09	0	0	0	2	0	0	2	0	0
Sep-09	1	0	0	0	0	0	3	0	0
Oct-09	0	0	0	0	0	0	0	0	0
Nov-09	0	0	0	0	0	0	0	0	0
Total	1	0	0	2	0	0	5	0	0

In this table, IO refers to Insulation Only; HO refers to Heating Only, and HI refers to Heating and Insulation.

Incapacity Benefit

Mr F McCann asked the Minister for Social Development how many people are currently in receipt of incapacity benefit, broken down by (i) parliamentary constituency; (ii) gender; (iii) age; and (iv) community background. (AQW 2449/10)

Minister for Social Development: Data relating to ‘community background’ cannot be extracted from statistics and is therefore not available. All other information requested is set out in the attached tables.

TABLE 1: INCAPACITY BENEFIT CUSTOMERS BY PARLIAMENTARY CONSTITUENCY

Parliamentary Constituency	No. of customers
Belfast East	4198
Belfast North	7560
Belfast South	4350
Belfast West	8430
East Antrim	4027
East Londonderry	5035
Fermanagh and South Tyrone	4581
Foyle	8992
Lagan Valley	4277
Mid-Ulster	5454
Newry and Armagh	6418
North Antrim	5375
North Down	3193
South Antrim	4442
South Down	6025
Strangford	4382
Upper Bann	6773
West Tyrone	6543
Unallocated postcode*	728
Total	100,783

TABLE 2: INCAPACITY BENEFIT CUSTOMERS BY GENDER

Gender	No. of customers
Female	42,211
Male	58,572
Total	100,783

TABLE 3: INCAPACITY BENEFIT CUSTOMERS BY AGE GROUP

Age group	No. of customers
24 and under	3432
25-29	4710
30-34	5873
35-39	8877
40-44	12,483

Age group	No. of customers
45-49	15,527
50-54	17,271
55-59	19,484
60+	13,126
Total	100,783

* In producing this analysis, individual records were attributed to Parliamentary Constituencies on the basis of their postcode. Not all records can be correctly allocated using this method and some cannot be allocated at all. Past investigation has demonstrated that mis-allocations and non-allocations do not necessarily occur randomly between areas. At present, it seems likely that a higher than average proportion of the records that cannot be attributed are in Fermanagh District Council, Derry District Council and parts of Belfast City Council areas.

Taxi Expenditure

Mr T Lunn asked the Minister for Social Development how much her Department has spent on taxis in each of the last five years. (AQW 2458/10)

Minister for Social Development: Prior to the introduction of the Account NI system in this Department in November 2008, cost information on taxi fares was included in the generic category of Public Transport costs. Public Transport costs figures for the years 2004/05 to October 2008 are, therefore, included for information in the table below with specific taxi cost information then provided from November 2008.

	04/05	05/06	06/07	07/08	April–October '08
Public Transport costs	£76,181	£58,629	£67,660	£92,702	£50,584
Taxi costs only	November '08 – March '09 £17,835				

Housing Executive Tenants with Disabilities

Mrs N Long asked the Minister for Social Development what measures she is taking to ensure that Housing Executive tenants with disabilities are able to avail of the appropriate housing adaptations. (AQW 2461/10)

Minister for Social Development: The disabled adaptations service is a demand led service. If an adaptation is required the Occupational Therapist will make a recommendation to the Housing Executive (District, Area, or Grants Office) or Housing Association. Upon recommendation of an adaptation by an Occupational Therapist, the Housing Executive will, in relation to any individual, carry out such works of adaptation to their home as are necessary to meet any duty which is owed to that person by the Department of Health, Social Services and Public Safety within the relevant legislation.

NI Housing Executive Tenants

Mr A Ross asked the Minister for Social Development how much rental income is currently overdue from NI Housing Executive tenants in (i) Larne; (ii) Carrickfergus; and (iii) Newtownabbey; and what steps have been taken to ensure that payment is recovered. (AQW 2476/10)

Minister for Social Development: The Housing Executive rent arrears for the areas as at October 2009 are as follows:

District Office	£
Larne	£210,000
Carrickfergus	£304,000
Newtownabbey 1	£321,000
Newtownabbey 2	£335,000

Officials are currently revising guidance on the management of rent collection with all the relevant stakeholders and there is a continuous improvement plan in place in an effort to keep arrears to a minimum. This includes:-

- money advice;
- more focus on new tenants;
- increase options of methods of payment;
- increase awareness;
- improvement plan; and
- increase targets.

Small Pockets of Deprivation Programme

Mr P Weir asked the Minister for Social Development to list the projects that received funding from the Small Pockets of Deprivation programme in the North Down constituency, in each year since the introduction of the programme. (AQW 2483/10)

Minister for Social Development: The two SPOD areas in the North Down constituency are Rathgill and Harbour.

Please see below the projects that have been funded in North Down constituency, in each year since the introduction of the programme.

2006/07

Rathgill – Development Worker (DW) salary, and community association running costs and equipment (plus management fee to North Down Local Strategy Partnership (LSP)).

Harbour – primarily to YMCA for Co-ordinator salary, training/classes, IT equipment, office costs and work to premises (plus management fee to North Down LSP).

2007/08

Rathgill – DW and admin post salaries, running costs & equipment, training/classes, minor environmental and premises works (plus management fee to North Down LSP).

Harbour – YMCA: Co-ordinator salary, running costs and training/classes; Queens Parade car park upgrade (plus management fee to North Down LSP).

2008/09

Rathgill – DW, admin post and Social Economy post salaries, running costs.

Harbour – YMCA: Co-ordinator salary, running costs, training/classes.

2009/10 to date

Rathgill – DW and Social economy post salaries, running costs and equipment (plus management fee to North Down LSP).

Harbour – YMCA: Co-ordinator and part-time community worker salaries, running costs & equipment, training/classes, events.

Master Plans for the Markets, Ormeau Road and Village areas of South Belfast

Ms C Ní Chuilín asked the Minister for Social Development to detail any discussions she has had with residents of (i) the Markets; (ii) Ormeau Road; and (iii) Village areas of south Belfast, regarding any masterplans and/or proposals that may impact on residents in these areas. (AQW 2495/10)

Minister for Social Development: : My Department has not had any discussions with residents of the Markets or the Ormeau Road areas of south Belfast regarding any masterplans or proposals.

I have visited the Village area of south Belfast but I have not had any direct discussions with residents of the area regarding any masterplans or proposals. However, departmental officials from Housing Division and the Northern Ireland Housing Executive do continue to meet with representatives, including residents, of the Village area on an ongoing basis to discuss the declaration of an Urban Renewal Area in this vicinity.

Residents of the Short Strand area

Ms C Ní Chuilín asked the Minister for Social Development to detail any discussions she has had with residents of the Short Strand area of east Belfast, regarding any masterplans and/or proposals that may impact on residents in this area. (AQW 2496/10)

Minister for Social Development: Parts of the Short Strand neighbourhood are covered by the Inner East Physical Regeneration Concept Masterplan, published for consultation on 29 October. Local representatives from the Short Strand Community Forum and Short Strand Partnership were included in consultations undertaken by RPS Planning and Development, the consultants appointed to prepare these plans. However I personally have not met with the residents association as yet

Homeless People

Miss M McIlveen asked the Minister for Social Development how many 16 and 17 year olds are currently registered as homeless in each district council area. (AQW 2498/10)

Minister for Social Development: The table below details the number of 16 and 17 year olds who were on the waiting list at 30 September 2009 and had been accepted as homeless in each district council area.

District Council	16 – 17 Applicants
Antrim	1
Ards	8
Armagh	0
Ballymena	7
Ballymoney	1
Banbridge	1
Belfast	33
North Down	2
Carrickfergus	4
Castlereagh	1
Coleraine	1
Cookstown	1
Derry	16
Down	7
Dungannon	3
Fermanagh	2
Limavady	2
Larne	0
Lisburn	16
Craigavon	2
Magherafelt	1
Moyle	0

District Council	16 – 17 Applicants
Newtownabbey	6
Newry & Mourne	0
Omagh	2
Strabane	2

Planning Regulations

Mr J Shannon asked the Minister for Social Development what the outcome was of her discussions with the Minister of the Environment regarding the relaxation of planning regulations to enable social housing to be built on NI Housing Executive owned open space land. (AQW 2502/10)

Minister for Social Development: Whilst I have not discussed this directly with the Environment Minister officials from the Northern Ireland Housing Executive and Planning Service have met regularly to produce a written protocol that gives guidance on what information/procedures need to be provided/implemented in order to meet the obligations required for residential planning applications on open space. The Final protocol was approved by the Directorates of both agencies in 2007.

Eden Street Car Park in Enniskillen

Mr T Elliott asked the Minister for Social Development to outline the current status of the proposed development for Eden Street Car Park in Enniskillen. (AQW 2520/10)

Minister for Social Development: The Department has taken expert advice with regard to the Eden Street Car Park scheme, and is currently considering the proposal in light of that advice, and of the wider regeneration needs of Enniskillen Town Centre. I will be issuing a statement about the Department's proposals for Eden Street and Enniskillen Town Centre within the coming weeks.

Adults with Autism

Mr D Hilditch asked the Minister for Social Development what procedures are in place to assist adults with autism to access and claim the benefits to which they are entitled. (AQW 2523/10)

Minister for Social Development: My Department recognises the need for all customers to receive the best possible support to enable them to claim those benefits to which they are properly entitled. As part of its day to day business, the Social Security Agency provides a range of services to ensure that people are advised of their potential entitlement to benefit. These include outreach services, promotional activity, publication of leaflets, information on the Departmental website and advice provided directly by the Agency's front line offices. Individuals with autism may be entitled to claim a range of benefits and the Agency offers a variety of channels to help those with differing personal needs claim benefit. These include a telephony service, the opportunity for a nominated representative to be appointed to engage on behalf of a customer, and a face to face service, including the provision of home visiting where appropriate, for any vulnerable customers who need advice or assistance with claims completion. Some claim forms have also been redesigned and simplified in consultation with voluntary sector interests.

The Agency provides mandatory training in dealing with customers who have a disability to all relevant frontline benefit staff. The Agency has also engaged with the National Autistic Society to ensure that the needs of individuals with autism are fully understood. Additionally, doctors who carry out medical examinations on behalf of the Agency have received extensive training, part of which specifically deals with autistic spectrum disorder.

The Agency has undertaken a proactive benefit uptake programme which, since 2005, has resulted in £27 million pounds of additional annual benefit being paid to people across Northern Ireland. To assist vulnerable people to live as independently as possible, my Department also provides general advice and information, including benefit entitlement advice, through the Supporting People programme.

Derelict Housing, Millisle

Mr A Easton asked the Minister for Social Development what action she is taking to redevelop derelict housing in the Millisle area. (AQW 2549/10)

Minister for Social Development: The Housing Executive is taking action under powers available to it through Article 63 of the Housing (Northern Ireland) Order 1981 with regards to vacant privately owned properties in the Millisle area and intends to pursue the owners of the properties in question.

NI Housing Executive Tenants with a Disability

Mr P Weir asked the Minister for Social Development what action she is taking to address the lack of facilities for NI Housing Executive tenants with a disability in the North Down area. (AQW 2569/10)

Minister for Social Development: Upon recommendation of an adaptation by an Occupational Therapist (OT), the Housing Executive will, in relation to any individual, carry out such works of adaptation to their home as are necessary to meet any duty which is owed to that person by the Department of Health, Social Services and Public Safety within the relevant legislation.

As the disabled adaptation service is a demand led service the budget is allocated on an area basis and not by District Office. Details of the Housing Executive's programme of disabled adaptations for the North Down Council Area for the current financial year 2009/10 to date are detailed below.

ADAPTATIONS SPEND

North Down Council Area	2009/10 Spend
Extensions	104,000
Lifts	2,000
Heating	19,000
Showers	8,000
Others	33,000
Total	166,000

Increase in Staff Numbers in DSD

Mr S Hamilton asked the Minister for Social Development to explain the 3.4% increase in staff numbers in her Department between 2008 and 2009 as outlined in DFP's personnel statistics for the Northern Ireland Departments. (AQW 2629/10)

Minister for Social Development: The increase in staff numbers in the Department in 2008/09 is as a result of business needs to fill posts, the introduction of the Employment and Support Allowance and the need for additional frontline staff for the economic downturn.

Sickness Absence Levels

Mr S Hamilton asked the Minister for Social Development what savings would be made if sickness absence levels within her Department were reduced from of 14.6 working days lost per whole time equivalent, to the NI Civil Service wide target of 10.2 working days lost per whole time equivalent. (AQW 2631/10)

Minister for Social Development: The Department's end-of-year absence rate is 14.6 working days lost per whole time equivalent member of staff. The pay bill costs of sick absence in the Department for the 2008/09 year is estimated to be £7.9 million. If the Department was to reduce its absence levels from 14.6 days to 10.2 days, this would reduce the cost of sick absence by £2.4million to a total cost of £5.5 million.

Disability Living Allowance Appeal

Mr S Hamilton asked the Minister for Social Development how many times a determination on a Disability Living Allowance appeal has not been given to the appellant on the day of the appeal and was posted to them at a later date in each of the last 5 years. (AQW 2632/10)

Minister for Social Development: The information requested is not available in relation to how many times a determination on a Disability Living Allowance appeal has not been given to the appellant on the day of the appeal.

Housing Executive Homes

Mr P Weir asked the Minister for Social Development how many Housing Executive homes in the (i) Millisle; and (ii) Donaghadee areas have been vacant for (a) more than six months; and (b) more than one year. (AQW 2652/10)

Minister for Social Development: The table below details Housing Executive vacant dwellings within the Millisle and Donaghadee areas for the periods requested:-

Area	Vacant between 6-12 months	Vacant over 1 Year
Millisle	1*	0
Donaghadee	1*	1**

Notes:

* Repair works to be completed and dwelling allocated at the earliest opportunity.

** The property is currently for sale on the open market.

Housing Executive Homes

Mr P Weir asked the Minister for Social Development how many Housing Executive homes have been vacant in each electoral area within (i) the North Down Borough Council area; and (ii) the Ards Borough Council area, in each of the last five years. (AQW 2653/10)

Minister for Social Development: The information is not available in the format requested. However, the tables below show the number of vacant Housing Executive homes in the Bangor and Newtownards District Office areas, which correspond to the boundaries of the North Down and Ards Borough Council areas, at 31 March for each of the last five years.

NIHE District Office	31/03/2005	31/03/2006	31/03/2007	31/03/2008	31/03/2009
Bangor	118	163	197	196	163
Newtownards	152	158	169	125	125

These figures include homes awaiting repairs, relet improvements and for decanting.

Bangor Provident Housing Trust

Mr B Wilson asked the Minister for Social Development to detail the nature of the relationship between the Bangor Provident Housing Trust and her Department; and to detail the nature and amount of funding allocated to the Trust by her Department in each of the last five years. (AQW 2692/10)

Minister for Social Development: Bangor Provident Trust is an unregistered housing association and has not been in receipt of any funding since 1994. Earlier this year the Trust repaid the balance of all outstanding subsidies previously paid by the Department to it and as such there is no further relationship, liability or commitment between Bangor Provident Trust and the Department.

Public Realm Scheme in Derry

Ms M Anderson asked the Minister for Social Development for an update on the Public Realm scheme in Derry, including when the works are likely to be completed and whether the entire scheme will be completed as originally planned. (AQW 2725/10)

Minister for Social Development: DSD remains committed to delivering the footprint of the Derry City Centre Public Realm Scheme. However given the extremely difficult underground conditions encountered it has been necessary to replace the existing construction base within the entire project area.

Given the unforeseen costs associated with this the Department in the absence of additional budget may have to look for savings elsewhere. The Department is considering alternative options to enable full completion of the public realm scheme and is working with the contractor to minimise the impact of any reduction should that be necessary.

Construction work on the project, which is currently proceeding well on target, is expected to be completed in mid 2010.

EU Directives

Mr A Ross asked the Minister for Social Development how many EU Directives her Department has (i) received; and (ii) implemented in each of the last three years. (AQW 2726/10)

Minister for Social Development: In October 2007 my Department received a proposal for a Directive on minimum requirements for enhancing worker mobility by improving the acquisition and preservation of supplementary pension rights. In October 2008 a proposal for a Directive on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Directive 86/613/EEC was received. Neither has so far been implemented and no other Directive has been implemented in the last three years.

'Bridging the Gap' Report

Mr S Hamilton asked the Minister for Social Development for her assessment of the Northern Ireland Housing Council's 'Bridging the Gaps' report. (AQO 397/10)

Minister for Social Development: Two years ago I was presented with a recommendation to abolish the Housing Council. I chose not to do so as I felt the Housing Council had worked well over the years in giving legitimacy and democratic accountability to housing in Northern Ireland. I also decided that it was important to enhance the Housing Council's role and earlier this year I asked the Housing Council to organise a convention to examine the challenges facing the housing sector. I was pleased to receive the report 'Bridging the Gaps-Economic Recovery through Housing Innovation'. The report examines how the gap can be bridged between the need for social housing and difficulties we face meeting that need. It raises concerns in relation to the growing need for social housing and the lack of sufficient public funding to meet the demands for new houses and to maintain and improve existing social housing stock. The Report also focuses on financial innovation which is a key feature of my New Housing Agenda. Last year, for the first time ever, the European Investment Bank invested in social housing here. This funding will increase this year and I will be making a separate announcement on this in the coming weeks. In addition to this, we have brought more Private Finance into the delivery of social housing through our Housing Associations and the launch of a new Procurement Strategy will also see social housing here delivered in a more cost efficient and procurement compliant way than ever before.

North/South Co-operation

Mrs M Bradley asked the Minister for Social Development to provide an update on North/South engagement on housing and other social development issues. (AQO 398/10)

Minister for Social Development: I have continued to work closely with my Irish counterparts taking forward a range of issues that are of mutual interest to us across the island of Ireland. For example, last month I met Dermot Ahern TD, Minister for Justice, Equality and Law Reform, to discuss liquor licensing, gambling

and cross-border regeneration. The primary purpose of our meeting was to consider whether a complementary approach between North and South could be beneficial in tackling the social and health damage that can be caused by the promotion of cheap alcohol.

I also met John Gormley TD, Minister for the Environment, Heritage and Local Government at a sectoral meeting of the North South Ministerial Council last month in Armagh where I took the opportunity to discuss with him a forthcoming meeting of British Irish Council Housing Ministers which will be held in Newcastle, Co. Down

Housing: Private Sector Grants

Ms A Lo asked the Minister for Social Development, in light of the reduction in funding for the Private Sector Grants scheme, for her assessment of the impact on unfit privately owned homes. (AQO 399/10)

Minister for Social Development: The reduction in unfitness of the Northern Ireland housing stock is one of the greatest achievements of the last 30 years and the Northern Ireland Housing Executive in particular deserve great credit for that. Over that time unfitness has fallen from over 20% in 1974 to almost 3% today. Between 2001 and 2006 it is estimated that some 16,400 properties were improved from unfitness into fitness across all tenures, the majority of which are believed to be privately owned. Over the same period 7,882 Renovation and Replacement grants were approved by the Housing Executive. In each of these cases, the grant took a property from unfitness to fitness which equates to 48% of properties improved during this period. Between 2001 and 2006 the Housing Executive provided 26,600 Home Repairs Assistance, Minor Works and Repair grants which helped prevent properties from falling into unfitness.

The continuing shortfall in funding is therefore likely to have a significant adverse impact on private sector housing conditions generally and our desire to further reduce unfitness in particular. I hope the Housing Executive's restriction on grants will be temporary and I welcome the Executive's decision that £20 million was made available for social housing in the June Monitoring Round, albeit with certain awkward conditions attached. Bids were submitted to the September Monitoring Round but were not met and I will also be submitting bids in future monitoring rounds to protect the housing agenda.

DSD: 2010-11 Budget

Mr P McGlone asked the Minister for Social Development for an update on the 2010-2011 budgetary outlook for her Department. (AQO 400/10)

Minister for Social Development: As part of Budget 2008-11, my Department received, as did all other departments, an indicative settlement for 2010-11. However, we have been asked to find significant cash releasing efficiencies to meet pressures elsewhere. Therefore, it is not possible to state what my final budget allocation will be; this will be for the Executive to determine but I shall be impressing upon them the necessity for their decision to take account of the needs of the most disadvantaged in society as it will undoubtedly impact heavily on this group.

Housing Executive: Awards

Mr I Paisley Jnr asked the Minister for Social Development what national awards the Northern Ireland Housing Executive has received. (AQO 401/10)

Minister for Social Development: The Northern Ireland Housing Executive has won 18 awards. These include:

- NI Quality Award 2006 awarded by the Centre for Competitiveness
- Corporate Social Responsibility Award 2006 awarded by Business in the Community
- The UK Excellence Award 2008 awarded by the British Quality Foundation
- UK Housing Awards 2001 – Outstanding Achievement in Social Housing in NI (solar water scheme)
- UK Housing Awards 2006 – Excellence in Delivering Efficiency Award (CLEVER homes project – solar ventilation)
- Focus Award 2004: Omagh District Office – Invaluable Service Provider

- Focus Award 2005: Omagh District Office – Invaluable Service Provider
- Association of Town Centre Managers NI Award Winners 2005 for Lisburn Living over the Shop Scheme
- Developing People Award BITC Regional Recognition 2007
- Outstanding Achievement Award at UK Housing Awards 2007 for Shared Future Housing projects
- NICVA LINK 2008 for Fields of Hope with Marie Curie Cancer Care
- Sharing the Caring Gold Quality Mark 2007 & 2008
- National Payroll Giving Excellence Awards 2008
- NSPCC Childline Merit Award (2008 & 2009)
- 2009 BITC Highly Commended Social Community Impact
- 2009 Irish News Workplace Employment Award – winner
- ARENA Network Environmental Award
- 2009 Arena George Dawson Award

Housing Associations

Mr T Clarke asked the Minister for Social Development what procedures are in place to regulate housing associations acting on behalf of the NI Housing Executive. (AQO 402/10)

Minister for Social Development: The Housing Associations do not act on behalf of the Northern Ireland Housing Executive. The Northern Ireland Housing Executive administers the Social Housing Development Programme on behalf of the Department and the Programme is delivered via the Housing Associations.

Housing Associations are regulated by the Department under Article 4 of the Housing (NI) Order 1992. The regulatory function is achieved by:-

- periodic on-site inspections of the Associations to confirm compliance with the Housing Association Guide; and
- the review of quarterly monitoring returns.

Home Improvement Grants

Mrs N Long asked the Minister for Social Development to provide an update on the Home Improvement Grants scheme following the debate in the Assembly on the 15 September 2009. (AQO 403/10)

Minister for Social Development: The Housing Executive continues to process Disabled Facilities Grants. However, applications for Discretionary grants; such as Renovation Grants, Replacement Grants, Home Repairs Assistance, that are not yet approved are unlikely to be approved except in exceptional circumstances. The Housing Executive has also written to all those cases which were refused or cancelled explaining the position should additional funding become available.

I welcome the Executive's decision that £20 million was made available for social housing in the June Monitoring Round. Bids were submitted to the September Monitoring Round but were not met and I will also be submitting bids in future monitoring rounds to protect the housing agenda.

Customer First Initiative

Mrs M O'Neill asked the Minister for Social Development if implementation of the 'Customer First' review is still on track. (AQO 404/10)

Minister for Social Development: Overall, implementation of the Customer First initiative is on track. The background preparation and planning activity is progressing well and necessary arrangements for the go-live of the pilot in North District in April 2010 are at an advanced stage.

Mixed Housing

Dr S Farry asked the Minister for Social Development to provide an update on the development of mixed housing. (AQO 405/10)

Minister for Social Development: I thank the Member for his question. Taking action to achieve the vision of a Shared Future remains high on my agenda and is at the centre of all my endeavours in housing.

I have adopted a twin track approach to delivering shared housing in Northern Ireland, firstly through the newbuild programme and secondly through the Shared Neighbourhood Programme. To date this approach has delivered four shared newbuild schemes located in Enniskillen, Lisburn, Banbridge and Sion Mills. Work is currently underway on delivering a further 5 projects across the province this year.

The Shared Neighbourhood Programme was launched in August 2008 as a 3 year pilot programme aimed at supporting and encouraging 30 shared neighbourhoods across Northern Ireland. In less than one year just over half that number of neighbourhoods have already publicly declared their preference to become truly shared neighbourhoods.

To date, 16 housing areas have agreed to participate in the Programme which is funded by the International Fund for Ireland (IFI) and delivered by the Northern Ireland Housing Executive.

The Programme is covering almost every part of Northern Ireland and will attempt to reach all Counties to ensure that every area of Northern Ireland has a shared neighbourhood nearby to help demonstrate that sharing is a good and desirable way to live.

But these developments alone cannot tackle our problems of sectarianism and division. In my view, the successful achievement of the vision for a shared future based on equality and mutual respect goes beyond the realm of housing and is an action to be addressed by the Northern Ireland Executive.

Causeway Meadows in Lisburn is an example of mixed housing that delivers on every level. In Causeway Meadows there are private tenants living alongside social housing tenants as well as people from different cultural and religious backgrounds. The success of this Clannmil scheme has just been recognised by the Chartered Institute of Housing at its prestigious UK Housing Awards for its outstanding contribution to improving the lives of people in their communities. My objective is that schemes such as Causeway Meadows become the norm rather than the exception and that is why Shared Future Housing remains a central theme in my New Housing Agenda.

NORTHERN IRELAND ASSEMBLY COMMISSION

Assembly Roadshow

Mr A Ross asked the Assembly Commission the cost of each Assembly Roadshow to date. (AQW 2363/10)

The Representative of the Assembly Commission (Mr S Moutray): The table below provides the total cost of each Assembly Road Show.

TABLE 1: AUTUMN 2009 ASSEMBLY ROAD SHOWS

Road show	Total Costs (£)
Cookstown	4301.67
Carrickfergus	4581.94
W Belfast	4674.29
Bangor	4233.05
Portadown	5644.67
North Belfast	4974.86
East Belfast	5035.80

Road show	Total Costs (£)
East Belfast (rescheduled)	3204.72
Ards	4082.15
South Belfast	5989.86
Downpatrick	4582.61
Antrim (postponed)	3384.84

It should be noted that, for the first series of Assembly Road Shows, Mr Eamonn Mallie provided his facilitation services at no charge to the Assembly. For the second series of Road Shows the Assembly tendered for the provision of facilitation services, with a fee of £200 payable per Road Show. Mr Mallie, one of the successful applicants, asked the Assembly to direct his fees to a charity of his choice.

Assembly Roadshow

Mr A Ross asked the Assembly Commission how much money was spent on advertising for each Assembly Roadshow. (AQW 2364/10)

The Representative of the Assembly Commission (Mr S Moutray): The total advertising costs for the Autumn Assembly Road shows was £19759.29. This includes the cost to advertise in the 3 main daily newspapers, as well as regional newspapers for each constituency area.

A breakdown for each road show is provided in the table below.

TABLE 1: ADVERTISING COSTS FOR AUTUMN ASSEMBLY ROAD SHOWS

Constituency	Total (£)
Cookstown	1123.60
Carrickfergus	1296.37
W Belfast	1564.22
Bangor	1070.08
Portadown	2558.60
North Belfast	1987.79
East Belfast	2932.28
Ards	1070.08
South Belfast	2887.79
Downpatrick	1480.54
Antrim (postponed)	1787.94

Assembly Roadshow

Mr A Ross asked the Assembly Commission if there are plans for Assembly Roadshows next year. (AQW 2365/10)

The Representative of the Assembly Commission (Mr S Moutray): The Commission will consider the evaluation report on the second set of road shows in due course. This will inform any decision on future Assembly road shows.

Hansard

Mr J Shannon asked the Assembly Commission if Hansard is translated into Irish, and if so, at what cost per publication. (AQW 2676/10)

The Representative of the Assembly Commission (Mr S Moutray): The answer to your question is straightforward: Hansard is not translated into Irish.

I hope that this information is helpful.

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

Sporting Achievements

In Bound Volume 44, page WA 385, replace the answer to question (AQW 1896/10) asked by Mr Boylan with:

I hosted a joint reception with the DOE Minister Edwin Poots MLA in Parliament Buildings on 30th October 2009 to acknowledge the success of Colin Turkington in winning the 2009 British Touring Car Championship.

I have also agreed to host a reception for the Northern Ireland Olympic Skeet Shooting team to mark their recent achievement of winning the home international tournament in August 2009. A date has not yet been arranged for this event.

ENVIRONMENT

Review of Public Administration: Statutory Transition Committees

In Bound Volume 44, page WA 311, replace the answer to question (AQW 1392/10) asked by Ms Purvis with:

The table below details the numbers and percentages of women currently on the voluntary transition committees. The information requested in respect of ethnic minority communities is not readily available.

I am content the arrangements that will be put in place for the establishment of the Statutory Transition Committees will ensure, as far as is practicable, inclusivity across the political parties. It will then be a matter for the individual political parties on the constituent councils to determine, in consultation with their elected members, who is best placed to represent them on the Statutory Transition Committees.

FEMALE REPRESENTATION ON TRANSITION COMMITTEES

Councils	Female Members on TC	% Members
Lisburn/Castlereagh	1	6.3
North Down/Ards	3	18.8
Down/Newry Mourne	1	6.3
Armagh/Banbridge/Craigavon	2	13.3
Antrim/Newtownabbey	5	31.3
Larne/Ballymena/Carrickfergus	2	13.3
Ballymoney/Coleraine/Moyle/Limavady	5	25.0
Dungannon/Cookstown/Magherafelt	1	6.7
Omagh/Fermanagh	0	0.0
Derry/Strabane	6	37.5
Belfast	2	10.0

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