



Northern Ireland
Assembly

OFFICIAL REPORT

(Hansard)

Volume 53

(14 June 2010 to 27 June 2010)

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Boylan, Cathal (Newry and Armagh)
Bradley, Dominic (Newry and Armagh)
Bradley, Mrs Mary (Foyle)
Bradley, P J (South Down)
Brady, Mickey (Newry and Armagh)
Bresland, Allan (West Tyrone)
Browne, The Lord (East Belfast)
Buchanan, Thomas (West Tyrone)
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Ford, David (South Antrim)
Foster, Mrs Arlene (Fermanagh and South Tyrone)
Frew, Paul (North Antrim) (*from 21 June 2010*)
Gallagher, Tommy (Fermanagh and South Tyrone)
Gardiner, Samuel (Upper Bann)
Gildernew, Ms Michelle (Fermanagh and South Tyrone)
Givan, Paul (Lagan Valley) (*from 14 June 2010*)
Hamilton, Simon (Strangford)
Hay, William (Speaker)
Hilditch, David (East Antrim)
Irwin, William (Newry and Armagh)
Kelly, Mrs Dolores (Upper Bann)
Kelly, Gerry (North Belfast)
Kennedy, Danny (Newry and Armagh)
Kinahan, Danny (South Antrim)
Leonard, Billy (East Londonderry)
Lo, Ms Anna (South Belfast)
Long, Mrs Naomi (East Belfast)
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McDevitt, Conall (South Belfast)
McDonnell, Dr Alasdair (South Belfast)
McElduff, Barry (West Tyrone)
McFarland, Alan (North Down)
McGill, Mrs Claire (West Tyrone)
McGimpsey, Michael (South Belfast)
McGlone, Patsy (Mid Ulster)
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McHugh, Gerry (Fermanagh and South Tyrone)
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McKay, Daithí (North Antrim)
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McQuillan, Adrian (East Londonderry)
Maginness, Alban (North Belfast)
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Morrow, The Lord (Fermanagh and South Tyrone)
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Neeson, Sean (East Antrim)
Newton, Robin (East Belfast)
Ní Chuilín, Ms Carál (North Belfast)
O'Dowd, John (Upper Bann)
O'Loan, Declan (North Antrim)
O'Neill, Mrs Michelle (Mid Ulster)
Paisley, Rev Dr Ian (North Antrim) (*The Lord Bannside from 18 June 2010*)
Paisley Jnr, Ian (North Antrim) (*resigned 21 June 2010*)
Poots, Edwin (Lagan Valley)
Purvis, Ms Dawn (East Belfast)
Ramsey, Pat (Foyle)
Ramsey, Ms Sue (West Belfast)
Ritchie, Ms Margaret (South Down)
Robinson, George (East Londonderry)
Robinson, Ken (East Antrim)
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Ross, Alastair (East Antrim)
Ruane, Ms Caitríona (South Down)
Savage, George (Upper Bann)
Shannon, Jim (Strangford)
Simpson, David (Upper Bann)
Spratt, Jimmy (South Belfast)
Storey, Mervyn (North Antrim)
Weir, Peter (North Down)
Wells, Jim (South Down)
Wilson, Brian (North Down)
Wilson, Sammy (East Antrim)

Principal Officers and Officials of the Assembly

Speaker.....	Mr William Hay MLA
Deputy Speakers.....	Mr John Dallat MLA Mr David McClarty MLA Mr Francie Molloy MLA
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Ministerial Offices

The Executive Committee

First Minister	Mr Peter Robinson
Deputy First Minister	Mr Martin McGuinness
Minister for Employment and Learning	Sir Reg Empey
Minister for Regional Development	Mr Conor Murphy
Minister for Social Development	Mr Alex Attwood
Minister of Agriculture and Rural Development.....	Ms Michelle Gildernew
Minister of Culture, Arts and Leisure.....	Mr Nelson McCausland
Minister of Education.....	Ms Caitríona Ruane
Minister of Enterprise, Trade and Investment.....	Mrs Arlene Foster
Minister of the Environment	Mr Edwin Poots
Minister of Finance and Personnel.....	Mr Sammy Wilson
Minister of Health, Social Services and Public Safety.....	Mr Michael McGimpsey
Minister of Justice.....	Mr David Ford

Junior Ministers

Office of the First Minister and deputy First Minister	Mr Gerry Kelly
	Mr Robin Newton

Assembly Sittings

Northern Ireland Assembly

Monday 14 June 2010

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

Members observed two minutes' silence.

Assembly Business

New Assembly Member: Mr Paul Givan

Mr Speaker: I wish to advise the House that I have received a letter from the Rt Hon Jeffrey Donaldson notifying me of his resignation as a Member of the Assembly with effect from 12.00 midnight on Thursday 10 June 2010. I have since been informed by the Chief Electoral Officer that Mr Paul Girvan was returned on 11 June 2010 as a Member of the Assembly — I am sorry, Mr Paul Givan — for the Lagan Valley constituency to fill the vacancy. Mr Givan signed the Roll of Membership in my presence and that of the Clerk/Director General in the Speaker's Office this morning and has entered his designation. Mr Givan has now taken his seat.

Executive Committee Business

Suspension of Standing Orders

The Minister of Finance and Personnel

(Mr S Wilson): I beg to move the motions in my name. These important Supply resolutions seek the Assembly's approval —

Mr Speaker: Order. We must first suspend the relevant Standing Orders.

The Minister of Finance and Personnel: I am ahead of myself, Mr Speaker. I cannot wait to get started.

I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 14 June 2010.

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 14 June 2010.

Mr Speaker: The motion has been agreed, so today's sitting may go beyond 7.00 pm, if required.

Supply Resolution for the Northern Ireland Main Estimates 2010-11 and Supply Resolution for the 2008-09 Excess Votes

Mr Speaker: As the next two motions relate to the Supply resolutions, I propose to conduct only one debate on both motions. When all who wish to speak have done so, I will put the Question on the first motion. I will then call the Minister to move the second motion formally, before putting the Question without further debate.

The Business Committee has agreed to allow up to four hours for the debate. The Minister of Finance and Personnel will have up to 60 minutes to allocate at his discretion between proposing the motion and making a winding-up speech. All other Members who wish to speak will have 10 minutes. If that is clear, we shall proceed.

The Minister of Finance and Personnel (Mr S Wilson): I beg to move

That this Assembly approves that a sum, not exceeding £7,019,163,000, be granted out of the Consolidated Fund, for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office and the Northern Ireland Authority for Utility Regulation for the year ending 31 March 2011 and that resources, not exceeding £7,569,483,000, be authorised for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office and the Northern Ireland Authority for Utility Regulation for the year ending 31 March 2011 as summarised for each Department or other public body in columns 3 (b) and 3 (a) of table 1.3 in the volume of the Northern Ireland Estimates 2010-11 that was laid before the Assembly on 7 June 2010.

The following motion stood in the Order Paper:

That this Assembly approves that a sum, not exceeding £16,272,049.74, be granted out of the Consolidated Fund, for or towards defraying the charges for the Department for Employment and Learning and the Department of the Environment, for the year ending 31 March 2009 as summarised for each Department in Part II of the 2008-09 Statement of Excesses that was laid before the

Assembly on 7 June 2010. — [The Minister of Finance and Personnel (Mr S Wilson).]

This is take two, although my speech was almost read out in the motion. These important Supply resolutions seek the Assembly's approval of the spending plans of Departments and other public bodies, as set out in the Main Estimates for 2010-11 and the Statement of Excesses for 2008-09, which were presented to the House on 7 June 2010.

The first resolution relates to the supply of resources and cash for the remainder of 2010-11, as detailed in the Main Estimates. Members will recall that the Vote on Account, which provided initial allocations for 2010-11, passed on 2 March 2010. The first resolution and the Budget (No. 3) Bill that I will introduce later today will provide the balance to complete the total requirements of Departments and other public bodies of more than £13 billion in cash and £14 billion of resources for 2010-11. Those requirements reflect the Executive's revised 2010-11 spending plans, which the Assembly approved on 20 April 2010, as well as the demand-led annually managed expenditure (AME).

I remind Members that, as part of the recent devolution of policing and justice powers, the Assembly has already approved the Main Estimates for the Department of Justice, the Office of the First Minister and deputy First Minister and the Public Prosecution Service, totalling more than £1.4 billion in cash and £1.3 billion of resources for 2010-11. The resolution, therefore, relates to the remaining Departments and public bodies.

The second resolution seeks Assembly approval of two cash Excess Votes, totalling £16.3 million for 2008-09, as detailed in the Statement of Excesses. The Department for Employment and Learning exceeded the cash approved by the Assembly for 2008-09 by £15.8 million. The Department of the Environment exceeded its cash by just over half a million pounds. The Comptroller and Auditor General reported those excesses. The Public Accounts Committee has considered the reasons for the excesses and recommended that the necessary sums now be provided by Excess Votes by the Assembly. I request and recommend, on behalf of the Executive, the levels of Supply set out in the two resolutions under section 63 of the Northern Ireland Act 1998.

As I stated, the Main Estimates reflect the opening position for 2010-11, as agreed by the Executive and the Assembly. However, as Members are aware, that opening position has already been undermined by the Chancellor's announcement on 24 May of £6 billion of savings in public expenditure in 2010-11, which will result in a £128 million reduction in the Northern Ireland block grant. As we debate and approve the departmental expenditure plans today, I recognise that Members on all sides of the Chamber are concerned about what lies ahead in the remainder of this financial year and beyond. Indeed, households across Northern Ireland are worried about their jobs, their incomes and the continued delivery of high-standard vital public services, especially in the health and education sectors and services that have a direct impact on their daily lives and well-being.

The Executive have discussed the £120 million reduction and will address the options as part of the June monitoring round. Tough decisions lie ahead for the Executive and the Assembly, both in-year and for years to come. The good years of increased public spending year-on-year have come to an end. I accept that the appalling and unprecedented national deficit must be tackled. Although the largest Budget deficit in peacetime history was not of our making, the fallout will impact on this Administration for many years to come. We must rise to the challenge.

In today's debate and in debates on the Budget Bill tomorrow and next week, there will no doubt be calls for more funding for particular projects or areas of spend. I look around at all Members, because I know that those calls will come from all sides of the House. I appeal to Members and Ministers to demonstrate maturity and realism in their proposals. If they want to put forward ideas for new spending, I ask that they do so in tandem with sensible suggestions about where any additional funding should be taken from.

Difficult decisions lie ahead for this Administration, and we must not balk at those. It is a time for political maturity in our handling of the Budget. Priorities will have to be examined, and tough decisions will have to be taken. Party political and parochial preferences will have to be put aside so that we can prudently manage the public finances that are available to us in order to continue to deliver a high standard of public services for all our people. That will be especially the case

as we move into Budget 2010, which will set the spending plans for the next three financial years: 2011-12, 2012-13 and 2013-14.

I have set out to the Executive my assessment of the public expenditure context of the Budget 2010 process alongside the continued risks and uncertainties. I must confess that the picture is bleak. However, as Finance Minister, I would not be fulfilling my duty to the Assembly if I did not spell out the difficulties that lie ahead and the tough decisions that will have to be made. In the coming months, we may have to face up to the unpalatable possibility of raising local revenue. The Assembly will have to weigh up the impact on vital public services such as health or education against further delaying those decisions. The financial times have changed since the Assembly accepted its administrative and legislative responsibilities in 2007. We must face up to that and tackle the issues ahead.

I return to Budget 2010 and its timetable. It is planned that officials will take forward work over the summer months with a view to developing a draft Budget position to be considered by the Executive in early autumn. The Westminster spending review outcome in the autumn will also have an impact on any draft plans. Following the Executive's agreement of a draft Budget, which will hopefully happen in the autumn, the public consultation process will take place, leading to Executive agreement on a final revised Budget before the end of the year. I appreciate that the Budget timetable is rather tight, but unfortunately, given the recent Westminster election that led to a new Conservative-Lib Dem coalition Government, it was not feasible to commence the process any sooner.

Ideally, I would like to have commenced the Budget 2010 process much earlier, but the process is now under way. I call on Committees to commence engagement now with Departments not only on the pressures and savings in the next three years but, in the first instance, to challenge existing baselines that are set against the priorities in the Programme for Government. Too often, the focus is on pressures going forward without due diligence being given to starting baselines that may conceal funding for lower priority areas that may no longer be affordable in the current financial straits. We are in an era of tough choices, and I ask each Committee to become familiar with every expenditure line of its Department. That work should not await the

commencement of a Budget exercise; it should be ongoing by Committees on a regular basis.

12.15 pm

I share the concern and exasperation of many Committee members at the lack of information and the difficulties encountered by some Committees in obtaining meaningful information from Departments. I call on my Executive colleagues and their Departments to engage early with their Committees and other stakeholder groups in the Budget 2010 process. I call on them not only to engage early with Committees but to engage in a meaningful way, involving them in the detail of proposals and providing the information requested. Transparency is critical to ensure that the evolving Budget has the confidence of the Assembly and is credible to investors, the business sector and the wider public. That, in turn, will build confidence in our economy.

Since I took up the Finance and Personnel portfolio last year, I have faced challenges and pressures and criticism from Members. My challenges have ranged from securing sufficient resources for the Executive from the Treasury to recommending the prioritisation of those limited resources to a wide range of pressures identified by Departments. As we move into 2010-11, further challenges loom. However, I will continue to aim to do all I can to help Northern Ireland business and vulnerable, hard-working families through this difficult economic period. I am acutely aware of those who have lost their job and of where further prospects are under threat, and I am aware of the responsibilities that the Executive bear in both respects.

As the Executive endeavour to build confidence and work towards economic recovery, I ask for the support of all Members. We must strive together to improve the prospects of our people. Tough financial and policy decisions lie ahead that will require thorough consideration, strategic thinking, forward planning and a pragmatic corporate approach. I look forward to a lively debate today on these issues, and I ask Members to support the resolutions in order to approve the Excess Votes for 2008-09 and the opening position for the 2010-11 year and to ensure that provision is made for vital public services to continue beyond the current provision in the Vote on Account.

The Chairperson of the Committee for Finance and Personnel (Ms J McCann): Go raibh maith agat, a Cheann Comhairle.

On 2 June, senior departmental officials briefed the Committee for Finance and Personnel on the Main Estimates for 2009-2010 and the associated Budget (No. 3) Bill, which gives legislative approval to the Estimates and is to be introduced to the Assembly following this debate.

Advance copies of the Main Estimates for 2009-2010 and the Statement of Excesses for 2008-09 were made available to Committee members prior to the briefing. The Main Estimates and the associated Budget Bill are based on the Executive's revised 2010-11 spending plans for Departments, which were approved by the Assembly on 20 April 2010. Members received a further briefing from officials on 9 June, although that evidence session focused primarily on issues of process. The Committee is mindful that the 2010-11 Main Estimates for the Department of Justice, the Office of the First Minister and deputy First Minister and the Public Prosecution Service have already been approved by the Assembly as part of the devolution of policing and justice, so they are not included in the Bill.

The Committee published a report in March 2010 on the Executive's review of the 2010-11 spending plans for the Departments. In its report, the Committee recognised that the Executive have limited options for addressing the additional public spending pressures that will arise in 2010-11 and supported in principle the strategic approach of targeted rather than pro rata savings to minimise the impact on the delivery of key front line services and Programme for Government targets.

The recent statement on efficiency savings by the British Chancellor has placed a further demand of £128 million on expenditure this year, and the emergency Budget, due to be announced next week, will only add to the pressure. I recognise that the Estimates before us today do not take account of those additional pressures, and the Committee awaits clarity on the steps that the Executive plan to take to manage this in a way that does not have an adverse impact on essential front line services. It is in this context that I reiterate the Committee's call for the urgent establishment of a formal process for Assembly scrutiny of future Executive Budgets and expenditure that

will enable all Statutory Committees to plan the necessary scrutiny and focus Departments' attention on meeting their Committees' briefing requirements.

Indeed, while co-ordinating responses from the other Statutory Committees on the revised spending plans for 2010-11, my Committee for Finance and Personnel colleagues and I heard time and time again of dissatisfaction about the information provided by Departments and frustration with the general level of engagement. Therefore, we also recommended that, in re-prioritising spending allocations between Departments and finalising the spending plans for 2010-11, the Minister of Finance and Personnel and the wider Executive take on board the concerns, conclusions and recommendations in the submissions from the Assembly Statutory Committees, which were included in our report. I expect that these issues will be reflected in the contributions from members of other Statutory Committees to the debate on the Supply resolution and when we come to debate the Budget (No. 3) Bill, to which the Minister referred; however, I ask him to again assure Members that those concerns have been taken into account.

I understand that one option is for the Executive to at least partially address further in-year pressures through the monitoring round process. Will the Minister shed some light on the potential approaches and scenarios over the coming months and on when he plans to make a statement to the Assembly on the June monitoring round? The Committee intends to publish its report before summer recess on the second part of the inquiry into the scrutiny of the Executive's Budget and expenditure. That report specifically considers the Budget process. I ask the Minister to encourage his Department to take into account the views and recommendations of the Committee as it prepares for the Budget 2010 process. The transparency of the consultation process must be improved if any meaningful engagement is to take place and strategic decisions are to be made on how to deal with the pressures to be faced by all Departments.

Next week, the Committee will publish its report on its preliminary inquiry into public sector efficiencies. I am not in a position to discuss that report today, but I emphasise that it will be vital that budgetary savings and efficiency gains do not negatively impact on

the delivery of essential front line services. I also take this opportunity to encourage other Statutory Committees to increase their focus on that issue in their scrutiny of their respective Departments' plans and performance. The debate next week will present a better opportunity to discuss such issues.

I turn, briefly, to the motion on the Supply resolution for the 2008-09 Excess Votes. Departmental officials advised the Committee of the Statement of Excesses 2008-09 in respect of the Department for Employment and Learning and the Department of the Environment. Members were told that the matter had been reported to the Public Accounts Committee by the Comptroller and Auditor General and that, having considered the issue, the PAC recommended that the necessary sums be provided by Excess Votes in the Assembly. Satisfied with that process, the Committee subsequently wrote to the relevant Statutory Committees to draw the matter to their attention.

Finally, I again emphasise the Committee's view that, in managing further public expenditure pressures in the years ahead, consideration by the Assembly of the medium- to long-term strategic issues faced by the Executive will become increasingly important. The provision of timely and accurate information by all Departments will be essential in enabling those considerations. Therefore, I encourage the Minister and his Executive colleagues to ensure that their Departments fully respect the role and process of the House in the Budget and financial scrutiny.

The Chairperson of the Committee for Social Development (Mr Hamilton): My initial remarks are made as Chairperson of the Social Development Committee. As the House might expect, the Social Development Committee spends a significant portion of its time looking at the expenditure of its Department and particularly at the challenges faced by the Department in this very difficult financial year.

The Committee noted with pleasure the Department's achievement of its key annual social housing newbuild target. The Committee also noted the more ambitious target that the Department has set for itself this year. As we all know, achieving the goal of value for money is important in social housing. It means achieving many things, not least maximising economies of scale through the procurement process. It also

means the more clever use of matching finance, as well as the intelligent use of government-owned, public land. The Committee is very pleased that progress is being made on a number of those fronts. However, we note that several recent reports on housing in Northern Ireland suggest that even more is achievable. It is also hoped that the Department strikes a good balance between newbuild and the maintenance of existing social housing stock. Indeed, Committee members raise that issue regularly.

Everyone will be aware of the important economic contribution that regenerating our town and city centres makes to the whole of Northern Ireland. We have all seen that in our constituencies in one way or another. Like everyone, I recognise the difficulties in which our financial position puts us. We hope that key urban regeneration projects will continue to be supported throughout this year and beyond. Those are of particular importance to the private sector during this time of economic uncertainty.

I want to touch on some of the Committee's concerns about the Social Security Agency, particularly where its ability to deal with its current and increased workload is concerned. The Minister for Social Development has indicated that the number of posts in the Social Security Agency will fall by around 200 but that will be achieved entirely through natural wastage and internal redeployment. That was certainly of some comfort to Committee members who were concerned about the impact of those reductions.

Although the Committee is relieved that there will probably not be any redundancies in the SSA, members are concerned that front line benefit services should not be affected in any way. Members are particularly worried about a planned further migration of 76,000 claimants over three years from income support and incapacity benefit to employment and support allowance. It is not the migration or the policy that is a particular concern; rather, the concern is the impact that that move may have on the agency's ability to deliver that migration with lower numbers. However, I assure the House that the Committee will continue to scrutinise the Department's management of that and other related issues.

I want to make some general comments about the Supply resolution. Sometimes, there is a feeling that we simply go through the motions

whenever we debate Supply resolutions, Supplementary Estimates or Budget Bills. I know that I get that sense, and I am sure that the Minister and, indeed, you, Mr Speaker, get the same sense. Such motions are like buses — if we wait for one, a couple come at the same time. When we vote today or tomorrow on Budget Bills, or whatever the motion may be, we must remember that we are voting not just on spending money and that there are key objectives for us to vote on. We do not just spend the money for the sake of getting rid of it; there are key objectives behind the idea of what we are doing today. We need to be mindful of those objectives when we vote today on the Supply resolutions and when we deal with the Budget (No.3) Bill tomorrow.

Obviously, the growth of our economy is foremost among all those objectives and policy priorities. Three years ago, we set the right objective of growing a vibrant and dynamic economy. Even though we have gone through the most unprecedented downturn in living memory, it is still the right objective. Obviously, we were unfortunate in the timing of the setting of that objective. We hoped to use the restoration of devolution to help to grow our economy. Unfortunately, however, we have endured some very difficult economic times in Northern Ireland. We all know from talking to people in our constituencies that the impact has been deep and long. We just have to look at the fact that every industrial sector in Northern Ireland has suffered a contraction of one kind or another. We are undergoing a recession in Northern Ireland that is longer than that that the rest of the UK will endure.

The latest labour force survey shows the Northern Ireland unemployment rate at 6.7%, and through my work on the Social Development Committee, I see the impact of that on the SSA. Although that figure is lower than the UK average of around 8%, we and the people who make up the 6.7% can take no comfort from that. Unemployment has had a massive impact. Indeed, in the past number of years, the figure has more than doubled.

12.30 pm

In addition, the housing market is, at best, subdued. Nationwide Building Society's first-quarter figures show that Northern Ireland, with lower house prices this quarter compared to the same quarter last year, is unique among the

regions of the United Kingdom. Therefore, we know the impact that the recession is having on our country and its people.

Given public spending constraints and the limited policy levers that the Executive are able to pull, I commend the Finance Minister and his Executive colleagues for their efforts in very difficult circumstances. Without the insulation that the Northern Ireland public sector has provided, whether through maintaining high levels of expenditure, providing employment or investing record sums in infrastructure, and without the expenditure for which we will vote today and tomorrow, we would be in a much more perilous state than we are now.

To grow the economy and to get out of recession, thus ensuring that we get to where we want to be, the public sector cannot do it alone; it needs the help of others. To achieve that recovery and to get us back to economic growth, the banks must help. It would be too easy to get into a session of bashing the banks, and I am sure that others, with some justification, would like to join in. We all know that the banks played a major if not fundamental role in causing the financial crisis that has affected people not just in Northern Ireland, but globally. In many people's eyes, they are not doing enough to get us out of the situation. If the world is to get out of the current economic crisis, we will need the banks, because establishing credit and lending money are critical to getting the whole system moving again in order to establish a recovery.

As recently as last weekend, businesspeople here told me of their concerns that the banks are not doing enough to aid recovery and to get the country going again. There is other evidence that the banks are not doing all that they possibly can. The latest figures from the Department for Business, Innovation and Skills in Whitehall indicate that just over 100 enterprise finance guarantee loans have been issued to Northern Ireland companies. That is out of some 10,000 that have been issued throughout the UK. In Wales, more than 400 were issued, and in Scotland, there were more than 700. Even on a pro rata basis, the figure for Northern Ireland is significantly lower. I do not know whether that is due to Northern Ireland companies' greater caution or lack of awareness of those schemes or whether it is the responsibility of the banks for not promoting them or for not having enough knowledge about

them at branch level. Nevertheless, assistance that has been available for some time does not seem to be making it through at the Northern Ireland level.

The Institute of Directors has repeatedly produced surveys — I know that there are issues about self-selecting samples — that echo what we hear on the ground in our constituencies about lending, finance and credit issues with the banks. I appeal to the banks in Northern Ireland, as others have done and will no doubt do again, to do more to get the economy going and to aid the fledgling recovery. In the discussions that I know that he has regularly with the banks, I encourage the Finance Minister to continue to take the message that I and others in the Assembly want to give, namely that the banks must do more to help us.

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

The Chairperson of the Committee for Social Development: We are doing our bit in the public sector. However, if the banks can help as well, we can grow the vibrant and dynamic economy that we all want.

Mr McNarry: Although the debate is extremely important, it largely fulfils the technical process of making legitimate the drawing down of moneys from the Consolidated Fund in order to maintain government spending and to meet government targets until the end of the financial year. However, today has added significance, because we are drawing down from a figure that is minus the £393 million worth of cuts that Sinn Féin and the DUP voted through the Executive.

I listened to the Minister's opening remarks, which I welcome. The Minister is, of course, correct: we all face very difficult times. If his unrelenting pursuit is to sympathetically address the pain and hardship that many of our people will endure, he will have my support. The Ulster Unionist Party will not be voting against the motion for many reasons, but mainly because it recognises that to do so would be to jeopardise the Northern Ireland Executive's entire Budget. However, the party still has serious reservations about the manner in which those cuts were agreed and the precedent that has been set as we enter into what will be the most difficult period of fiscal management that this devolved institution has ever seen.

For over a year before the Minister of Finance and Personnel finally recognised that there was a home-made hole in our Budget, the Ulster Unionist Party had been giving repeated warnings about it. Successive DUP Finance Ministers ignored those warnings, and they point-blankly denied that there was such a problem, which made this Minister's job more difficult. Members on the opposite Benches may be asking whether we have agreed to those reductions, and, indeed, they will no doubt inform us of that when they speak. We have agreed to them, and we have when we come to a decision. However, I recognise, and I also note, that my party did not vote for those cuts. The way in which the Minister dealt with them was, in my party's opinion, rushed, and it bore no resemblance to a coalition Government working together to deliver on their Programme for Government.

Since we recognised some time ago that there was a serious problem, I and my party colleagues have been calling for the Programme for Government to be rewritten.

The Minister of Finance and Personnel: I know that the Member was not at the Executive meeting in question, but, as far as I know, the minutes of the Executive meeting of 25 March are available and are quite clear. The resolution that was agreed at that meeting contained proposals from his party leader about what it should include. There was one outstanding issue about what will happen with matters that are connected to water, and that was the only element that was left to be resolved between myself and the DRD Minister.

Mr McNarry: I thank the Minister for his intervention. I note that it has been duly recorded, and I may come back to it tomorrow.

The Ulster Unionist Party has also called for an Assembly budgetary review committee to be set up to help to build consensus and to make decisions that are on a joint vision, rather than on what we have now, which is haggling and bartering between Ministers. We have been demanding a genuine four-party coalition since it became clear that we still have a two-party carve up at the heart of government. None of those things has either happened or changed, and we are about to enter into a new period of reductions in public spending. For example, we must find our share of the £6·2 billion reductions so that the perilous levels of the

national debt can be brought under control. Of course, on 22 June, more painful reductions will, undoubtedly, be outlined in the Budget.

Nothing has changed in Northern Ireland in how we deal with our changed circumstances. The Programme for Government is still the same, the financial management and scrutiny in the Executive and the Assembly are still the same, and the Executive are still proving to be as dysfunctional as ever. Indeed, I will go further and say that parties in the Executive appear to the public to be disingenuous with them about the financial realities that Northern Ireland faces as part of the United Kingdom.

During the election campaign, we had the spectacle of Jeffrey Donaldson — who I am sorry to hear is leaving the Assembly and whom I commend for giving up his double-jobbing — saying that we would not be giving a penny to the Treasury. However, on 24 May, when the £6·2 billion of cuts were announced, the Finance Minister, Sammy Wilson, said that he knew that those cuts had been coming down the line. Therefore, we must ask, because the public are asking, which of those statements was true. We must also listen to those outside, such as the economist Mike Smith who recently pointed out that the Assembly needs to get real quickly. We must have that discussion with the economists who point the finger at what we do here. There is also a danger that the people of Northern Ireland are starting to lose patience with the Assembly.

While we refuse to plan how to reduce public spending at the same time as increasing productivity, we continue to preside over waste and logjam and are accumulating a litany of our own errors. Rates arrears stand at millions of pounds; the stalled review of local government may well, depending on the discussions today, cost the taxpayer £9 million; the education and skills authority (ESA) has cost the taxpayer over £7 million; the Maze stadium project has cost £12·5 million; and the most serious of all miscalculations was the Crossnacreevy project, which cost £195 million.

If there have been errors, we must come clean because we need to deal with them. How many more potential economic disasters and examples of wasteful and silly spending are sitting on Ministers' desks? How many more times will the public feel that they have been let down by the Executive? There is a clear

reason why the Finance Minister tells the other Ministers to come to him so that they can all work together. He is worried that there may be some issues that we do not yet know about. However, when we are being hit from all directions, the last thing that the Assembly can afford is more surprises.

By the Minister's own admission, there has not been a consolidated vision on the economy for Northern Ireland. That must change. I have dealt with many of the past failings of the Assembly, because I do not want them to be repeated. However, I am totally committed to, and believe fundamentally in, the Assembly and what it will bring to Northern Ireland. I echo the Minister's belief that a mature debate is needed; he is spot on with that. However, we must check what we have not worked out and what we can and cannot afford, and the Minister must initiate a mature debate on that. The Ulster Unionist Party is up for it, and I know from talking to colleagues that everyone would be interested in such a debate, but it is what we focus on and bring to the table that matters. I ask the Minister to bring that focus and to initiate the debate.

Ms Ritchie: I am grateful for the opportunity to address our growing budgetary crisis in the context of the Supply resolution for the Northern Ireland Main Estimates; namely, the Budget for this year. In doing so, I will set out in headline terms the SDLP's perspective of the financial challenges that we all face.

The Executive drew up their Programme for Government in 2007 in relatively good economic conditions. That year had followed a decade of uninterrupted economic growth in Britain and Northern Ireland, and there was no reason to believe that the trend, at least in relation to the growth in the Northern Ireland block and net public expenditure, would not continue. Every year, we had experienced year-on-year increases in public expenditure, and the booming land and property market had resulted in a bumper harvest of capital receipts. Therefore, the economic analysis — or what passed for economic analysis — that underpinned the Programme for Government made assumptions of steady economic growth. The assumption was that all trends would continue, as would the buoyant returns to Departments.

12.45 pm

For the next three years, the block grant was settled favourably. When that was translated into three-year budgets, Departments were allocated resources that, in most cases, would have allowed them to expand and to develop their services. That was particularly true of those Departments closest to the economy. They, in line with the Executive's corporate decision to put the economy first, were afforded extremely generous allocations.

Then, however, it all started to go wrong. When the global downturn hit Britain and Northern Ireland, it created an almost immediate budgetary crisis, which meant that any further generosity to the North from the Chancellor was most unlikely. It seemed that we would be lucky to get to the end of the three-year CSR period without London asking for some of its money back. Recently, it asked for £128 million to be returned in the current year, which is year three of the CSR. Swingeing cuts lie ahead in the next CSR, and, no doubt, we will hear something to that effect next Tuesday, when the Chancellor of the Exchequer delivers his Budget.

The bursting of the economic bubble in Northern Ireland coincided with the global downturn, thereby producing a double whammy. Ever-growing public expenditure, a sunny economic outlook and the widespread availability of cheap mortgages had created an unprecedented property boom of our own making. Three years ago, the early signs of the economic downturn were picked up quickly in the Department for Social Development in which I resided. We experienced a dramatic slowing of Housing Executive house sales and a collapse in the market for land that was suitable for building. Unfortunately, as the DSD capital budget was based substantially on a high expectation of capital receipts from house and land sales, it faced a shortfall of some £100 million in each year.

The Executive, to their credit, recognised the problem, but they were not sufficiently mobile to address it seriously. Apart from one disgraceful smash-and-grab raid, when Nigel Dodds was Finance Minister, the Executive tried to direct extra resources to housing in various monitoring rounds. Had it not been for the financial crisis, we in DSD might not have been so quick to introduce a range of measures that allowed us to get more bang for the buck. My colleague

Alex Attwood will continue the good work that was done in that area.

DSD was not the only Department to be affected. Other Departments — I point out to Sammy that I can be generous to others — experienced new and unanticipated budgetary pressures that arose from the downturn. As Mr McNarry stated, at one point, DARD budgeted for a £200 million receipt from the sale of land at Crossnacreevy, the value of which collapsed. DFP was left with a major shortfall after the collapse of its PFI office rationalisation programme. Even the Planning Service went from being snowed under to experiencing a shortfall in receipts for fees as new planning applications dried up. Centrally, the DFP-sponsored capital asset realisation team (CART) budgeted to bring in hundreds of millions of pounds in asset sales, but ended up bringing in zero.

At the same time, extra money was needed to fund a range of new pressures across Departments. The various health trusts have had to execute cuts. The strange position in my constituency, for example, is that the Health Minister opened the new hospital in Downpatrick this week, and, at the same time, the trust decided to close a 15-bed medical unit. I am implacably opposed to that decision because it will impact on front line services. I will say it again: front line services must be protected, and the needs of the people must not be sacrificed on the altar of financial expediency.

The Chairperson of the Committee for

Education (Mr Storey): We all come to the House and condemn Ministers for the awful things that they have done. Will the Member tell the House what she and her colleagues are prepared to sacrifice from their political wish lists, which cost the Executive millions of pounds and deliver very little, if anything, for the people who want to use, for example, those hospital beds in Downpatrick and for priority front line services such as education, health and social services?

Ms Ritchie: The Member for North Antrim will be well aware that the SDLP is in the House and in politics to protect front line services.

What should we do about the problem? I will answer the questions that were posed by Mr Storey and the Minister. The SDLP realised very early on that our budgetary fortunes needed a turnaround and the Budget was no longer fit for purpose. We could not credibly argue

that the Programme for Government was still on course when there was a head-in-the-sand approach to the economic downturn's battering of the Budget. Given those changes, I urged the Executive, time and time again, to conduct a full review of our Budget priorities. The Executive repeatedly refused to do so and claimed that it would be too awkward and that it would lead to the reopening of issues that had been settled earlier. We were given strategic stocktakes and departmental top-slicing, none of which tackled the real issues.

In April 2009, the SDLP produced a party document, 'New Priorities in Difficult Times', which set out our view of what needed to be done. Much credit is due to my colleagues Declan O'Loan, Alasdair McDonnell and Alex Attwood for that important work. Our document was unprecedented. *[Interruption.]*

Mr Speaker: Order.

Ms Ritchie: The SDLP was the first party in Northern Ireland to bring forward a budgetary document. In fact, the First Minister and the then Minister of Finance and Personnel adopted some of the document's good ideas.

The Minister of Finance and Personnel: Will the Member give way?

Ms Ritchie: No, I will not give way.

We never claimed that our document was the finished article, but it was worthy of stimulating a serious debate. No one else brought forward any ideas. At the same time, 'New Priorities in Difficult Times' received some grudging comments, and others copied it. I saw that myself at Executive meetings.

Implementation of those proposals is better late than never. Let us re-examine ways in which to push more resources into the areas that will sustain and grow employment during the recession and will position our economy to capitalise when the recovery comes. Let us re-examine ways in which we can find savings in the public sector, with a particular focus on senior salaries and perks and, at the same time, protect front line services and ensure betterment and improvement for our people. That is what the Assembly should be about.

The SDLP made specific proposals on how to find new sources of funding and capital receipts. Most of those ideas are still valid, such as the re-profiling of Housing Executive debt and

the sale and leaseback of Housing Executive buildings. I was encouraged to do that. However, the Department of Finance and Personnel was unwilling even to consider the idea. Let us make up for lost time and examine the proposals in our party document.

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

Ms Ritchie: There is less than a year left in this mandate. Therefore, let us get on with the job and provide for the people who need it most.

Dr Farry: It is always a pleasure to speak after Margaret Ritchie in a debate. However, it seems that the SDLP believes its internal propaganda on these matters. That said, we miss Declan O'Loan and hope for his return from the naughty step to the debates in the very near future.

I will start off with a topical financial matter: the situation relating to DARD and the disallowances or fines, or whatever you want to call them, that have been announced by the European Union. That is a damning indictment of the Department and it will have repercussions for public expenditure in Northern Ireland. I appreciate that some allowances have already been made in budgets to cover the eventuality of disallowances, but clearly the scale of what has happened dwarfs the provision that has been made, so there will be consequences.

Even if the Finance Minister and his Department can address that issue without budgetary changes, it will be at the expense of the other things that could be done with the money that is tied up in that, so there is an opportunity cost. That is a reality that the House needs to take seriously. I am very alarmed at the lack of accountability around the issue, not least the fact that the Agriculture Minister has not made a statement to the Assembly on this critical matter for Northern Ireland. It is critical not just for her Department but for public expenditure here.

I appreciate that it is still a matter for negotiation, with only £30 million confirmed so far and the other £30 million under appeal. However, it is one quarter of the Department's annual budget, and it is half the level of cuts that we are being asked to fund later this year from the Treasury. That puts it into perspective and draws to attention the lack of accountability that we have had on the matter so far.

In the broad context of where we are, we have to appreciate the challenges that are coming. So far, it is just the tip of the iceberg. What is before us simply reflects the internal readjustments that we have had to make as an Executive and an Assembly, resulting from shortfalls arising and events knocking our budgets off course over the past number of years. The Assembly has also endorsed some financial distortions, which have created longer-term public finance problems for us.

In the future, we will see the cuts working their way through from the Treasury. There will be £128 million in cuts during this financial year. We will have to wait with interest to see what happens over the next three years. That will have implications for the 2011-2014 Budget, or Budgets, depending on how the Executive want to take that forward.

One aspect of that is the timing of the cuts. A number of parties have made their views known about avoiding rashly trying to pay down the debt quickly, particularly bearing in mind the risk of a double-dip recession. That is a theme that is appearing right across the UK and Europe, where we have seen a sudden shift in Governments' attitudes, from simply trying to hold off paying off debt to paying off debt very quickly with strong austerity measures. There is a sense that there is panic and that the proposed actions may go too far the other way. Those are, largely, debates for national Governments rather than ourselves. However, Northern Ireland is one of the regions that will be left to deal with the consequences of the decisions that are taken not only by our national Government but by other Governments across Europe. We will have to deal with the impact of their actions on demand, particularly if we end up with a situation in which local companies try to export to markets that are closing elsewhere in Europe.

I was baffled by some Members' comments. In particular, I was rather taken aback by David McNarry's call for a mature debate. He referred to other parties being disingenuous, but I found a number of his remarks to be disingenuous. The Ulster Unionist Party has been very clear and very strong — misguided in my opinion — in arguing about the problems of debt and the need to pay off debt quicker than other parties would like. The party has also been strong in identifying the so-called black hole in local public finances that has arisen due to other

circumstances over the past number of years. However, at the same time, the Ulster Unionist Party, more than any other party, is trying to stand back from taking any tough decisions when they have been required. It has been playing politics on the matter more than anyone else. Even today, I did not hear any new policies or proposals from that party. All we hear about is the need to be frank and mature with people and to take tough decisions, but when the opportunity comes along, they duck it.

What we did receive were proposals for process — a new Programme for Government, a new Budget. Although I concur with those proposals, we have to appreciate that those are just process matters that will frame the choices that we are facing as an Executive and an Assembly and within which we will have to make tough decisions. There is no point in Members talking about tough decisions unless they show an indication and willingness to make them in illustrating where savings can be made.

1.00 pm

Mr McNarry: Since the Member has mentioned me, I wonder whether he might be able to help me by directing me to the type of tough decisions that he is talking about and which he is prepared to bring forward, so that we can engage in a mature debate on them. Will he list them for me?

Dr Farry: I am just coming to that, so that is a handy introduction. First, let us go to the heart of the matter. The Executive and Assembly will have to bite the bullet on water charges during the next financial year. I have been particularly critical of the DUP for its approach to a number of populist decisions regarding finance and a reluctance to address the need to raise revenue, but I must say that I welcome the comments made today by the Finance Minister and his indication that certain things are inevitable in the near future. We may disagree over the timing of when that has to be, but there is an appreciation of coming to that point.

I draw attention to the fact that the Health Minister is going round damning anyone who dares touch his budget. There is a case for protecting money in health and in protecting front line services, but it is inconsistent to do that without appreciating the need to raise revenue and try to balance the books in Northern Ireland. If we identify the underspend in health, compared to other regions in the UK,

the flip side is that we have to be honest and frank and appreciate that there are distortions in our Budget in that some revenue-raising occurs elsewhere in the UK but does not occur here. That is the first tough decision that the Assembly has to make. My party is prepared to put its cards on the table and say that that has to be done and that it is something that every party in the Assembly, if they want to be responsible, has to sell to the electorate.

Mr McNarry: Is the Member saying that now that his party has a Minister in the Executive, that Minister will be encouraging cuts in the health budget?

Dr Farry: I am glad that Mr McNarry can count now and that he has moved on from a four-party Executive to a five-party Executive. He has not been listening to what I have said. My party wants to protect front line services in health, but, so far, we are the only party here that has been prepared to state the uncomfortable truth that we will have to raise revenue in Northern Ireland to better balance our books and to protect areas, such as health, that we deem to be important to society.

Let me take it a step further and make another point. Water charges will have to be introduced, but they will have to be linked to ability to pay and usage. They will be progressive and linked to people's income and resources. Therefore, people who are better off will pay more, and those who are not will pay less. There are vulnerable people in our society who depend disproportionately on public services, and it is those people who will suffer most from the cuts or the strong austerity approach that is taken by a future Executive.

I find it utterly baffling that the two nationalist parties here, which claim to be left wing, and the trade unions talk on the one hand about the need to, quite rightly, protect public services, but, uniquely among social democratic and socialist parties in western Europe, are reluctant to address the difficult issue of how to raise money. In fact, they totally avoid the issue. The Assembly will have to come to terms with that issue over the coming year. That is the uncomfortable truth on the way forward.

The Chairperson of the Committee for Education: I will make my opening remarks in my capacity as the Chairperson of the Education Committee. I do so to remind the House that this is not the first time that we have had

occasion to speak in relation to these issues, particularly when it comes to finance and the Department of Education. Earlier this year, I reported to the House that, unfortunately, the Education Committee was not in a position to give its views on measures to address the savings and the budget pressures facing the Department of Education in the review of spending plans.

The reason for the position that the Committee has adopted, which I reported to the House and which is, as I understand, uncommon in the Department of Education and my Committee, is also being faced by several other statutory Committees. They have had the same experience. The reason is that the Committee was not provided with necessary information.

I understand that Members like to get a great deal of information and reports when they come to the House and to Committees. However, that information must be relevant. It must illustrate for Members the necessary impact of potential spending reductions, particularly on front line classroom services. We all use that phrase glibly. Therefore, we must define what we mean by front line services. When it comes to education, there can be no service more front line than that provided by the schoolteacher in the classroom.

Unfortunately, I must report to the House that the Committee remains to this very moment uninformed as to the impact of cuts in the Minister of Education's budget for 2010-11. Following the Minister's announcement of her budget on 21 April 2010, the Committee has had three separate briefing sessions with senior officials from her Department, the most recent being on 2 June 2010. For example, officials were unable to inform the Committee about the impact of the 1.6% minimum cut in the £400 million central budget to education and library boards. No information on education and library boards' resource-allocation plans was available. Let us remember that those organisations deliver 95% of services to schools. Yet, last week, in correspondence to the Committee, we heard from Mr Dominic Bradley about seconded teachers in the Western and Belfast Boards' teams who deliver literacy and numeracy being sent back to schools because of lack of information and uncertainty from the Department on earmarked funding budgets for such special programmes. Therefore, the issue is not only that there is a lack of information available to Members but

that it is not even available to people who deliver education services.

Members will recall that during her response to a recent oral question, the Minister of Education informed the House that there will be 221 teacher redundancies in 2010. The Committee awaits information on that and on any further redundancies, as it has written to the Minister and her Department on that particular issue.

The point that I am trying to make is that there is a lack of transparency on the impact of announced education cuts, particularly on classrooms, and that concerns the Committee greatly. When she announced her budget, the Minister stated that her priority has been "to protect frontline services." Yet, the Committee has not seen where she will make cuts and has growing fears that classrooms will bear the brunt of the cuts.

Cuts are with us. Unfortunately, it seems that there are more to come. I fully support the Finance Minister's point that transparency is critical to ensure that the emerging Budget has credibility. That is particularly important with regard to the education budget, which impacts directly on every child and young person in Northern Ireland, as well as, of course, on their parents and teachers.

I wish to tell Members of the House and the Minister of Finance and Personnel about a recommendation that the Committee made recently to the Committee for Finance and Personnel on the Budget process, which I trust will be actioned. The Committee for Education recommended that standard guidance to Northern Ireland Departments on the timing and provision of relevant information to Assembly Statutory Committees be drawn up by DFP in consultation with Statutory Committees and submitted to the Executive for consideration and agreement. The commitment of individual Ministers to that guidance would be essential. Again, DFP, in consultation with statutory Committees, would monitor adherence to standard guidance.

I will now make some comments in my capacity as an MLA. I return to a point that the leader of the SDLP unfortunately did not answer. It is very easy for Members to come to the House and say that it is the Minister opposite, or a Minister from another party with responsibility for another Department, who has miscalculated and has not been able to deliver the goods. All

the while, we all retain political wish lists that, in reality, have delivered very little, if anything, for the people of Northern Ireland.

If one considers the journey that we have come on to establish the institutions, we have all had to be brought to a place where, although we are not all content with the structure of those institutions, as Mr McNarry said, by being here in the House, we are committed to the process of devolution. Let me throw down a challenge to the parties in the House and reveal some of the political wish lists. Let me ask Members present whether we are content to say that it is not right to continue to have cuts in health, education and social services, while at the same time we retain 11 or 12 Departments and 108 MLAs. We remember that the very Chamber in which we sit today in Parliament Buildings governed Northern Ireland in a past generation with 54 or 57 Members. Let us be honest —

Mr Dallat: God forbid.

The Chairperson of the Committee for

Education: Does the Member want to reply? He has some comment to make from a sedentary position, so I will let him speak.

Mr Dallat: I was simply making a prayer, and saying that God forbid that those days ever return, because I remember vividly what they were like.

The Chairperson of the Committee for

Education: That is a typical answer from the SDLP — no substance. Is the Member prepared to join my party, which has been consistent on the issue, in saying that, instead of having six MLAs from every constituency —

Mr Speaker: I ask the Member to make his remarks through the Chair.

The Chairperson of the Committee for

Education: Through the Chair, Mr Speaker, does the Member accept that it is now time for all parties to make a commitment to having 54 Members, or whatever the number would be, instead of 108 Members? That would give the people of Northern Ireland confidence that the Assembly is more than just a very expensive talking shop that says what should be done but is not prepared to take the hard decisions to which Mr Farry referred.

Let us have honesty in the House, and, by that, I mean honesty from us all. If we must have a five-party mandatory coalition, we must have it

on the basis that we will all have to experience pain and engage for the betterment of Northern Ireland.

I will return tomorrow to the specific issues that the education service in Northern Ireland is facing. We will all do well to have a mature debate on the huge issues that face our classrooms and those involved in the administration of education. I trust that Members, rather than seek merely to make political points for the benefit of their party, will remain focused on the fact that we in the Assembly have a responsibility for all the people of Northern Ireland and not just a select few.

Mr McLaughlin: Go raibh maith agat, a Cheann Comhairle. I speak in favour of the motions. Four hours have been designated for the debate. If the Assembly had sufficient fiscal powers, it might be a debate on the initiatives and measures that we could design to reflect a more realistic response to those external financial pressures that are bearing down, not just on our economy but on the whole range of public services. However, we do not have those powers.

1.15 pm

The reason why so little of the debate has drilled down into the issues of how we apply the revenues is because we are preoccupied with managing the cuts that Westminster is imposing. We all understand that there is a global recession and that there are deficits that require responses at government level. On more than one occasion, comment has been made here about the travails facing the Southern economy, and that situation is not without consequence in other regions as well as in Westminster and, subsequently, here.

Tomorrow sees the publication of the report on the Saville Inquiry, and I wish to get to what I think is the nub of the issue. Already, some of the commentary on that matter has been predictable. Unionists have a certain wariness of the Saville report. Within nationalism, there is a burning sense of injustice, which has been compounded by the fact that the foremost law officer of the British state challenged the integrity of the people who were wounded and killed that day. The issue has been dividing parties here, and that is where I come to this debate.

Mr Speaker: Order. I insist that the Member come back to the debate.

Mr McLaughlin: I am actually dealing with it, and I will now illustrate my point. It is an issue on which there should be unanimity, and there are many issues on which we should agree a way forward. We should have a collegiate approach, but we do not. There have been predictable interventions, and there will be some more tomorrow. That goes to the heart of why the Assembly is being seen as a group of people who cannot take tough decisions and who cannot set aside partisan positions when, in fact, that is the required response.

The previous Member spelt out how we are over-governed here. I agree that we have too many Departments, Ministers, MLAs, councils, quangos and consultants. In fact, we have too much of everything. It costs more to deliver front line services here, about which we are so exercised, than it does in any other region. My point is relevant, because although it is expensive to develop cohesion and coherence, it is logical to do so. However, that does not exist at present for understandable reasons.

The reference that was made to the old Stormont regime cuts no ice on this side of the House. As a young person interested in politics, I visited that Stormont, and it did not commend itself to me as being the type of Assembly or Parliament to which we should try to return. It was mentioned in the discussion that there is a mandatory five-party coalition here. However, we should really think carefully about that, because that is not the case. It is not mandatory to nominate, and any party here, including mine, may decide not to nominate. Parties that agree to nominate are accepting the basis on which people will serve together. I think that we should set that aside, because what we must do as a group of people who have different political perspectives, ambitions and aspirations is to get on with the business of being partners in government. That would open up other options.

If we are not yet ready to discuss dismantling the arrangements that have been made in respect of the number of MLAs or the number of constituencies in the region — and I suspect that we are not ready to do so — we will have to get to that point. However, can we address the question of why it costs so much to deliver services here in comparison with other regions? In many instances, they are doing it better. What are they doing and how are they doing it? They are delivering better front line services for less

expenditure per capita. That is the challenge that we have not yet addressed.

The Chairperson of the Committee for Education:

I thank the Member for giving way. The Member and his party can help to address the cost of front line services. For example, the Police Service here costs £400 a person compared with around £20 or £30 a person in other parts of the United Kingdom.

In some parts of my constituency, there has clearly been an attempt by the Member's colleagues to create agitation on issues such as parades, thereby establishing an environment in which police resources have to be doubled. If a sensible approach were taken to such issues, money would not have to be spent and the Department of Justice would save money.

Mr McLaughlin: There are probably two ways of looking at the issue. If marches are controversial or, indeed, offensive to some sections of our community, why would we insist on revisiting that, given that there are so many opportunities? I acknowledge the fact that the majority of marches to which the Member refers take place in areas in which they are welcome, where there is no need for policing operations and no offence is caused.

There is a straightforward answer to the Member's challenge: problems are being policed rather than resources being poured into finding solutions. We could avoid problems and also save money with a common-sense approach.

My broad thesis today — I acknowledge your indulgence, Mr Speaker — is that the conflict, which we are all tasked with trying to resolve, continues to divide us. However, we have to rise above that if we are to deliver a different future and not revisit the past, of which we have all been victims.

Mr Shannon: I support the motion. The allocation of funding and the question of how much funding is available are always issues, but never so much as when we are at the heart of an economic downturn. Therefore, we are more focused today than we have been for a long time, especially in light of the Prime Minister's comments at Westminster. The allocation of funding has never been as vital as when we are faced with cuts in all Departments and worries about whether projects will continue if their funding is cut. Each and every one of us can point to such projects in our constituencies.

Since 2008, unemployment in Northern Ireland has risen by 18,000 people. Strangford, the constituency that I represent, has an unemployment rate that is higher than the UK average, leaving too many able-bodied people out of work. There has been a 63% rise in redundancies, caused not only by the decline in newbuilds and projects in the construction industry but by a decline in manufacturing. We have been trying to address those issues at a local level.

There is a well-known saying that people must speculate to accumulate, which is apt in the circumstances. A funding allocation is required to encourage growth and prosperity.

Lately A collouged wi' fowk fae the engineerin' sector i mae ain constituency. Thae boadies alloo at thair bes an appenin the noo fer a boost tae the nummer o' engineerin' joabs, bit at thon windae bes closin' an' noo bes the tim' fer ection. Innovation, new maide technology an' oangaein bettherments i engineerin' hefts economic forderin.

I recently spoke to members of the engineering sector in my constituency, who said that there is an opening at present for a boost in engineering jobs. However, that window is slowly closing. Now is the time for action, innovation, new technology and continuous improvement in engineering, which will stimulate economic development. The manufacturing sector contributes some 25% of gross value added to the Northern Ireland economy. Therefore, we must focus on the manufacturing sector to improve the Northern Ireland economy and, by association, that of the UK. It is my hope that, through the allocation of the Supply resolution, sufficient money will be granted by the Department for Employment and Learning (DEL) and the Department of Enterprise, Trade and Investment (DETI) to encourage the engineering sector in particular and, subsequently, growth in the local economy.

It is simple: the expansion of businesses means the creation of jobs, which means that fewer people will be on soul-destroying benefits and more people will live independently and make a contribution to society. Many people want to make a contribution, but they need jobs and the opportunity to do so. Redundancies in the manufacturing sector have left too many men in their 50s applying for jobs and losing out to younger men. Training for the unemployed must be a priority for the Government, and I

hope that that will be taken on board when the time comes.

Those men, who worked all their lives, have no desire to be dependent on benefits. However, they also have no training to go into other fields of work, and they must be given more chances to change that. That is what we were elected to do, and that is what we must do. I am sure that many Members are aware of that niche in the market: those who are over 50 who cannot get jobs, or are finding it much harder to get jobs, who have worked all their days, and want the opportunity to continue to work.

As I said in a debate on last year's Budget allocation, this is a time for the tightening of belts in areas where they can be tightened without affecting front line services. I think in particular about health, and the fact that I have been contacted by literally dozens of people — arthritis clubs, Chest, Heart and Stroke, MS, and the Gateway club — all of whom have been notified by the local health trust that the bus service that they have enjoyed for years could well be removed. Petitions have been organised, and are in the process of being filled. It is vital that everyone involved does their bit. Every one of those groups that I have approached, or which approached me, has stated clearly that the outings and events that they go to on their buses are essential, and are therapeutic to those who are not well and who live just for the trips out, the meals and the interaction. The threat of any cutbacks to that service is to be challenged. I have written to Minister McGimpsey, informing him that the bus service needs to be retained, and that any penny pinching and reduction in that vital service cannot be allowed to be considered.

There are dozens of those volunteer groups in the Ards borough, which I represent wearing my other hat. Other Members, too, will be aware of such groups. Part of their work depends on that free bus service. The importance of its retention cannot be underlined enough, and I urge the Minister to make his cuts in some other area where efficiencies can be made, and not in the provision of front line services.

I have highlighted before the money that can be saved with regard to the money that is wasted on the dispense weekly and Medisure packages that offer prescription aid. Those services were introduced for those who were unable to get out to collect their prescriptions, but I have been

informed that they have allegedly been abused by some businesses and are offered to anyone on repeat prescription. That was not why that service was offered. I suggest to the Minister that he should be aware of the cost of that dispensing of prescriptions has quadrupled. Therefore, there are savings to be made if he looks closely at the system. In some cases, that service is a vital aid to unwell people, but in other cases it is simply a way for some to make money. Surely that should be looked at to deliver efficiency savings.

I cannot go into great detail about the best way for all the money to go. However, we can run a healthy and prosperous Northern Ireland on the block grant if every Minister in the Executive takes a hold of their Department and makes the sensible savings that are possible, not just the obvious cuts. This will not be done by one Minister or another Minister, or by the Finance Minister on his own, but by all Ministers in all Departments.

I do not envy the Minister of Finance and Personnel in distributing the grant for which he is responsible. However, I do trust him, and I know that he will do what is best. I know that the budgets that he will allocate out of his money will be budgets on which every Department can function, and every Department should play their part in that. I support the motion.

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle. I want to make some remarks about the education budget. Mr Storey has referred to some aspects of that budget.

The Minister of Education told us members of the Committee for Education that she seeks to make savings that will protect front line services. That, surely, is a laudable way to go about things. Unfortunately, however, her own officials do not seem to be in agreement with her. Her own senior officials tell the Education Committee that they cannot guarantee us that the savings that they will make will not impact on the classroom situation. We are therefore left wondering who is right: the Minister or her officials. That is a theme that we encounter time and time again when dealing with the Minister of Education.

The Chairperson of the Education Committee referred to the lack of information that comes from the Department to the Committee. Indeed, it is not only the Education Committee that suffers because of a lack of information.

As was mentioned earlier, the education and library boards are in a similar position. The difference is that their not receiving the information impacts on front line services.

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

1.30 pm

The earmarked funding that education and library boards receive annually is usually revealed to them in March or April. However, we are now in the middle of June and they have not been told how much resource they are getting for earmarked projects. Not all those projects are luxuries that can be done without; in fact, the opposite is true. Earmarked funding pays for important curricular support work, including the literacy and numeracy teams that work in education and library boards and are mainly directed at underachieving pupils. Such pupils really need the type of support that that funding enables them to get. If that is not a front line service, I do not know what is.

A Public Accounts Committee report that dealt with literacy and numeracy underlined the need for greater emphasis to be placed on effective work in that area. The phonics programme, which was much promoted by the Department and, we are led to believe, will be a key element in the literacy and numeracy strategy, is also in doubt, as are the jobs of specialist teaching assistants in literacy and numeracy. Such people are trained to support teachers at the chalk face, in the classroom. Once again, I emphasise that that is a front line service and one that is being affected because the Department of Education has not got its act together on its budget. As a result, front line services, which the Minister claims that she will protect to the end, are being affected.

The Minister of Finance and Personnel will remember his lowly days as Chairperson of the Education Committee. From that experience, he will be aware of the backlog in school maintenance. If my memory serves me correctly, while he was Chairperson, the backlog was estimated to be around £160 million worth of work. The latest estimate is £300 million. I am sure that the Minister will agree that that is a huge amount of work that is waiting to be done in schools. Some of it involves urgent health and safety work, which, obviously, must be prioritised. I can think of schools in my constituency that have been long awaiting new buildings. Some of them have been

waiting for 10 years and more. I am sure that other Members can think of projects in their constituency that are awaiting the call. That creates a huge amount of frustration among teachers, parents and boards of governors. It is hardly surprising that many of them have grown cynical about the Department's excuses, including the Minister's latest, interminable review, which is the latest in a long line of put-offs that those people have had to endure.

Time and again, the Minister has told us that she is seeking to create a world-class education system. I certainly support her in that. She has said, though, that it is not the nature of accommodation that is important but the quality of teaching and learning. I agree that the quality of teaching and learning is very important. However, apart from the odd flying visit here and there, it is obvious that the Minister has not spent much time in schools. If she had, she would know that first-class facilities have a positive effect on teaching, learning, morale and, indeed, the local perception of schools and pupils' enjoyment of their educational experience.

If every school is to be a good school, we need the investment in the schools estate that will help schools respond to the needs of the twenty-first century. Schools cannot do that in 1970s facilities. Some of our teachers tell us that they have been working in outdated buildings and facilities that are long in need of replacement. Indeed, some who have long left school will say that plans for newbuilds at their school were being talked about when they were in P1.

The most effective way of reducing the backlog in school maintenance and improving the schools estate is to invest in capital schemes. Sticking plasters here and there are not a long-term solution. The longer that work is left undone, the more the schools estate deteriorates and the worse will be the conditions in which our children and teachers have to work. The longer that maintenance is delayed, the greater will be the bill we will face at the end of the day. A lack of investment now is a false saving, which, in the longer term, will cost us more.

The further pressures on the education budget this year, we are told, may mean that no newbuilds will go on site in 2010-11. As I said, the backlog in school maintenance continues to grow. If there is no investment in school

newbuilds this year, that backlog will be even greater this time next year. The Minister of Education tells us that that is not the case and that she will make decisions in light of the review, but when will the review end? It seems to be ongoing, month after month. As I said, mixed messages emanate from the Department: officials tell us that there will be no newbuilds, while the Minister says that there will be. We need certainty about that.

In tomorrow's debate, I hope to explore some of those themes in greater detail, but, in the meantime, there is a clear need for the Department of Education to explain to members of the Education Committee and to the education and library boards the exact details of the education budget for 2010-11. With that information, we will be in a position to assess the budget and predict its effect, but without it, in the current circumstances, we will be unable to do so.

The Chairperson of the Audit Committee

(Mr Weir): Mr Bradley referred to what he hopes to return to tomorrow in the debate on the Second Stage of the Budget (No. 3) Bill. As a member of the Finance Committee, I frequently had to reassess or rehearse what had been said the previous day, dressing up the same remarks for different debates. That is one of the reliefs of no longer being on the Finance Committee; it is a task that does not fall to me. Today, I will bite the bullet. I appreciate the prison pallor of the Minister of Finance and Personnel, who had no such early release scheme visited on him. He will have to digest remarks again tomorrow, although he is a man who can recycle remarks fairly easily.

Before I make a few general comments, I will make some observations in my role as Chairperson of the Audit Committee. Given the current economic climate, the Audit Committee believes that it has never been more important to ensure that the Northern Ireland Audit Office achieves its aims of providing objective information, advice and assurance on the use of public funds and encouraging beneficial change in the provision of public services. The Audit Office also seeks to achieve the highest standards in financial management and reporting and propriety in the conduct of public business.

There is no question that we all recognise the importance of that work. The Audit Office's main estimate for 2010-11 of just over £9 million

represents a decrease of approximately 3·5% on last year's provision of £9·39 million. Although it is the intention of the Audit Office to significantly increase the extent of its value for money work on the policing and justice bodies during 2010-11, it intends to meet the increased costs of that work through efficiencies made in the rest of its work and by the redeployment of staff. The Audit Committee welcomes that approach.

In considering the Audit Office's Main Estimates for 2010-11, the Committee consulted the Department of Finance and Personnel and the Public Accounts Committee, both of which were content. In view of that and having questioned officials from the Audit Office, the Committee unanimously agreed the Main Estimates at its meeting on 9 March 2010. The Committee will continue to scrutinise the Audit Office's expenditure to ensure value for money and that its aims are being achieved.

In aiding DFP and the Public Accounts Committee, the Audit Office makes a significant and valuable contribution. In keeping with the spirit of auditing, its work is based on financial prudence. Circumstances that are largely outside its control, namely the devolution of policing and justice, mean that the work of the Audit Office will expand. To ensure that it does not face an increased cost burden, the Audit Office is seeking to make efficiencies in its organisation. The Audit Committee welcomes the valuable work and contribution of that office.

As a former long-standing member of the Finance and Personnel Committee, I used to play a slightly more prominent role on occasions such as today. Various changes meant that I exited that role and, in case anyone had any doubts, had to hang up my anorak. Consequently, I will not go into the minutiae of the Supply resolutions. Suffice it to say that we all recognise that we are moving into a tougher financial situation. The concern is that, so far, we have seen only the tip of the iceberg. It was prudent of the Finance Minister to warn of the overall financial situation in which we are likely to find ourselves over the next few years. We must bear it in mind that about £1 billion will come out of the Budget.

My other role is that of Deputy Chairperson of the Committee for Employment and Learning. Its parent Department, in common with others, will be subject to financial scrutiny and constraints, and it will have to face up to the fact that

the cake will simply be smaller. It must be recognised that the Department for Employment and Learning will face inescapable pressures because of student loans, particularly as a by-product of the recession. That issue may need to be tackled on a wider national basis, but, with projections of approximately £20 million for the next year, we must face up to the fact that the consequences for the devolved institution are unavoidable.

As we move into more straitened financial circumstances, it is inevitable that more young people will try to gain additional qualifications. They will look towards higher and further education, and, in doing so, they will, potentially, place even greater strain on the system.

Mr Savage: I listened carefully to the Member's comments. I ask the Minister for Finance and Personnel to take on board the issue of the budget for research and development, which has not been mentioned. Northern Ireland can become a centre of energy, but no money is being pumped into realising that. No matter where small businesses or firms turn, their way is blocked. Something must be done, because Northern Ireland has much to offer, but the hands of businesses are tied.

1.45 pm

The Chairperson of the Audit Committee:

Northern Ireland certainly has a lot to offer. The Executive and my party, in particular, have taken the approach of trying to untie hands and remove barriers to business where those exist. We are trying to ensure that our businesses have a low-cost environment, and, obviously, that applies to research and development.

In whatever decisions we take, many of which will be forced on us, we must ensure that we protect the economy for the long run. Although there will be pressures on the Department for Employment and Learning, putting training in place for young people is key. In many ways, such training programmes are the building blocks of our economy.

The Minister of Finance and Personnel: I thank the Member for giving way. Mr Savage made an important intervention. As a result of the independent review of economic policy, which is now being taken forward by the Minister of Enterprise, Trade and Investment, one of the main emphases will be on moving away from selective assistance for firms and towards

research and development, innovation and skills etc. As the Member pointed out, that is the way to build a high value-added economy.

The Chairperson of the Audit Committee: I welcome the Minister's remarks. It is important that we focus tightly on helping to develop the economy, because that is the long-term solution for Northern Ireland. That may be done through focusing on R&D or ensuring that young people receive adequate training so that they are fit to meet the demands of the twenty-first century and contribute to the economy. All of that is important.

There is also a challenge to ensure that resources are used well, and the Department of Education has a role to play in that. If we are to build long-term economic sustainability, we need to reposition our economy and place greater focus on STEM subjects in education. Although it is important that the Department of Finance, DEL and DETI play their roles, it is clear from the meetings that I have been involved in that there is also a strong role to be played by the Department of Education in respect of what is done for young people before they reach the age of 16 to prepare them for the workforce. I urge the Minister to bear that in mind when making the tough choices that lie ahead.

Unfortunately, we have moved from having a range of good choices about what good things to put money into to a much tougher financial regime of which good things we will ultimately have to cut.

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

The Chairperson of the Audit Committee: I welcome the proposals and look forward to the rest of the debate.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. I apologise for not being present for the earlier part of the debate, although I listened to it while conducting other business in my room. The debate has understandably — perhaps predictably — divided along the traditional lines of how people feel public funds should be utilised to stimulate an economy. Unfortunately, the debate has largely been about how we administer the cuts that will inevitably come from the Tory-Lib Dem Government in Britain. Therefore, the debate has not gone in the direction that it needs to go.

My colleague Mitchel McLaughlin said that we need to have a lengthy discussion about how we stimulate an economy. We are not having an economic debate in that sense. We are having a debate about how we administer cuts and work with the Budget handed down to us in what is somewhat ungraciously termed the block grant. It is as if there are no taxes or funds raised in this part of the world and we just live off a grant handed down to us by the British Government. That ignores the reality of the taxes that leave this island, the European grants and all the other ways in which the British Government benefit from being here.

That is where the debate needs to lead to. If economic debate concentrates solely on the Six Counties, that economy will not work. Since the partition of the state, through the various stages of our history, apart from in the war years, we have had a weak and weakened economy.

The Minister of Finance and Personnel: The Member has made an important point as regards what the debate should be about. However, does he accept that, by the time it comes to the final Budget, the debate must be about administering what we have and the spending plans for this financial year? Does the Member accept that the debate that he wants should take place before the Budget is formulated and that the place for that debate, as I said in my opening speech, is in Committees as they interview their Minister and departmental officials to establish policies? Does he accept that the Assembly collectively should consider those issues at the start of the process rather than when we are debating the final shape of the Budget?

Mr O'Dowd: I agree with the Minister to a degree: Committees' role is to scrutinise and support their Departments. Inevitably, however, each Committee acts in a silo from which it looks at an individual Department's budget. The same can be said of Ministers, who look at their budget in isolation. We need a debate in the Chamber and in broader society about how we manage our Budget and how we build an economy so that we are not simply dealing with a block grant or moneys handed down to us by the British Treasury to divide up, even though that money invariably does not go far enough. There is a role for Committees, and I have heard comments about the information and the time that Departments give their Committee to have that informed debate.

Our economy, apart from the war years, has largely been based on British Government subventions, and as long as it is based on a six-county model, we are going nowhere. We will continue to have these debates, and the next Finance Minister and the one after that will continue to struggle with funding that does not meet the needs of the society that we are charged with governing.

I take an all-Ireland perspective on how we build our economy. Members on the Benches opposite have pointed the finger down South and said, "Look at the mess that they made of their economy". Haven't they just? They had an opportunity to build a society on the wealth that they had created that would have laid firm foundations for future generations, but they squandered it. However, it is not productive simply to point the finger at political representatives in Dublin and say, "Didn't you make a mess of that?".

In some ways, we have an all-Ireland economy. One need only look at the National Asset Management Agency (NAMA) and the hundreds of millions of pounds that it now controls in the North. It now has an influence in the property market that may or may not be to the benefit of this society. The Finance Minister has spoken to his Dublin counterpart about the implications of such a block of money being held by that agency, and the issue has been raised at North/South Ministerial Council meetings. Those assets need to be secured and used properly for the benefit of people across the island and not just of NAMA.

I am not arguing for an isolationist policy to create an economy on the island of Ireland that turns its back on its neighbours in Scotland, England and Wales. If we move forward collectively, we can build an economy to benefit the people on all these islands. We should move forward in that way instead of dealing with the economy as we do.

As my party's education spokesperson, I may now be taking the silo approach that I spoke of. Along with many others, I believe that education and health are the two key principles on which we will build a healthy and strong economy. Thus far, our education budget has been robust enough to allow advances to be made in education. There has been a large-scale building programme and investment in schools and front line services, and new, imaginative initiatives

have been put in place. However, I not only fear but believe that all those measures will come to an end, not only because of the imminent cuts but because of some that we already face. The Education Committee has been told of the danger to our capital build programme of money running out. If that were the case, no more schools would be built. School maintenance causes great concern to everyone. Earlier, I heard mention of redundancies in schools in respect of teachers and front line services. I suspect that much of that is aligned to the falling roll numbers at this stage of the educational calendar, but it is concerning that education is beginning to feel the initial bites of the earlier Budget cuts.

I have great sympathy for the Health Minister as he pursues the delivery of health services in the current circumstances. However, the argument to simply ring-fence the health budget causes me concern because it ignores the simple fact that society, the Executive and the Assembly should be about creating good health, not simply managing poor health. If we ring-fence the health budget to the detriment of all the other services, we will spend our time treating ill people instead of ensuring that we provide proper housing, schooling, jobs and an environment in which people's mental and physical health improves. I appeal to those who use the argument that health funding should be ring-fenced to think of the full implications of that.

That brings me to another subject that has been mooted for several months and reaches fever pitch on some occasions: the introduction of direct water charges. Those charges could generate £300 million, but where will that money come from? Obviously, it will come from every household in the North, including the most vulnerable. When one looks at societies across the globe that have introduced direct water charging, it has had a detrimental effect on people's health and well-being. Therefore, what we give with one hand, we will take with the other. If that £300 million were redistributed throughout our Executive, I have no doubt that, over time, due to the introduction of extra pressures on people's lives and the reluctance to use water and all that goes with that, there would be an effect on our Health Service.

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

Mr O'Dowd: We live in a service economy. If we take extra money out of home budgets, we take extra money out of our service economy. That will have a further knock-on effect on the economy.

Mr Gallagher: I will reiterate some of the comments made by Margaret Ritchie about revisiting the Programme for Government and the Budget. We have been consistent on that. Everybody is aware of the changing financial circumstances and the worries of government Departments about how they spend their money and the worries of the public about what they will lose as a result of cutbacks. That is the logic that we have repeated time and again in our calls for revisiting the Budget and the Programme for Government. We still think that that needs to be done. We need to have a full debate about how we make best use of the money.

The cutbacks in my constituency are, like everywhere else, causing unemployment and creating difficulties for families. We are fortunate that the new hospital in Enniskillen has been started and will be completed. We hope that it will be fully functional in a couple of years and that, when it is, there will not be any ward closures, as was the experience at the Downe Hospital. I will come back to that point in a few minutes.

2.00 pm

The roads in my constituency are in a deplorable state. For more than 20 years, there has been no investment in new roads, and there is not enough money to maintain minor roads. Consequently, roads there are deteriorating, crumbling and breaking up.

For everybody in society — maybe it is a global thing — all kinds of unexpected shocks are cropping up. In Fermanagh, as a result of the problems at Quinn Insurance, hundreds of jobs will be lost, and the company's long-term future is uncertain. Against that background, it is important that all Departments ensure that every available resource is directed to help and support the people who will be left without a job and the families who will be left without a breadwinner. In respect of the latest crisis at Quinn Insurance, I acknowledge the hard work by the Department of Enterprise, Trade and Investment and the Department for Employment and Learning to provide what support they can.

Mervyn Storey said that it is fine and well to cut everything down. However, in the present economic

circumstances, as a border constituency, Fermanagh needs a fully functioning North/South Ministerial Council, because that is the best way to draw in financial support to stimulate business. Invest Northern Ireland's record in Fermanagh is not good, and we do not expect it to improve. Therefore, the best context for ensuring that constituency's economic future is through a fully functioning North/South Ministerial Council. We know about Waterways Ireland, which must be supported, as does InterTradeIreland, but, in the interests of the people of Fermanagh and South Tyrone and, indeed, our cross-border neighbours, all aspects of the North/South Ministerial Council need to be working at new levels and facing up to new challenges.

George Savage mentioned research and development, and, in order to find new ways to grow indigenous businesses, it is important for economic development that that area has a centre of excellence. If possible, large businesses must be developed, and, for the good of the community, a range of new micro-businesses must be developed.

Turning to health, given that it is carers' week, I shall start by talking about them. We are all aware of the heroic work that carers do and of the scarcity of resources to help them, particularly in domiciliary and respite care. For example, the demand for care for dementia sufferers is growing: 1,400 new respite care places are needed. In the Budget, only £600,000 has been made available to meet that demand. That is a considerable shortfall, which only adds to the burden of those who carry out that work.

The number of stroke sufferers is also rising. Rehabilitation is very important to those individuals; however, for the coming year, the Department does not have sufficient money to support rehabilitation services. That discrepancy, in turn, will put more pressure on carers, so that area must be looked at. Owing to financial pressures, the Department of Health, Social Services and Public Safety's policy for the coming year is for shorter hospital stays. Of course, it is often good for patients to get out of hospital. However, elected representatives know that it is not a perfect world, and, sometimes, ill people are sent home in circumstances that their families consider too early. That, again, puts further pressure on the home and on the dwindling domiciliary care budget.

I turn now to the capital development side of the Health Service and the projects that are waiting for support. Those projects range from the proposed women and children's hospital in Belfast to Antrim Area Hospital, which is under increased pressure because of the closures at Whiteabbey Hospital and the Mid-Ulster Hospital. Indeed, Antrim Area Hospital needs a new wing for additional beds, and it needs extended accident and emergency services. There is a real crisis there, because the powers that be decided, with a click of a finger, to close down the Mid-Ulster Hospital, with the result that the facilities crisis has moved to Antrim Area Hospital.

The Downe Hospital was referred to. Although it is a new hospital, lo and behold, just after it was opened, we heard that a ward had been closed down. The Department of Health, Social Services and Public Safety (DHSSPS), if not the Executive, must take a serious look at how things are managed. We put scarce capital resources into newbuild, and, as the recurrent side has not been thought through, the necessary resources are not available to support the new capital project and all its facilities. As a result, the Department of Health, Social Services and Public Safety decided to close some wards and save some money out of the recurrent budget. That is bad management.

I mentioned further capital projects. However, I omitted to mention the Omagh hospital, and I want to put that on the record. I mentioned the new hospital at Enniskillen. If money is put into those resources, we should fulfil the expectations of the people who will get the benefit of those resources. We all know that they are needed, whether in Belfast for the women and children's hospital, which is a regional facility that will serve us all, or for the more rural hospitals. Whenever people see a newbuild, they expect results. They do not expect to be let down by the management in the Health Service or the management in government through a scarcity of resources. We end up in the silly situation where the facility is in place, but cuts are made to the resources that are needed for it.

Mr B Wilson: I welcome the opportunity to speak in the debate. However, I am concerned about the priorities that are reflected in the Supply resolution, and I question some of those priorities. For example, is it more important to reduce hospital waiting lists or to defer water charges?

Is it more important for patients to get the drugs that they require or for the rates to be frozen? Is the abolition of prescription charges a priority? Should we be spending more money on industrial derating when it tends to benefit the most profitable businesses and does little to help those who are struggling? Should we not be spending more money on the green new deal? Is free public transport for the over 60s a priority?

I do not know the answers to those questions, but we should debate the issues now. We are in a new economic climate, and decisions that we took some years ago, such as that on water charges, should be reviewed. We must find an alternative means to fund water and sewerage services. They cannot be met from the block grant at the expense of other services. Under the Barnett formula, there is nothing in the block grant to pay for water. In the rest of the UK, consumers pay directly to water companies, and there is no call on public finance.

Therefore, Northern Ireland Water must be funded from existing resources; namely, the block grant or the regional rate. Indeed, the £300 million payment to Northern Ireland Water is a similar amount to the £367 million of budgetary cuts that the Minister proposed some months ago.

If we continue to fund Northern Ireland Water from the block grant, there must be a reduction in the resources available for other services, such as housing, health and education. As spending on health comprises half of the total Budget, the burden for paying for water services will inevitably fall heaviest on the already underfunded Health Service. I initially highlighted the problem of health funding in my speech on the Budget in November 2007, yet it has continued for three successive years. I pointed out that, in the absence of an alternative source of funding for water services, the Health Service budget would be reduced, which would inevitably lead to cuts in services and significant redundancies. Unfortunately, that has proven to be the case over the past few months.

As a result of demographic trends and the fact that NHS inflation is significantly higher than basic inflation, the increase in the Health Service budget represented, at best, a freeze in overall expenditure, which compared with an increase of 4% in real terms in the Health Service in England. That meant that the health budget was unable to meet new demands, such

as the implementation of the recommendations of the Bamford review. Therefore, in order to provide funding for water services, we were required to accept a de facto freeze in the health budget and a level of service below that of the rest of the United Kingdom. Indeed, the figures show that the Health Service here receives £600 million less than the rest of the United Kingdom.

In deciding to continue to fund our water services from the block grant, we have ignored the costs of providing other services, and that cannot continue. There must be an open debate on the implications for other services of a decision to continue to fund water services from the block grant. The public must be made aware of the issue and allowed to make a choice between the non-payment of water charges and the reduction of provision for health and education.

I am particularly concerned about the failure to implement the recommendations of the Bamford review. Mental health services are the Cinderella services of the Health Service in Northern Ireland, even though we have a higher incidence of mental health problems than the rest of the United Kingdom. We spend only 8% of our health budget on mental health services here, compared with a figure of 12% in the rest of the United Kingdom. People in Northern Ireland deserve as good a mental health service as is provided elsewhere. We are not providing mental health services fit for the twenty-first century. Despite the valiant efforts of the overworked and under-resourced mental health teams, the quality of service provided in Northern Ireland is disgracefully inadequate, particularly given the level of need. The recommendations of the Bamford review sought to resolve that problem. However, we do not have the resources to implement those recommendations, and it is clear that the proposed cuts in the overall health budget will result in a poor service. We are well behind England and Wales in providing services for people with personality disorders and severe mental health problems, and we will fall further behind if the proposed cuts are made.

We must look again at our priorities, including water charges, domestic and industrial rates, prescription charges and free bus passes. Making them a priority was fine when we had a booming economy. However, they must now be reconsidered.

Another move that may result in some Executive savings would be to scrap the reorganisation of local government. It is now clear that we will not meet the original objectives of the review of public administration (RPA).

Mr McCarthy: Does the Member agree that the public would be totally aghast if the Executive were to scrap the RPA? Almost £120 million has been spent in preparing for the RPA, so to simply scrap it would be unacceptable to the public.

2.15 pm

Mr B Wilson: I do not accept that at all, because £80 million of the money that has been spent on the RPA was spent on Health Service reforms, which have been completed already. Some £9 million has been spent on local government. To continue spending would be to throw good money after bad. As the PricewaterhouseCoopers report indicated, £118 million will be needed in the next year to implement the RPA and the restructuring of local government. We do not have that money. Where will it come from? Will it come from the Health Service budget or the education budget? It is a case of throwing good money after bad, and the RPA will not achieve the savings that were indicated originally.

If one reads carefully the PricewaterhouseCoopers report, one will see that most of the savings, which will be made over 25 years, depend on making major decisions, which the councils are not willing to make; for example, centralised services —

The Minister of Finance and Personnel: Will the Member give way?

Mr B Wilson: Yes.

The Minister of Finance and Personnel: The nonsense that ill-informed journalists are pumping out about RPA needs to be knocked on the head. There is an upfront cost, but it will not come from this year's Budget. It will be spread over 10 years, and councils will take it as a loan. The return will be much higher than the cost, and, spread across 11 councils over 10 years, the hit will be very little each year.

Mr B Wilson: The cost of restructuring, of redundancies and of paying off councillors will have to be borne within the next year. There will be a considerable up-front cost, for which the money is not currently available

to meet it. Therefore, we should look again at the whole idea of RPA and at whether we can achieve the savings predicted. According to the PricewaterhouseCoopers report, that is extremely unlikely. The savings are to be phased over 25 years, and they are fairly insignificant. The savings could be met by the existing councils without their going through the disruption of reorganisation.

Mr Dallat: At this stage of the debate, the Members who made fine speeches have retired to the well-appointed restaurants in the Building for sustenance. For many people, however, the luxury of going to a restaurant does not exist, and many of the people whom I represent knock on the doors of the Assembly Ombudsman to look for some kind of justice and equality. The ombudsman's budget is included in the lead motion. Three years ago, the ombudsman was promised greater powers to represent more people on ordinary, everyday issues that are important to them. The Office of the First Minister and deputy First Minister (OFMDFM) made that promise, and it has not been delivered.

Although I may be going slightly off the subject, I am justified in saying that we should have value for money. Let the agencies that represent ordinary people have the powers that they need. I feel strongly about that issue, and let us hope that, now that much of the mopping-up to move the Assembly forward has been addressed, serious thought will be given to providing the ombudsman with the additional powers that he needs on simple issues, such as planning, which affects people across Northern Ireland.

The ombudsman's website states:

"The purpose of my Office is to ensure that every citizen in Northern Ireland is served by a fair and efficient public administration that is committed to accountability; openness; and quality of service."

He concludes by saying that he hopes that people find that to be the case. Many people cannot, but that is no fault at all of the ombudsman. Simply put, the work that should have been done has not been done. I am sure that every Member will agree that the ombudsman should get the additional powers that he needs to deliver the kind of service that I am sure that he wants to deliver to all the citizens of Northern Ireland.

My colleague Dominic Bradley covered the subject of literacy and numeracy, and I make

no apology for returning to it. That was a major issue during the first Assembly mandate, when I was Chairman of the Audit Committee. However, we still have a horrendous problem today, with 250,000 people between the ages of 16 and 64 lacking basic skills in literacy and numeracy. We may thump our chests and claim that we are delivering equality for people, but what sort of society do we live in if those numbers of people do not have those basic skills?

That issue perpetuates itself to the next generation. I say that as a former teacher. I know that our Minister, Mr Wilson, was a teacher and, therefore, knows exactly what I mean. The £7 billion under discussion today is a lot of money. It is an affront if we cannot deliver services to those 250,000 people, particularly in these times of economic depression, when a person's chances of getting a sustainable job are diminished if they do not have the basic skills. Beyond that, lacking those skills can even affect people's ability to socialise, relate to their family or read an ordinary medicine bottle. I acknowledge that work has been done, but, in these stringent times, I appeal to the House to not forget those people, who are often described as unemployed.

A decent infrastructure is very important, particularly now that we are in the doldrums. The people of Dungiven will be watching very carefully to see our plans for spending capital money. Those people live in an atmosphere that is poisoned by carbon dioxide and they will be praying and hoping that whatever decisions we make over the next couple of days, they will get their bypass. As someone who strongly believes in increasing rail use and reducing road use as far as possible, I hope that the work that still needs to be done on the railway between our two principal cities, namely Derry and Belfast, is not affected. The stretch of railway between Coleraine and Derry is in an awful state and needs capital investment to provide even a basic service to take people from one city to the other in less than two and a half hours.

Mr Deputy Speaker: Order. As Question Time commences at 2.30 pm, I suggest that the House takes it ease until that time. The debate will continue after Question Time, when Jim Wells will be the first Member to speak.

2.30 pm

Oral Answers to Questions

Environment

Review of Public Administration

1. **Mr McLaughlin** asked the Minister of the Environment how much his Department has spent on the review of public administration process to date. (AQO 1396/10)

Mr McLaughlin: Ceist uimhir a haon, le do thoil. Question number 1.

The Minister of the Environment (Mr Poots): I think that I heard someone say question number one; I would be responding only if that were the case, Mr Deputy Speaker.

The latest figures available are to the end of May 2010, and they show that my Department has spent £9.6 million on the local government aspects of the review of public administration (RPA).

Mr McLaughlin: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. I think that he is facing a difficulty in that public opinion will be holding him responsible for the squandering of the money involved in the process, given his insistence on holding up changes to the councils. Even DUP-controlled councils have criticised his approach on the matter. When will the Minister accept the reality that the RPA must go ahead and to continue to sustain the 26-council model is not value for money?

The Minister of the Environment: I welcome the Member's question, and I note his comments about people holding things up. It is interesting that I have a document with me relating to the policy proposals for the local government reorganisation Bill. Those policy proposals were put to the Executive a year and a half ago by my colleague Sammy Wilson, who was Minister of the Environment at that time. The only reason why those policy proposals have not been consulted on is that the Member's own party — the deputy First Minister's office — has held that back. I will not take lectures from the Member opposite about who has been holding things back when it is clear that this policy document has been held back by his party alone.

Mr Beggs: Does the Minister accept that until a decision is made, schedules are being binned, costs continue to mount and increased risks to ratepayers exist, as Land and Property Services (LPS) will have less time to get things right?

The Minister of the Environment: That is the case. I do not think that the Member will have to wait very much longer until that decision is made, one way or another.

Mr Dallat: I will not ask the Minister to take any lectures, but will he give some indication of whether he still intends to take a few million pounds out of the pockets of hard-pressed ratepayers to fund the scheme?

The Minister of the Environment: I suppose that I will have to abide by the decision of the Executive, who may well decide that it is a consequence of the £128 million of cuts this year. I think that I was being kind when I suggested to the Northern Ireland Local Government Association (NILGA) that £1 billion of cuts could be made over five years; it is looking much more like £1.25 billion over three years. Perhaps the Member and his party will assist me in identifying from where the sources of funding to do that should come, if we do not ask local government to pay for it.

The argument across a range of parties in the Executive has been that if local government is the financial beneficiary, it, rather than central government, should pay. I note that the Member is shaking his head, but that is not the view of one particular party; it is the view of a range of parties in the Executive.

Mr B Wilson: Does the Minister anticipate his Department contributing towards the £118 million?

The Minister of the Environment: Central government, or the Executive, are saying that the £118 million would, largely, have to be found by local government. To reduce the burden of the rates that the additional £20 million will mean in areas such as Fermanagh and Castlereagh, central government will be looking to assist. I remind Members that if we borrow £118 million, it will have to be paid back over 10 years at a cost of a further £33 million. Therefore, £151 million would have to be paid back over 10 years, and the Executive would have £25 million to pay back over 10 years.

Budget

2. **Mr McClarty** asked the Minister of the Environment for an update on his Department's budgetary position. (AQO 1397/10)

The Minister of the Environment: Following the meeting on 15 April, at which the Executive agreed the 2010-11 revised spending plans for all Departments, my Department's current and capital budgets for 2010-11 are £129.6 million and £182.4 million, respectively.

Practically all the capital budget relates to the strategic waste infrastructure fund. As part of the June monitoring round, my officials have requested that £173.6 million be re-profiled into future years. Furthermore, a bid was included in the June monitoring submission to DFP for £5 million capital funding in 2010 to support local government with the cost of the new recycling and composting infrastructure.

My Department faces a number of significant pressures in its current budget that total in excess of £16 million, which is more than 12.5% of the opening current budget. My Department's June monitoring submission to DFP, therefore, also includes a number of bids to cover those and other current budgetary pressures.

In parallel, my officials are progressing internal reviews of the Planning Service and of the delivery of corporate services functions in an attempt to realise savings in the financial year.

Mr McClarty: I thank the Minister for his full response. Does he accept that it was misguided to recruit new Planning Service staff until August 2009, when, within eight months, he sought to redeploy one third of its staff?

The Minister of the Environment: Certainly, when I came into my position and was alerted to the Planning Service's difficulties, my Department immediately instigated a staff recruitment freeze. Therefore, I will not accept any criticism on that front. I could not have acted any quicker on that matter. It took some time for the Department's identification of the scale of the downturn in planning applications to feed through. Therefore, if a quicker response time were required, it was perhaps not realised because that information was not fed through earlier.

Mr Campbell: Bearing in mind his budgetary position, I am sure that the Minister will be aware of the planning issue that involves permanent dwellers and second-home owners,

particularly those on the north coast. Is he able, either in 2010 or 2011, in so far as he can determine his budget for that year, to at least keep the matter under review, given the situation that exists on the north coast for permanent dwellers?

The Minister of the Environment: If we consider the current position, I should say that the Department needs to identify other sources of income. It also needs to identify how it can live within its means. Staff redeployment is one issue that has come up. I make no apologies for acting early on that particular matter and for seeking to identify staff redeployment, as opposed to letting the situation get to the point where the Department would have to lay people off.

The Member's point about income was valid. My Department will continue to give that matter its full consideration. It will also look at other sources of income for the Planning Service. It will look at changing the planning fee structure to make it more fit for purpose and up to date. As a means to close the gap between where we are and where we need to be at the end of the year, we are looking at other services for which the Planning Service can charge.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Has the Minister had any opportunity to speak to his colleague at the Department of Finance and Personnel about the redeployment of 271 staff from the Planning Service and around 80 staff from the Department? According to the most recent figures, which I have obtained from the Minister of Finance and Personnel, 246 vacancies are open for the redeployment of staff. Quite clearly, that figure is not compatible with the number of people who require redeployment.

The Minister of the Environment: Conversations and discussions with the Minister of Finance and Personnel are ongoing. I am also looking at other means of introducing fresh income streams. For example, the Department has an open-file policy, for which we may decide to charge a fairly nominal sum. The Planning Service has a time pressure on it, and there may be a degree of acceptance of a small fee to be charged for that policy. However, given the number of cases that are looked at, a small fee could generate further income of £500,000, which could reduce the number of staff that we need to lose.

We are looking at other potential sources of income. I know that the Member objected to the rise in planning fees that took place last year. We are at the point where we can introduce a further incremental annual rise, as I promised to do last year, as opposed to having one-off large rises. We are looking at other ways of deriving income, and that will, hopefully, offset some of the numbers that we need to lose to live within our budget.

Mr Deputy Speaker: Question 3 has been withdrawn.

Local Government Reform

4. **Mr P Maskey** asked the Minister of the Environment how many councils have indicated their support for his proposal that councils provide £118 million to pay for the review of public administration. (AQO 1399/10)

7. **Mr McCallister** asked the Minister of the Environment for an update on local government reform. (AQO 1402/10)

10. **Mr Gardiner** asked the Minister of the Environment for an update on the financing of local government reform. (AQO 1405/10)

The Minister of the Environment: With your permission, Mr Speaker, I will answer questions 4, 7 and 10 together.

With the Executive facing substantial costs of £1 billion over the next five years, they are not in a position to fund the reform of local government. For that reason, the Executive asked me to identify whether local government would be prepared to fund the upfront costs of £118 million. On behalf of the Executive, I wrote to NILGA on 20 May, with copies to councils, to determine whether councils would fund the full upfront cost of implementing local government reform.

On 4 June 2010, the president of NILGA responded on behalf of the sector, restating the sector's commitment to the reform programme and reiterating the seven principles under which local government would contribute to the funding of local government reform. Additionally, nine individual councils and one transition committee have responded directly to express their position. In the main, they are not supportive of local government funding the full cost of reform, with most indicating their support of the seven

principles under which local government would contribute to the cost of reform.

At the Executive meeting on 10 June 2010, the Executive had very constructive discussions relating to the future of the local government reform programme. Discussion continued over the weekend, with a further Executive meeting planned for later today.

Mr P Maskey: Go raibh maith agat, a LeasCheann Comhairle. Given that the group representing local government has accused the Minister of being provocative, the public accuse him of wasting millions of their money and political parties here accuse him of messing around, does he not accept that the morale of the staff in councils is very low because he has not introduced the reform programme? We all hold him to account for that. I would much prefer an answer, not a lecture, from the Minister.

The Minister of the Environment: Perhaps I will get a question as opposed to a speech from the Member; that might be helpful.

There is no reason for money to be wasted, because we can move forward from today. Whatever decision we arrive at, we can move forward and ensure that collaboration takes place between the councils to provide savings to the public. Whether that collaboration goes forward with or without amalgamation will be decided by the Executive later.

Maybe the Member is not aware that I am Minister of the Environment in the Assembly. I take the decisions on what the Executive are asked to approve, and the Executive have not approved the papers that have been put forward. It is for all parties across the board to take the blame if there is blame to be taken for anything, as opposed to that being directed at one particular person.

Mr McCallister: I am sure that the Minister has been embarrassed that his colleagues in Lisburn and Castlereagh have refused to back his plan, although he can hardly be surprised, given the lack of a business case. Will the Minister now come clean and tell us which of his colleagues is blocking progress being made on the issue, and why, after three years, nothing has been finalised?

The Minister of the Environment: If the Member cared to read the minutes of meetings as

opposed to reading newspaper articles, he might ascertain facts. Facts are always a more useful position to speak from than the one that he has just adopted. Lisburn and Castlereagh councils are not in favour of paying the full costs, but I was sent to ascertain, on behalf of the Executive — on behalf of the Member's party, which belongs to the Executive, as do the parties of others in the Chamber — the views of local government on the issue.

The views of local government are very clear. A member of Sinn Féin put to NILGA the suggestion that the costs of reform be split 50/50, and that was rejected. Local government is prepared to make a contribution to its reform, but it is not prepared to pay for it all.

What is the Assembly's view? In the Executive, the Health Minister, the Employment Minister, Sinn Féin's three Ministers and the SDLP's Minister have all said that they are not prepared to contribute, and the Minister of Justice's budget is ring-fenced. Therefore, my Executive colleagues are indicating to me that, like local government, they are not prepared to make a contribution. Let the public read into that what they may.

2.45 pm

Mr Gardiner: I declare an interest as a member of Craigavon Borough Council. Does the Minister accept that it is unreasonable to expect local government to pay an unquantified bill for an unquantified benefit at an unquantified risk?

The Minister of the Environment: That might be the case. However, even if it is, is it reasonable to ask central government to take the hit, given that it has just taken a £128 million hit, courtesy of the Member's colleagues in the Conservative Party, and given that it will have to take a further hit of £1.25 billion over the next three years, courtesy of his party colleagues?

Mr Givan: Will the Minister confirm that one of the core objectives of RPA is delivering value for money and that he put forward proposals endorsing option five, which would have delivered £438 million of savings and maximum efficiency, but the party opposite — Sinn Féin — rejected that?

The Minister of the Environment: I explained at the outset that the cost would be £118 million, plus £20 million for convergence and approximately £38 million for interest payments,

and that the savings would be £159 million. For the benefit of Members around the Chamber who do not understand simple arithmetic, I will explain: that does not stack up. It only stacked up when the proposals on convergence and collaboration, which could have delivered £400 million of savings, were introduced. However, local government rejected that, and Sinn Féin was responsible for a lot of the spade work for that rejection.

Members are directing fire at me for not delivering something that could save us money, but what is on the table will not save us money. It will only save money if all the councils are engaged in the necessary collaboration. We may proceed with amalgamation, but if we do so, I will insist that collaboration is put in place, or we may proceed with collaboration, which will save money up front, and proceed with amalgamation at a later point. That is a decision for the Executive to make, and I am confident that they will make that decision.

Mrs D Kelly: I see that we are now getting into the blame game. If we proceed with RPA, the £400 million of savings would be made over a 25-year time frame. Therefore, the Minister is crystal ball gazing.

The Boundary Commission's report was a key component that has held up the movement on local government reform. Will the Minister tell the House whether we have decided on that report?

The Minister of the Environment: As I said, there have been discussions on that issue and there has been movement on it, which I welcome.

In case the Member has been living in some other location outside Northern Ireland, I remind her that the blame game has been going on for quite some time on this issue. I wish to make it absolutely clear that I will not be accepting the blame for not making those savings when others, including the Member's party, were the blocking mechanisms that stopped a potential £400 million of savings being made. *[Interruption.]*

Mr Deputy Speaker: Order.

The Minister of the Environment: I will not proceed with a system whereby we spend £170-odd million to save £150 million, because that does not make financial sense to me.

Quangos: Plans to Abolish

5. **Lord Morrow** asked the Minister of the Environment which quangos he proposes to abolish and how he envisages their responsibilities being carried out in the future. (AQO 1400/10)

The Minister of the Environment: At present, I have no plans to abolish any of the quangos for which my Department has responsibility. However, I have doubts about the continuing need for the Local Government Staff Commission, particularly in the context of moving to an 11-council model and the development of collaborative arrangements across councils for the delivery of back-office services, including human resource services.

In that context, I will wish to initiate a review of the commission before the end of the year. The form and precise timing of that review will depend on Executive decisions on the future of the local government reform programme.

Lord Morrow: I thank the Minister for his answer. However, I am a wee bit disappointed about the future of quangos. I am sure that the Minister would agree that many quangos have long outlived their usefulness and that it is time that they were marched off the scene. Is this not a golden opportunity to save countless millions of pounds of taxpayers' money that is being spent on keeping those quangos in place? Does the Minister agree that we have devolution and that the Assembly should take on those responsibilities?

The Minister of the Environment: I absolutely agree with the Member. My Department has responsibility for only two non-departmental public bodies. The other three bodies are statutory advisory committees, which are required in order to meet European legislation. Significant changes are required for the two non-departmental public bodies for which the Department has full responsibility — I already referred to one of them — because the cost of some £1 million is no longer acceptable to the public. We will examine, address and challenge that issue over the coming months.

Dr Farry: Some quangos perform required functions and are better being at arm's length from government. What conclusion has the Minister reached on the performance of the Northern Ireland Environment Agency? Is he

prepared to reconsider an independent environmental protection agency for Northern Ireland?

The Minister of the Environment: It is interesting that the party that has always been aligned with quangos over the years is crying out for more quangos.

Some time ago, Arlene Foster made the right decision not to form a new quango. We have public accountability through the Minister, the Department and the Committee, which there would not otherwise be. I will defend public accountability. We fought for a devolved Administration to be brought back to Northern Ireland. We fought to ensure that local people could have their say on local issues. We fought to achieve all that, and I am not going to hand it off lightly to an independent body over which we, the public, would have no control.

Mr Cree: It is regrettable that quangos, across the board, have not been tackled in a more positive way. Does the Minister accept that creating another super-quango, such as the single business organisation, is fraught with difficulties? I remind him of the debacle with LPS and its work in recent times, which is still not satisfactory.

The Minister of the Environment: Therein lies the problem. The caveman mentality of not moving matters forward is why we are where we are with the review of public administration. Other parties continue to block and block and block again. Despite facts being put in front of the other parties to show that savings can be made and benefits derived, all of which could be delivered to the public, all we hear is that they are afraid of change. I am not afraid of change, and I am fed up with others attempting to block it.

Planning Service

6. **Mr Savage** asked the Minister of the Environment what assessment has been made of the impact that the redeployment of Planning Service staff may have on the ability of Planning Service to process planning applications. (AQO 1401/10)

The Minister of the Environment: The Department faces in-year pressures of £16 million, a large proportion of which, £6.4 million, relates to a projected shortfall in planning receipts. That scale of financial pressure in one year is unprecedented in the Department of the Environment or in any other Northern Ireland

Department, and it follows a difficult position last year in which we had to absorb financial pressures of £9 million.

In specific terms, the shortfall in planning receipts arises from a 45% reduction in the number of planning applications received since a high of 36,593 in 2004-05. I estimate that a total of 20,000 planning applications will be received during 2010-11, which is much the same number as was received in 2008-09 and in 2009-2010. However, the live caseload in the system for 2009-2010 is 11,000 planning applications, which is down considerably from 18,500 applications in 2007-08 and almost 13,000 applications in 2008-09.

Whereas planning application numbers have been declining, staffing resources have remained static and costs have risen. A contingency report has been prepared on how the Planning Service can live within its opening budget allocation, and it identifies 271 posts considered surplus in terms of affordability. In light of the much reduced volume of planning applications, and the reduced income for the Planning Service, redeployment of staff is now necessary to align staffing levels and costs more closely with work demands and revenue.

The Planning Service will reorganise to live within its budget, and it will re-prioritise resources to ensure that key services to customers can be maintained and impact from the reduction in staff is minimised.

Mr Savage: I thank the Minister for his answer. How many staff have been redeployed since the Minister made his stark announcement more than six weeks ago, and how long will it take for staff to know what job will be available to them?

The Minister of the Environment: We are engaging in a consultation process to seek to identify those who are prepared to redeploy voluntarily. Considerable numbers have expressed an interest, but there is a considerable shortfall. We will probably be in a better position after the June monitoring round, when we identify whether additional funding will come to the Department to help with that problem, to decide whether to proceed with the full redeployment or a smaller redeployment as required, and we will go back to our staff to report on that.

Mr Shannon: A great many of those facing potential redeployment want to know

whether their grades will be maintained when redeployment takes place. Can the Minister answer that question?

The Minister of the Environment: The answer is very simple: yes.

Mrs M Bradley: What lessons have been learned from the time when new staff were recruited without any real assessment of future demands? Has the Minister had any discussions with the head of human resources, who directed that miscalculation?

The Minister of the Environment: Staff were recruited on the basis of the market requiring that number. A number of years ago, Assembly Members were complaining about the time that it was taking to deal with applications. At one point, there were almost 19,000 live applications in the system. That is down to 11,000, which, in reality, is about 9,500, because a lot of people are not providing full information because they are not particularly keen on having their applications processed.

The recruitment of a couple of years ago was to deal with the number of applications that were coming in. The collapse in the market was not unexpected for some, but it was unprecedented in its scale, and no one anticipated that it would be so harsh or so long. Looking into the future is very difficult for anyone, and no one knows what the future holds. We have to respond to our current circumstances, which are that we have more staff than we can afford — perhaps not more staff than we need, but more staff than we can afford — and we have to respond to that.

Mr Deputy Speaker: Question 7 has been grouped.

Litter

8. **Mr Bell** asked the Minister of the Environment what action has been taken by his Department to address the issue of litter in coastal areas. (AQO 1403/10)

The Minister of the Environment: Under the Litter (Northern Ireland) Order 1994, district councils are under a duty to ensure, so far as is practicable, that land for which they are responsible is kept clean of litter. Such lands include coastal areas and beaches. The statutory code of practice on litter advises district councils as to the minimum standards

of cleanliness for beaches that should apply between 1 May and 30 September inclusive.

The code applies the standard to items or material originating from discharges directly into the marine environment, as well as litter left by beach users. I am aware of the good work carried out by Tidy Northern Ireland in its Clean Coast programme, which brings people together to care for their local coastal environment. My Department is providing core funding of £77,000 to Tidy Northern Ireland in the 2010-11 financial year to help it deliver a range of programmes, some elements of which impact on coastal areas.

The best way to deal with litter is to prevent it from happening in the first place. Stronger laws and bigger fines for offenders have a role to play. That is why reducing litter and making Northern Ireland a cleaner and tidier place for residents and our increasing number of tourists is at the heart of my plans to bring forward the clean neighbourhoods and environment (Northern Ireland) Bill. That Bill will be designed to help district councils to deal with litter more effectively by providing them with better and stronger powers.

3.00 pm

Finance and Personnel

DARD: European Commission Fine

1. **Mr Savage** asked the Minister of Finance and Personnel what action he proposes to take in light of the fine of £63 million imposed by the European Commission on the Department of Agriculture and Rural Development; and whether the cost will be borne from the DARD budget. (AQO 1410/10)

The Minister of Finance and Personnel

(Mr S Wilson): I was delayed getting to my seat because I was impeded.

My officials continue to monitor the situation closely and are working with officials in the Department of Agriculture and Rural Development (DARD) to ensure the best resolution for the Executive. However, I understand that the impact on the Northern Ireland Budget will be considerably less than the £63 million that was quoted in the press. Any disallowance that was imposed by the European Commission will fall to

the Agriculture Minister, and she has the right, of course, to seek Executive intervention through the Budget and monitoring process.

Mr Savage: Has the Department of Finance and Personnel (DFP) established how the EU arrived at the figure of £63 million? In what ways will the £4.8 million that was allocated to DARD be used to help it improve its processes? Furthermore, is DFP helping DARD to have the apparently arbitrary fine reduced?

The Minister of Finance and Personnel: The Minister of Agriculture and Rural Development, not the Department of Finance and Personnel, will be involved in the negotiations about the exact level of the fine. However, a number of measures have been taken. First, some provision was made: the Department for Environment, Food and Rural Affairs (DEFRA) will be responsible for £11 million of the first £30 million of the fine. Technical and budgetary adjustments mean that the impact on the Northern Ireland block grant will amount to £3.3 million. Of course, there will then be a second fine.

As to what the Executive have done to try to ensure that it does not happen again, the Member will be aware that I introduced the invest to save fund in the Budget for this year. The Department of Agriculture and Rural Development successfully applied for £4.8 million from that fund to improve mapping and so on. That really should be the way forward to ensure that what happened does not happen again and we avoid fines in the future.

Mr P J Bradley: Coming on the back of the £190 million error in respect of the true value of the lands at Crossnacreevy, the proposed £60 million fine, should it come about, will have devastating consequences for our agriculture industry. Given that the proposed fine is essentially a loss of income for DARD — I heard what the Minister said about DEFRA — will additional money from the block grant need to be diverted to DARD to help to offset that serious loss of income?

The Minister of Finance and Personnel: As I said, that is basically a question for the Minister of Agriculture and Rural Development; I am simply trying to answer it from a financial point of view.

First, the first fine of £33 million will have a net impact on the block grant of £3.3 million. Allowance has been made for that. Secondly, the

second fine is, of course, still under negotiation with the European Commission. I do not know what the outcome of that is likely to be. Thirdly, where it has been identified that, for whatever reason, incorrect payments were made to farmers, that money should be recouped. I think that the Executive will say that to the Minister of Agriculture and Rural Development. My understanding is that the level of incorrect payments was identified at about £500,000 a year.

I should emphasise that it is not the case that £63 million had been paid out incorrectly: the fine is a multiple — in fact, a double multiple — of the actual amount that was paid out incorrectly by DARD to farmers.

Mr Shannon: I understand that, last week, the Minister of Agriculture and Rural Development indicated on the radio that some £30 million had been set aside in her Department. Has the Minister had any discussions with her to ensure that the services delivered by her Department will not be impaired because of the money that will come out of her budget?

The Minister of Finance and Personnel: I have already dealt with the £30 million. The technical adjustment of £11 million, which is paid by DEFRA, means that the net impact on the block grant is £3.3 million. The Agriculture Minister has not, to date, made any representations to have that paid for centrally, nor has she made a bid for it centrally. I am not sure whether such a bid will be made in a future monitoring round. The further fine is still under negotiation.

Belfast Harbour Commissioners

2. **Miss McIlveen** asked the Minister of Finance and Personnel whether there is a mechanism by which the Executive can access the cash reserves of the Belfast Harbour Commissioners to fund infrastructure projects. (AQO 1411/10)

The Minister of Finance and Personnel: There is a mechanism by which the cash reserves of the Belfast port can be accessed to fund infrastructure projects. The port, which is managed by the Belfast Harbour Commissioners, is a public corporation sponsored by DRD. It is entitled, at any time, to make an equity withdrawal from the reserves. If that happened, DRD would then surrender that equity withdrawal as a reduced requirement in the subsequent in-year monitoring exercise.

Miss McIlveen: I thank the Minister for his answer. Is there a precedent for making such an equity withdrawal? Would the sale or privatisation of the Belfast port be an option for funding infrastructure projects?

The Minister of Finance and Personnel: First, there was such a precedent in the 2008-09 financial year in the form of an equity withdrawal of £10 million from the Driver and Vehicle Agency, which is also a public corporation. The Member's second question or the second part of her question — I know that she meant to ask only one — was whether the sale of the port, rather than the withdrawal of equity, would release money. We could sell the port, but it is clear that any receipts from such a sale would go to Her Majesty's Treasury.

Mr A Maginness: I note the Minister's comments and Miss McIlveen's supplementary question about the sale or privatisation of the Belfast port. Will the Minister give the reassurance that it has been the view of the House and successive Executives that there should be no sale of the port of Belfast and that it should not be privatised? Indeed, in the early days of the Assembly, strenuous efforts were made by Assembly Members, including his good self, to oppose the sale of the port by the British Government. Such a sale, if it had taken place, would have removed from our community a valuable resource that protects our industry and provides a pathway for commerce into Northern Ireland.

The Minister of Finance and Personnel: The Member knows — I was lectured by his party leader in the earlier debate — that, as circumstances and the shape of the economy change, we must consider different approaches to the way in which we address certain issues. In the earlier debate, Members continually said — no doubt it will happen after Question Time as well — that we must consider new ways of raising revenue. Where we have saleable assets for which we can get a good market value, we cannot rule that out. That is not to say that now is the best time to consider the sale of trust ports. However, there are certain advantages in selling trust ports, not least of which is that their sale would free them from the public expenditure system and enable them to borrow money that they cannot currently borrow to develop their infrastructure. The answer is not clear-cut; there are many aspects to the issue,

and, as economic circumstances change, we must consider all the possibilities.

Mr Deputy Speaker: I inform Members that question 6 has been withdrawn. I apologise for not mentioning that earlier.

Budget: Areas of Deprivation

3. **Mr P Maskey** asked the Minister of Finance and Personnel, given the levels of income and employment deprivation within the West Belfast constituency as detailed in the recent NISRA report, if he will recommend to his Executive colleagues that areas of deprivation should be given priority in any future Budget planning. (AQO 1412/10)

The Minister of Finance and Personnel:

Recently, I presented a paper on the forthcoming 2010 Budget process to my Executive colleagues. That paper states that the financial environment is likely to be highly constrained over the next spending period. Therefore, it is critical that the Executive allocate their scarce resources in a manner that maximises economic growth and development.

As the Northern Ireland Statistics and Research Agency (NISRA) report shows, deprivation does not occur only in West Belfast. We must create employment opportunities for all if we are to address deprivation. I understand that the report shows that West Belfast scores badly across the factors that underlie deprivation. However, to address that problem, it is my firm belief that we must take action on economic activity, enhance skills and promote employment opportunities. Employment opportunities should not simply be promoted in one geographical location but be promoted generally so that people can benefit from them.

Mr P Maskey: Go raibh maith agat, a LeasCheann Comhairle. As the Minister of Finance and Personnel, surely he can recommend that areas of deprivation be given priority. My question may mention West Belfast, but it also mentions other areas of deprivation. My question is about areas of deprivation in general. Will the Minister see fit to try to make recommendations to his Executive colleagues to ensure that areas of deprivation are prioritised? There are areas where people have suffered for many generations, and they need a bit of assistance and a hand-up to lift them out of deprivation.

The Minister of Finance and Personnel:

I agree. One of the tests for the Assembly will be how we improve life for people across Northern Ireland and across all the economic levels within. As I said, three actions must be taken. The Executive have put the growth of the economy at the head of their list of priorities; that is the first thing that had to be done. Secondly, we need to drill down from that and ask what prevents some people from engaging in the economy, when they could have a regular wage coming in, lift their self-esteem and improve the area in which they live. We identified a lack of skill and sometimes a level of economic inactivity as reasons why people do not take up the opportunities available to them. I do not know whether that is for inbuilt, inert or historical reasons. Thirdly, we must find ways in which to direct our resources towards improving and enhancing people's skills, not to mention towards giving skills to people who find themselves in the position that the Member describes. That is the whole approach of the independent economic review. We must ensure that those people at least have the ability to take up opportunities in the economic market when they become available.

Mr Campbell: West Belfast has been named as one of the constituencies that has high rates of unemployment and deprivation, but does the Minister accept that other constituencies have begun to go up the unemployment league table recently because of closures, demographic changes and the outward flow of labour? That should not be ignored as we look at how to deploy resources in those areas.

The Minister of Finance and Personnel: Income and employment are at the top of the criteria that NISRA examined. Health, education, skills, proximity to services, living environment and crime and disorder are other factors that feed into the indices. We must be aware of changing circumstances and of the problems that are emerging in other areas. The policy that I outlined and that the Executive have espoused will help to deal with the areas that the Member describes, as well as the problems that were highlighted in Mr Maskey's question.

The Minister for Employment and Learning and the Minister of Enterprise, Trade and Investment take those responsibilities seriously. We discuss the issue at every Executive meeting. They consider what can be done to lift those areas and individuals out of their current

situation in order to enhance their prospects of employment, thus lifting them out of deprivation.

Mr K Robinson: Will the Minister confirm that any prioritisation of deprived individuals should be done according to their need rather than according to the area in which they reside? Does he also agree that some apparently affluent areas mask pockets of deprivation within them? He will know exactly where I am talking about in East Antrim.

3.15 pm

The Minister of Finance and Personnel:

There are obviously some areas with higher concentrations of people with individual needs, and those are registered on the NISRA indices. Of course economic policy should be designed in such a way that it picks up individuals or small pockets of individuals who, as the result of a factory closure, for example, as the Member for East Londonderry mentioned, happen to find themselves in that situation. It is important that the programmes that we devise are flexible, fleet-footed and able to deal with problems as they arise.

DFP: Priorities

4. **Mr Bell** asked the Minister of Finance and Personnel to outline his Department's priorities in the current economic climate. (AQO 1413/10)

The Minister of Finance and Personnel: My Department's priorities are set out in the departmental 'Operational Plan 2010-11', which was published on 1 April. The plan outlines our remaining commitments made in the Programme for Government. During 2010-11, DFP, in its lead role with responsibility for finance, will continue to support the Executive by ensuring that financial resources are available to Northern Ireland, allocated effectively to Northern Ireland Departments and provide the maximum value for money in services to citizens in Northern Ireland.

Secondly, we will support the Executive in setting out spending plans for the local Departments for the next three years. Thirdly, we want to maximise the rates that are collected, which, in Northern Ireland, are almost £1 billion and, therefore, can contribute substantially to public spending in Northern Ireland. Lastly, over recent years, we have tried to promote efficiency through shared services, whether that is HR Connect or the range of other shared services that the Department oversees.

Mr Bell: I thank the Minister for that answer. Will he assure the House that the efficient collection of rates will remain a priority for his Department? Will he also assure us that rates relief will be provided in an accurate and timely way and that those who default on rates will be pursued according to due process?

The Minister of Finance and Personnel: I have made it my priority that Land and Property Services (LPS) should see its primary job as collecting revenue for people in Northern Ireland. LPS does other things, but, in my opinion, the role of LPS is to ensure that we maximise the amount of money that is brought in and ensure that people pay their rate bills legitimately. The record of LPS has received criticism in the Assembly; it has not met its targets in the past. There is an improvement, but in the current economic situation it becomes that much more difficult. However, we do not go easy on those who do not pay their way in society. Nearly 43,000 court proceedings were issued in 2009-2010, which was 7,000 more than in the previous year.

Ms J McCann: Go raibh maith agat, a LeasCheann Comhairle. Given the public spending constraints that the Executive will face in future and the fact that they need all potential financial resources at their disposal, will the Minister give us an update on why his Department is delaying bringing forward the priorities through which the dormant accounts scheme can be allocated?

The Minister of Finance and Personnel: There are two reasons. The first reason is that we do not yet even know the amount of money that we will have for the dormant accounts scheme because the Treasury has not finalised the release of the money or, indeed, how it ascertains whether an account is dormant. That is disappointing, but it is beyond our control.

The second reason is that I am having discussions with the Big Lottery Fund, which will administer the scheme, albeit under a separate heading for Northern Ireland. The Big Lottery Fund has questioned the criteria that I wish to use and, indeed, that reflect the public consultation. However, given that the dormant accounts scheme is being administered for people in Northern Ireland to reflect consultation with people in Northern Ireland and, indeed, the Assembly, I think that I am entitled to ensure that the views of the people in Northern Ireland

are reflected more than the views of the Big Lottery Fund.

Mr McNarry: Now that we know the extent of the Finance Minister's priorities, does he agree that there is merit in all Ministers reviewing their budgets to see how many jobs they could help to create and protect by refocusing their departmental spending on specific priorities?

The Minister of Finance and Personnel: I do indeed, and I have been encouraging Ministers to look ahead and to do some planning. I want to emphasise that I encourage Ministers not to be afraid of their Committee — that is something that was raised in the debate this morning and will, no doubt, be raised again this afternoon. They should go to them with their proposals and be transparent with information so that there can be a corporate approach to how Departments can best deliver opportunities, jobs and services in Northern Ireland's constrained financial situation. Ministers should not be afraid of Committee scrutiny; in fact, they should welcome Committee co-operation.

Dr Farry: Will the Minister clarify his current position on a regional economic strategy? There is a gap between the high-level commitments in the Programme for Government and, although it is quite broad, those in the Barnett review that DETI recently sponsored. Arising from that, has he taken any action to follow up on his recent keynote speech in Dundalk, in which he talked about trying to rebalance the economy by moving away from purely demand-side initiatives towards supply-side initiatives?

The Minister of Finance and Personnel: First, the implementation and work of the independent economic review are being taken forward by the Enterprise, Trade and Investment Minister. That review is moving towards identifying what is required to grow the economy, including research and development and emphasis on STEM subjects, training and enhancing skills and, of course, improving infrastructure. That will require a rebalancing of some of the spending that we are discussing, which relates to my answer to Mr McNarry's question. Ministers must look at their role across Departments not just in their own silo. The Assembly and Committees have roles to play in achieving that. As we look forward to the 2010 Budget, we are preparing spending plans for the next three years in constrained economic

circumstances, so now is the time to have that debate. That will mean tough choices, and the Member outlined that point very well earlier today. It will mean that we must decide what we will not do in order to ensure that we put money into the things that we should do.

2011 Census: Disability

5. **Mr McElduff** asked the Minister of Finance and Personnel whether the 2011 census form will include specific questions regarding disability, including visual impairment and blindness. (AQO 1414/10)

The Minister of Finance and Personnel: The Census Order (Northern Ireland) 2010, which was approved by the Assembly on 1 June 2010, indicates that there will be a question on whether or not a person has any conditions which have lasted or are expected to last at least 12 months and on the nature of such a condition. The census questionnaire will list 10 specific conditions, one of which will be partial blindness or partial loss of sight.

Mr McElduff: Go raibh maith agat. I thank the Minister for his answer and his assurance that visual impairment will be specifically mentioned in the census form in 2011. Will the Minister use information collected about the number of people who are either visually impaired or blind to determine the level of support services made available to those who require them? Will the census inform his Department and others on funding allocations to campaigns such as the Right to Read campaign?

The Minister of Finance and Personnel: I think that the Member must have listened to some of the arguments that I had with his party colleagues over why the whole process of getting the Census Order to the Assembly was being delayed by Sinn Féin. At the time, I argued that this information was vital to ensure that we quantified the problems in Northern Ireland so that we could do exactly what he said: direct resources towards issues that we saw emerging as problems. I am glad that there has been that conversion, and I hope that the Member had the same argument within his party, thus helping me in my job of persuading his party to bring forward the Census Order in June.

Mr McDevitt: Will the Minister assure the House that the necessary resources will be put in place to ensure that census data from hard-

to-reach groups, people with disabilities and others who are on the margins of society will be collected and that it will not become the subject of a cutback, thus reducing the potential impact of the census data?

The Minister of Finance and Personnel: The total cost of the census is estimated at £13.3 million. That will be one of the pressures. I think that we have set aside about £4.5 million of that so far. There will be an emerging pressure this year on the DFP budget for the census, but we are obliged to do the census and collect the data. Hopefully, with the co-operation of people when they get the questionnaires and with the resources that we are putting into the process, we will be able to deliver exactly what the Member has asked.

Mr Gardiner: Would it be possible to include in the census a question on former residences and addresses, as well as one on date of birth, so that significant movement of population into Northern Ireland from other parts of the United Kingdom, the EU and beyond can be traced?

The Minister of Finance and Personnel: I am not au fait with all the questions in the census. There is quite a range; I think that there are 66. I will check whether the information that the Member has asked for is being sought. If it is not, any change to the questionnaire, which has been agreed right across the United Kingdom, would be extremely costly and would not be possible. The cost of the census is already quite high. I suspect that there may be some questions that allow for the kind of information for which the Member has asked. However, I will write to him and let him know the answer.

Dr Deeny: Has the Minister had any discussions with the Minister of Health, Social Services and Public Safety about the special needs of our disabled, including those with hearing or visual impairments, in relation to, for example, access to health services? I am talking about primary care and out-of-hours care. Have any discussions taken place about that vital area?

The Minister of Finance and Personnel: The Health Minister and I always have discussions about his budget. Usually, he tells me that he cannot afford to have a penny cut from it, and I ask him to look at whether the budget is being used effectively. The Health Minister has not raised that specific issue. Our discussions are usually about the generality of the pressures on

his budget and why he needs more money for this, that or the other.

Executive: Additional Revenue

7. **Mr Kinahan** asked the Minister of Finance and Personnel, given the current financial restrictions, what levers he has at his disposal to raise additional revenue for the Executive. (AQO 1416/10)

The Minister of Finance and Personnel: The primary source of locally generated funding for the Executive is regional rates, which are planned to contribute £542 million or 6% of the funding that is available to Northern Ireland Departments in the current year. If we were to try to raise the £128 million that is being imposed on us as a cut this year, we would have to put up regional rates by 20%. I do not think that the Member would wish that to happen. One of the other ways in which we can raise revenue — I discussed this earlier with Alban Maginness during this Question Time — is to look at the disposal of assets.

Mr Kinahan: I thank the Minister for his answer. Given that there is about £500 million in cuts and that there may well be more next year to the block grant, does the Minister believe that he will be able to hold the line on the deferral of water charges, as that may mean that cuts have to be made elsewhere?

The Minister of Finance and Personnel: Water charges or other charges are ways in which the Executive could raise revenue. The decision on water charges has to be made by the Minister for Regional Development because it is his responsibility.

When he makes a decision, he will have to bring it to the Executive for ratification, after which, of course, the relevant legislation will have to come before the Assembly, where all Members will have a say on the issue.

Given that the full level of water charges is likely to be about £400 per household, even if it were decided to introduce them, rather than having a huge bill landing on people's laps in one year, charges will have to be phased in over time. Therefore, the ability to use water charges to deal with the kind of deficit that the Member mentioned in one year is very limited.

3.30 pm

Executive Committee Business

Supply Resolution for the Northern Ireland Main Estimates 2010-11 and Supply Resolution for the 2008-09 Excess Votes

Debate resumed on motion:

That this Assembly approves that a sum, not exceeding £7,019,163,000, be granted out of the Consolidated Fund, for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office and the Northern Ireland Authority for Utility Regulation for the year ending 31 March 2011 and that resources, not exceeding £7,569,483,000, be authorised for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office and the Northern Ireland Authority for Utility Regulation for the year ending 31 March 2011 as summarised for each Department or other public body in columns 3 (b) and 3 (a) of table 1.3 in the volume of the Northern Ireland Estimates 2010-11 that was laid before the Assembly on 7 June 2010. — [The Minister of Finance and Personnel (Mr S Wilson).]

The following motion stood in the Order Paper:

That this Assembly approves that a sum, not exceeding £16,272,049.74, be granted out of the Consolidated Fund, for or towards defraying the charges for the Department for Employment and Learning and the Department of the Environment, for the year ending 31 March 2009 as summarised for each Department in Part II of the 2008-2009 Statement of Excesses that was laid before the Assembly on 7 June 2010. — [The Minister of Finance and Personnel (Mr S Wilson).]

The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells):

Since 25 May 2010, the Committee has been heavily involved in a series of meetings lasting more than two weeks with the Minister, senior officials and the chief executives of the Health and Social Care Board and the Public Health Agency. During that time, we explored in some depth the financial challenges facing the

Health Department, which come not only from the revised budgets that the Finance Minister announced this year, but from the operating deficits incurred by two trusts and an increased demand for services.

We believe that we have gone some way towards getting to the bottom of how the Department will spend its revenue in 2010-11. However, we are still unclear about the capital aspect of the budget. With respect to revenue, in the revised spending plans, the Department was asked to make additional savings of £105 million. On top of that, the Department has had to meet the deficit incurred by the two trusts in 2009-2010, and all trusts have experienced an increased demand for services as well as the continuing need to make efficiency savings in the current comprehensive spending review (CSR).

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

In evidence to the Committee, the Health and Social Care Board estimated that the Department will have to find £204 million of savings in 2010-11. By any stretch of the imagination, that is a very large sum, and the Minister has had to make some difficult decisions on how to move forward. The Committee wanted to know how he proposed to do that. Our concern was the protection of front line services and the most vulnerable members of our society.

On financial issues, the Committee has been critical of the Minister. However, this time, our main concern and criticisms have been about the lack of information from him and the fact that he appeared not to give the Committee its place. Frankly, Mr Deputy Speaker, getting financial information from the Minister has been like pulling hen's teeth. Eventually, long after every other Department made public how they would make their cuts, after a difficult meeting with the Minister, and two months into the financial year, the information was forthcoming.

I speak for the entire Committee when I acknowledge the difficult task that the Minister faced. No one underestimates the complexities of our health and social care system, and we all value the unstinting work of health and social care workers. However, cuts had to be made, and the Committee has a right to explore where and how they took place. In the Committee's opinion, the Minister has made some difficult decisions and brought forward a delicately balanced programme. On the whole, the Committee believes that he appears to have

made the best of what he was given. However, there is one caveat: the proof of the pudding will be in the eating, and it will be several months before we will be able to judge that.

Through access to a number of documents, the decision on how funding will be allocated is now in the public domain. Those documents include 'Priorities for Action 2010/11', the Commissioning Plan Direction (Northern Ireland) 2010 and the various Hansard reports of Committee meetings in the past few weeks. The Committee has had a number of opportunities, in open and closed session, to discuss finances and the budget. We learned that the Minister based 'Priorities for Action 2010/11' on his budget for those priorities, and that provided the strategic direction to the Health and Social Care Board and the Public Health Agency, which, for the first time, developed a regional plan for commissioning health and social care services for all of Northern Ireland. Obviously, a single document that covers all of Northern Ireland is a major step forward, and we welcome that.

Both 'Priorities for Action 2010/11' and the Commissioning Plan Direction (Northern Ireland) 2010 were underlined by the need to deliver what the Department calls a "balanced budget". One of the main elements of that balanced budget is the continued delivery of the CSR efficiency savings for 2010-11, which amount to £40 million. The delivery of fewer new services than anticipated is the second main branch, and savings of £40 million are expected from that.

The final big saving is from additional efficiencies from family health services, with particular emphasis on generic drugs, which should release up to £46 million. I am particularly keen on making savings through the use of generic drugs. We all know that a branded drug product can cost, on average, £26 to £30, and its generic equivalent can cost from £1 to £1.50. It seems a no-brainer to me to pluck the low-hanging fruit in the form of generic drugs. That is one area where we can obtain greater efficiencies without it having any impact on the needs of patients.

Mrs D Kelly: I listened carefully to what the Member said, and I agree that the use of generic drugs is a no-brainer. Have we heard anything from the Minister yet on the banning of bonuses at senior staff level, or are any of them prepared to take a pay cut at this stage? There are some fairly high flyers in and around the

health and social care trusts and in the public services.

The Chairperson of the Committee for Health, Social Services and Public Safety:

The honourable Member for Upper Bann has a crystal ball: I wish to raise that point later in my contribution. Indeed, I understand that I have been struck off the Christmas card list of several leading consultants in Northern Ireland for suggesting that someone on an average salary of £152,000 a year may need a bonus to incentivise him or her to work harder. If the honourable Member for East Belfast, the First Minister, were to pay me £152,000 a year, I would not need much to be incentivised to do anything. The issue needs to be dealt with, because, in the present economic situation, I do not believe that we can possibly justify paying £11.7 million in bonuses to consultants who, by any standards, are extremely well-paid members of the health and social care team.

Perhaps the most difficult path chosen by the Minister is the 2% reduction in total trust payroll costs, which will generate almost £40 million of the required savings. Reducing the number of posts in health and social care was always a key component of the RPA process. Therefore, the Committee was disappointed to find that some trusts had fallen behind in achieving the agreed targets in that area. In autumn 2009, the Committee explored that issue with the trusts, and it was aware that some were doing better than others. This is not just about cutting jobs for the sake of making cuts. Every penny saved is ploughed back into new and additional services. To deliver those services, trusts need to step up to the mark, and we will continue to keep a close eye on that aspect as the year progresses.

The Committee has been lobbied extensively over the past 12 months on workforce reform. In response, it has examined the use of agency nursing in detail. We know that the shift in culture from agency nursing, overtime and locums to bank nurses has been difficult. It has been an extremely painful transition for the trusts and, indeed, for health and social care workers. However, it has to be done. Given the number of people who are employed in health and social care in Northern Ireland, I expect that the Committee, its individual members and every MLA in the Assembly will hear from constituents on that aspect. I can guarantee

that some people will feel very unhappy about that element of payroll costs.

Another area of concern is the scrutiny that each trust is expected to make in the recruitment to posts. When a post falls vacant, it will be filled only if the trust can establish that it is an essential post. That will be on top of the reduction in agency, bank or locum staff. The Committee has some concerns with that element because, from talking to staff, it knows the pressure that they are under. Nurses and front line staff tell us that they are literally run off their feet. There is great anxiety among staff that recruitment freezes, because that is what they are, will create further strain on what are already highly pressurised jobs, and the Deputy Chairperson has particular concerns about that.

The Minister has made it clear that he can undertake that 2% cut in the payroll without any compulsory redundancies, which the Committee welcomes. He has also made it clear to the Committee that any further cuts to his budget may not be so easily found.

The Committee also noted with interest that the Health and Social Care Board will be keeping a close eye on the amount spent by each trust on management costs. The Committee had previously explored that area with the trusts and the Department in autumn 2009. During that time, we noted that some trusts managed to keep their management costs quite low, while one or two others were above average. The Committee is reassured to see that one of its major concerns is now a target in the commissioning plan. Trusts must keep their management costs to 4.1% of the total resource costs, and they can be held to account by the Health and Social Care Board if that is not done. We are looking forward to following progress on that issue.

On workforce control, one issue of particular concern is the excellence award paid to consultants, with over £11 million being paid in Northern Ireland each year. Whether it is called an excellence award or a bonus, it is £11 million that could be spent elsewhere or, indeed, spread out across all staff from cleaners and handymen to nurses and office staff.

I am glad to hear that there may be a review of those awards, and I await its outcome. However, if consultants were to volunteer to forgo their award for 2010-11, I would be delighted, because the resultant £11 million saving would

go some way to meeting the deficit in what will be an extremely difficult financial year.

Mrs D Kelly: Does the Member have any idea how that review will proceed? Surely consultants will not be employed to take it forward.

The Chairperson of the Committee for Health, Social Services and Public Safety: At a recent Committee meeting, the Minister of Health, Social Services and Public Safety announced that his Department is reviewing that issue.

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

The Chairperson of the Committee for Health, Social Services and Public Safety: Apparently, the UK-wide agreement does not compel us to pay those bonuses. Frankly, the £11.7 million could be much better spent elsewhere.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to outline the views of the Committee for the Environment on the Supply resolutions for the 2008-09 Excess Votes and to comment on the Main Estimates for 2010-11.

All Members will be aware of pressure on Departments to provide services with less and less income. The Committee for the Environment has been particularly exposed to those pressures, because one of the more immediate impacts of the economic downturn was a decline in planning applications. Given the Department's dependence on planning fees as a major source of income, that decline has a huge impact on jobs and, potentially, on services, not only in the Planning Service, but in the Department as a whole. One key way in which the Department delivers services is by funding external bodies that provide practical expertise, but the Department is increasingly withdrawing funding from those organisations. The Committee is concerned that that will lead to job losses in those bodies and to a loss of expertise from the environmental sector and the North. It will also increase the risk of our not being able to achieve the environmental standards that are demanded by Europe and that make life better for all of us who live here. Over the past few months, the Committee has urged the Department to demonstrate that it has strategically realigned its services, kept sight of its key priorities and ensured that its front line services remain uncompromised.

At the beginning of June, the Committee for Finance and Personnel drew our attention to the Department of the Environment's (DOE) involvement in the Supply resolution for the 2008-09 Excess Votes. Further information was obtained from the Public Accounts Committee's (PAC) report, which stated that the Department's £500,000 breach of its net cash requirement was due in particular to the payment of creditors earlier than had been forecast. It appears that the Minister of Finance and Personnel's directive to pay invoices within 10 days of receipt generated a reduction in creditors, which was not foreseen when the spring Supplementary Estimates were finalised. That reduction was particularly pronounced in the early payment of grants and of legal costs associated with judicial reviews that had not been anticipated.

In March 2010, the Committee was advised that the Department's record for making payments within the 10-day period was below the Civil Service average. Indeed, it was making only 50% of its payments within the 10-day time frame, compared with the average of 55% across the Civil Service. No other Department appears to have been affected to the extent of being in breach of their net cash requirements as a result of making payments within 10 days. Other Departments also seemed to make more rapid payments more successfully and consistently than DOE.

At the time, the Committee expressed its disappointment at the Department's performance. However, I am pleased to report that last month's update shows that its performance is, at 61%, now on a par with the rest of the Civil Service. However, I hope that that will not lead to another Excess Vote. We must hope that PAC's reassurance will be borne out. It states that the Department seems:

"to have taken the necessary steps to address the issues"

Accordingly, and on behalf of the Committee, I support the Department's Excess Vote.

3.45 pm

Mr A Maginness: I have listened carefully to the debate, primarily in my office. It has been an interesting debate that has oscillated between Members who wish to defend front line services robustly — I put that in parentheses — and those who see the need for robust cutting of public expenditure. The debate has also

been interesting because of the enthusiasm expressed for cutting public expenditure. I would like Members to pause and think about that proposition, because the Assembly should want to make a positive difference to the lives of people in Northern Ireland.

We should not be a conduit for the desire of any Tory or Tory/Liberal Democrat Government to implement severe public expenditure cuts. It is unnecessary to introduce the savage cuts that I am afraid that the Westminster Government have in mind. We should be protective of our public services, and we should zealously try to protect our people. That said, there is a need for some restraint in public expenditure. The Minister, for whom I have great sympathy, must proceed on the basis of balance, and he must seek to protect the things that are important to society and to governmental operations.

Invest Northern Ireland, for example, gets a substantial amount of money for a purpose: to attract investment into Northern Ireland, and it has done that successfully in recent years, despite difficulties. Even marginal cuts to that budget could restrain its performance in attracting inward investment to Northern Ireland. We need inward investment to create a step change in our economy so that we can produce wealth and employment and raise people's standards of living. Therefore, the Finance Minister must tread warily in considering any proposition to limit the funding to Invest Northern Ireland and, indeed, other agencies.

To achieve a step change in the economy, a change in the fiscal powers that are available here is required. Mr McLaughlin referred to that, and we should have the right to vary some taxation. For example, and importantly, we should have the right to vary corporation tax. The Economic Reform Group has presented the case well that reducing corporation tax would have a radical impact on how this economy operates and how we attract investment into the economy to create wealth and employment. A reform along those lines would go a long way to bringing about a step change in the economy.

Despite my comments on the Conservative Government, in one respect at least they are proposing something that is important for our economy: they are looking at ways and means of varying corporation tax so that we can effect a step change in our economy.

We need investment in the economy and in the private sector, and we need to use our tremendous resources to develop our renewable energy sector. We have wind, sea and natural organic production from farms such as those that produce grass and so forth, which can be used to create additional resources of renewable energy. If we can attract investment in those sectors, we can regenerate our economy.

We have expertise in our universities and in our engineering base, which Mr Shannon referred to. Our engineering base should be a rich vein for investment in our economy. Therefore, we will have several opportunities in the next number of years to improve our economy and to change its direction radically.

I accept that there are serious difficulties. Dr Farry referred to the problems that have been created as a result of the European Union's imposing a fine as a result of the Department of Agriculture and Rural Development's (DARD) performance. That should be deeply regretted. One must ask why the deficiencies in DARD were not recognised long before EU officials inspected the way in which funding is distributed here in Northern Ireland, thus avoiding the imposition of a swingeing fine. That has come at a very bad and difficult time for all of us here, and it adds to the problems with our public finances.

Dr Farry referred to the introduction of water charges. Are we serious about introducing water charges, especially now, of all times, given that they will impose a very serious burden on many people throughout Northern Ireland? I do not believe that it is appropriate to introduce those charges now, and my party is of the same view. We should be mindful that the introduction of water charges will impose an onerous burden on many people. We are in a serious situation, where people who are in work are also on the margins of poverty. We must support them in every way to ensure that they do not become impoverished. Therefore, imposing water charges on people at this time would be sufficient to drive them out of employment and into a situation where they need to receive benefits and, in that way, avoid water charges. Therefore, one must consider very carefully the introduction of additional charges, whether it be water charges or otherwise, on people in our society, because doing so could drive them over the edge.

We have an opportunity to strike a balance and to make efficiencies and savings. However,

they should not be so severe as to damage our chances of attracting investment and improving people's lives. We are here to make a positive, not a negative, change for people in Northern Ireland, and I encourage everyone in the Chamber to look positively at what they are doing today.

The Chairperson of the Committee for Employment and Learning (Mrs D Kelly): I

welcome the opportunity to speak on behalf of the Committee in the debate, specifically on the Excess Vote required by the Department for Employment and Learning — a sum totalling just under £15.8 million.

As Members will be aware, an Excess Vote is presented when a Department has exceeded its budget provision in the Main Estimates and Supplementary Estimates approved by the Assembly and authorised through the Budget Acts. One imagines that in cases where an Excess Vote is sought, it is simply a case of a Department not sticking to its budget and requiring to be bailed out. However, as with so many budget issues, nothing is as straightforward as it may seem.

In the case of the excess declared by the Department for Employment and Learning, £10.1 million was for interest receivable on student loans, which was not forecast in accordance with the correct budgetary treatment. Some £5.6 million was paid to the Student Loans Company on 31 March 2009, when it should have been processed on 1 April 2009, which was the beginning of the next financial year. Therefore, it was not the clear-cut lack of careful budgeting on the part of the Department that was involved. In fact, it was only after clarification from the Department of Finance and Personnel as to how interest receivable on student loans should be forecast that the issue of the £10.1 million was sorted out. It is vital that the Departments have all the information they need to ensure that they make the appropriate payments at the appropriate time. It also seems that the Finance Department had that information, and we must assume that there was a breakdown in communication that led to the Department for Employment and Learning not acting correctly on that occasion.

The £5.6 million that was paid early to the Student Loans Company appears to have been the fault of Account NI, which is the centralised

payments system for the Departments. One would have hoped that there would have been sufficient expertise at Account NI to understand the impact of paying funds at the end of one financial year rather than at the beginning of the next. Who is to blame for that? It does not appear to be the fault of the Minister for Employment and Learning and his Department, but seems to be an error by Account NI — another to add to the many — which falls under the control of the Finance Minister. The Department of Finance has made much of Committees encouraging Departments to make prompt payments, but it is going a bit far when the payment is being made in the previous financial year.

The Public Accounts Committee has examined the issue and is satisfied that the excess required by DEL is not just a case of careless budgeting or reckless expenditure on the part of the Department. The Department now has Department of Finance and Personnel (DFP) guidance on the correct procedures for forecasting the interest receivable on student loans and has undertaken to benchmark its procedures against those of the other Departments and other comparators.

I urge the Finance Minister to undertake to sort out the Account NI issue. In this case, a payment was processed early and had considerable consequences. However, we constantly hear across the Departments that payments miss the 10-day turnaround because of issues and failures around Account NI. I understand that the Department for Employment and Learning is one of the higher performing Departments in making the 10-day payment, at 60 plus days. However, for those who are owed money, it is not a high enough outcome as many would like to see. The Committee accepts that the Department has learnt from that episode. It is, after all, the Department for Employment and Learning, and Members understand the requirement for the excess. Therefore, the Committee supports the motion on the Excess Vote.

I will use some of the remaining time available to speak from a personal perspective on a range of matters. Has the Minister given any guidance or instruction to his Executive colleagues in relation to the payment of bonuses and consultants? We heard from the Chairperson of the Health Committee about payments of more than £11 million being made to consultants, that is, “consultants” in the

sense that most people understand the word — medical consultants. Is there an expectation about whether those people, who, in many cases, are paid more than the First Minister, will take the bonuses? I will let the Minister speak.

The Minister of Finance and Personnel

(Mr S Wilson): I am more than happy to give the Member an assurance at this point. First, I took a decision as far as Northern Ireland senior civil servants were concerned. Their bonuses stopped last year, and the same thing will happen this year. The Executive then adopted a position whereby Ministers who wished to pay bonuses to people at senior grades could make application to the Department to have those cleared.

The only exceptions applied in instances in which it was deemed that there was a contractual obligation and that failure to meet that obligation would have put public funds in jeopardy. I am not sure whether the bonuses that the Member has been speaking about are contractual bonuses or bonuses for which the Minister should have sought permission. I know that, on occasion, the Health Minister has applied for the payment of bonuses even though they were not contractual.

4.00 pm

The Chairperson of the Committee for

Employment and Learning: I thank the Minister for that. I understand the difficulties that Ministers will face with regard to contractual arrangements, and I hope that that will be under the microscope when people look to renew contracts. There is an issue around consultants and bonuses, and for the greater good of society, people who are paid such amounts of money should take a responsible attitude and lead the way on the issue.

In his previous portfolio as Minister of the Environment, I know that the Minister had concerns about planning processes being speeded up to allow the economy to seize economic investment opportunities. I know that planning appeals fall to OFMDFM, but I am aware of the lodgement of planning appeals in my constituency and of one, if not more, bid for investment that is being held up under the planning appeals system. Given that the Executive have made the economy a key priority, is there any legal impediment to moving those forward, out of chronological order?

I have spoken to a number of INTERREG groups, and I declare an interest as a member of the East Border Region. I do not know whether the difficulties have been resolved around DETI, SEUPB and decision-making. We are already two years delayed. We have only two and a half years in which to spend the money, and during that time, the planning permission, for instance, has to be granted. SEUPB falls under the Minister's portfolio.

During a visit to Brussels with the OFMDFM Committee last week, it was clear that although the structural funds are very much pertinent to Northern Ireland, there are many opportunities for funding and investment under other EU measures. I would like to know whether the Department is fully taking account of those.

I hope that when the Minister looks to give guidance to different Departments, the issue of consultants, in their broadest sense, comes up. A couple of years ago, a review was carried out on the capacity of civil servants and the public sector to drive forward infrastructural projects, and there was found to be a lack of capacity. I hope that those gaps are being addressed, if they have not been already, so that we will see fewer consultants coming in from the private sector to make decisions or to help civil servants to cover their backs in making decisions. I look forward to the Minister's response on those matters.

The Minister of Finance and Personnel: I will try to get through as many of the points that have been raised as possible. It has been a fairly predictable debate, because we have had the debate on this year's Budget on a number of occasions since January. I think that the Member for North Down Mr Weir described it as reheated meals. I think that some of this debate has been through the political microwave a few times.

We have had the predictable responses. The SDLP will always bring up its alternative budget, albeit that it was raised by a different individual on this occasion, because Mr O'Loan seems to have got himself out of favour. However, I noticed that there was a little thawing today when the party leader gave some acknowledgement of Mr O'Loan's part in the alternative budget.

Mr McNarry returned with his black hole. We had not heard of his black hole for a long time, but it seemed to re-emerge in the debate today. Mr McLaughlin, who, of course, always tries to

be the acceptable face of Sinn Féin, mentioned the usual stuff about tax-raising powers. I will deal with that issue in a minute. Then we had a number of Members who we can always be sure will raise a plethora of their own constituency issues.

Mr Farry did not disappoint. When Mr Ford became a member of the Executive, I feared that we would see Mr Farry go native, he would cease to be an independent thinker and he would keep his head well under the parapet, but he has not done that, and I appreciate that. Of course, as usual in these debates, members of the Committee for Education line up to have a good kick at the Minister; they have done so from all sides of the House today. Therefore, the debate has been fairly predictable from that point of view.

At the outset, I want to acknowledge the Committee's role in getting the debate to the Chamber today. Ms McCann said on behalf of the Committee that she believes that there had been appropriate consultation on the public expenditure proposals, the Main Estimates, the Statement of Excess, the related Supply resolutions, and the Budget Bill. I want to put on record my appreciation for the constructive way in which the Committee has dealt with its important role with regard to the Budget. I say that genuinely, not just as a matter of form. The Committee for Finance and Personnel plays a constructive role without being a pushover. As a result of the Committee's agreement, the Budget (No. 3) Bill, which I plan to introduce shortly, will proceed under accelerated passage, which will exclude Committee Stage. Again, I appreciate the Committee's assistance to the Assembly and to me in that manner.

A number of Members, including the Committee Chairperson, raised the need for engagement with Committees and asked what had been done to take that forward. I have listened to the remarks of Committee Chairpersons during other debates on the Budget. I have written to Ministers. I have reminded Ministers in Executive meetings. On more than one occasion, I have named and shamed Ministers in the Assembly, including some from my party, who have not given the relevant Committee the requisite information.

As Finance Minister, I take the issue seriously. If departmental budgets are to be scrutinised properly, Ministers must supply

proper information in good time in a form that is understood so that it can be queried by Committees. To that end, proposals are coming forward on the Budget process, and guidance will be issued to indicate the nature and form of departmental consultation with Committees. Ultimately, however, it is up to Committees to hold Ministers to account and to insist that information that is required to carry out proper scrutiny be provided to them.

The second point that the Committee Chairperson raised was the £128 million reduction and when the June monitoring round would be brought to the Assembly. The Executive will consider the June monitoring round at their next meeting when we will decide what to do with the £128 million. Of course, we could defer all or part of that reduction until 2011, although there would be grave risks in doing so. We still need information from the Treasury on the capital/current split of the £128 million. We also await a response from the Treasury on our request for access to the end-year flexibility stock and some other technical issues. Only when we have that information will we be able to decide how to deal with the £128 million reduction. There will, of course, be a statement to the Assembly on the June monitoring round and on that particular issue.

Mr Hamilton raised the issue of Social Security Agency staff reductions and the protection of front line services. Of course, the Minister for Social Development is responsible for how staff reductions are managed while protecting front line services. I am addressing all those issues, but I notice that none of the Members who raised them are in attendance. I should put my responses on record anyway.

Mr Hamilton also raised the economic downturn, the response to it, and the key objective of growing the economy. I agree with Members that one of our priorities must be the impact of the downturn on the economy and what can be done to deal with it. The four primary areas for what can be done were identified by the Economic Development Forum, which has been central to addressing the impact of the credit crunch, boosting the construction sector, financing SMEs and assisting businesses in difficulties while enhancing workforce skills.

The First Minister and deputy First Minister set up the cross-sector advisory forum, and it has reported with 107 recommendations on

measures that can and should be taken. One of the subgroups of the cross-sector advisory forum dealt with banking and lending. Through that, we tried to identify the scale and nature of the problem, and the Institute of Directors was very helpful in providing information through surveys of its members. A lot of that information was then taken to the Treasury. I have spoken to the Finance Minister in the Republic about the banks that are based there and the whole issue of NAMA.

At Treasury level, we now have access to the bank lending panel, where we can bring some of those issues to the attention of the Exchequer. There is also to be a report on lending by banks that are based in the Irish Republic: the Mazars report. Brian Lenihan has agreed that there should be a section on Northern Ireland in that.

I now come to the contribution of Mr McNarry, who is not in his place. He said that we should have a mature debate. Unfortunately, what we got from him was a self-serving, cheap, party political whinge. I wish that he had been here to hear that, but he is not. I listened to what he said, and I agree that we need to have a mature debate about the issues. However, that has to go beyond infantile finger pointing. He said that others were at fault and did not listen to his warnings. Then, of course, he threw a lot of misinformation into the pot to try to justify that.

Allow me to address some of the nonsense that we heard. First, because of the black hole in the economy, we had £370 million in cuts this year. We did not have £370 million in cuts at all. We had a redirection of spending, because of decisions that Mr McNarry and his party, including the Ministers from his party, supported, as well as everybody else in the Assembly. We deferred water charges, so we had to redirect money to cover that part of the Budget. We decided that we were going to spend money on helping hard-pressed ratepayers, so we had a number of deferral schemes for businesses and individuals. We froze the regional rate, and that meant redirecting money towards that. There was no cut. The total reduction was 0.1% of current spending and 0.1% of capital spending.

We redirected money on account of decisions that the Assembly took. There was no black hole, and the re-emergence of the "Cromac Street economists" in the Ulster Unionist Party, looking into the great big hole that they say

exists, is a sad reflection on them at a time when we are called upon to have a mature debate.

4.15 pm

Mr McNarry tried to say that his party was divorced from any consideration of the Budget. The Executive debated the Budget on 25 March 2010, and from what I can remember, part of the resolution, at that stage, included a paragraph that I negotiated with his party leader. Although the Budget did not go through on that day, the only issue outstanding was the finance for Northern Ireland Water.

Dr Farry: I am grateful to the Minister for giving way. Further to the Minister's points, given that the Ulster Unionist Party, together with the Tories, championed the quicker repayment of debt more than any other party in these islands, surely the logical position for the UUP, rather than duck any sense of collective responsibility among the parties for what must happen, would be to advocate quicker, deeper cuts in our Budget than those advocated by the Executive.

The Minister of Finance and Personnel: I sometimes wonder whether logic comes into the debate; it is usually just rhetoric.

The rest of us did not turn our backs on the SDLP and the Ulster Unionist Party when we were having that debate, so they were not totally divorced from the decision-making process. In fact, they were fully engaged in the debate. Therefore, for them to run away from any involvement or association with it is, to use Mr McNarry's words, disingenuous.

Mr McNarry made the usual comments about waste in the public sector. He said that we wasted around £12 million on the Maze site. In fact, most of the money spent on the Maze site was for decontamination, which had to be carried out if the site is to be developed.

Mrs D Kelly: Will the Member give way?

The Minister of Finance and Personnel: I will give way in a moment or two. I wish to finish my point about waste.

Mr McNarry also said that we wasted money on RPA. So far, £9 million has been spent on RPA, which, I understand, was started by the previous Executive to reduce the cost of government. Had we not planned for such an event, we would have been criticised. Is it waste to spend money on planning for something? It was also said that

the Crossnacreevy project put a big whole in the Budget. What does Mr McNarry want us to do? Does he want us sell the site at a reduced price in the middle of an economic recession? That is something for which we would be criticised. The one bit of waste that Mr McNarry did not mention was the money that was spent tackling swine flu. His Minister made a bid that took money off every other Department in Northern Ireland. However, £23 million of the £27 million that was given over from other Departments was never spent. Perhaps, he conveniently forgot about that.

Mrs D Kelly: I thank the Minister for giving way. I listened carefully to what he said about how others define waste. Surely, if no decision is made, money is wasted. The opportunities presented by a preferred bidder almost two years ago for the Maze site were wasted by indecision and lack of decision-making at Executive level, particularly by the First Minister and deputy First Minister. We know that because it was the Minister's ministerial colleague Mr Poots who said that the deputy First Minister was holding out and was refusing to put some items on the table. Of course, opportunities were also wasted when the Executive did not meet for several months. It will be a real waste if decisions are not made.

The Minister of Finance and Personnel: The real waste will be if we do not realise the value of the site when there is an eventual opportunity to develop it. We still have the site, and valuable and necessary work has been done on it, and there will be future opportunities to develop it. We must view the situation in that context. Eventually, I hope that we will get to the point where we can have a mature debate about those issues because we need to have that debate.

I now come to the SDLP leader's contribution. To be fair to her, she did not accuse me of engaging in a smash-and grab on her budget. However, she accused my predecessors of doing just that, and I will defend them valiantly.

The smash-and-grab on the DSD budget, the Department for which she was, of course, Minister, involved reduced requirements being declared, as should be the case, and the Executive making a decision as to how that money should be reallocated. I do not think that any Member would wish that process to be any different. Say, for example, a Department bids for £100 million at the beginning of a year to

do something and then finds halfway through that year that it cannot do that something. In those circumstances, would the Assembly prefer that the Minister decided just to keep the £100 million and to use it for something different? I suspect that the SDLP would not be too happy if a DUP Minister, or any other Minister, did that. If taking money off a Minister in those circumstances is smash-and-grab, that is a very strange definition. There was no smash-and-grab on DSD's budget.

If Members look at what happened to the housing aspect of the DSD budget, they will see that I made extra money available for housing maintenance and grants in two monitoring rounds last year. Last year's newbuild programme for over 1,800 houses was the biggest that there has been for many years. Therefore, one can hardly say that that budget has not been dealt with.

Mrs D Kelly: The Minister valiantly defended his predecessors, and I, too, will valiantly defend our previous Minister for Social Development. The Social Development Minister made social and public housing a priority and delivered on that. Success has many authors, and we have no difficulty with that. However, surely the Minister will acknowledge that in December 2008, money that could have gone to DSD to deliver on public housing was allocated to slurry tanks and slurry housing. Surely the point was to get work back into the construction industry, which is a priority. The Social Development Minister delivered on the SDLP's commitment not only to those who are most marginalised and vulnerable in our society but to the tradespeople and suppliers who needed the construction industry to get back on its feet.

The Minister of Finance and Personnel: We are becoming too esoteric in this debate. Whether somebody is building a house or a slurry tank, I imagine that that is all part of the construction industry. Therefore, there can be no loss for the construction industry in that situation. However, it would be different if the money had been allocated for something other than that for which the Minister intended to use it and there was then a reduced requirement. I do not know whether the Member was listening. However, I do not think that anybody in the Assembly, Members of which vote to allocate money to Ministers for a certain purpose, would endorse any action that allows a Minister to say, willy-nilly, that they are not going to spend

money on that which it was allocated for. It would undermine the authority of the Assembly if Ministers made up their own minds as to what to do with the money that they are allocated.

Mr F McCann: The Member who made the previous intervention mentioned money that was reallocated in December 2008. That money was moved across from DSD's capital build programme, yet the construction industry was hit because it did not go ahead with the build.

The Minister of Finance and Personnel: I have answered that question and am not going to labour the point. When Departments have reduced requirements, the process is that the money comes back to the centre and is reallocated on the basis of collectively made decisions. That is the right way to do that.

Another point was raised, which I really cannot pass over. Every so often, the SDLP wrings its hands and says that if only the whole Budget had been reviewed, that would have helped, because, after all, it produced a review. However, the SDLP produced a review that amounted to £200 million, much of which was money that could not have been reallocated anyway. Some of that money was from capital receipts or sales of assets that were already considered to be disposals. Some of it was a re-profiling of Northern Ireland Housing Executive debt, which, due to certain Treasury restrictions, could not be done, and, oddly enough, although that was within the remit of the Social Development Minister, was not done by her. During the year, more than £200 million was reallocated in the Budget anyway through the monitoring rounds. Therefore, rather than being some radical Budget change in response to the changing economic circumstances, it was really a very small part of total spending in Northern Ireland. When one looked at the detail, it certainly did not represent a huge reallocation or re-prioritisation of the Budget, yet we get that argument pumped out all the time.

As I said already, I am glad to see that Mr Farry has not lost his independent streak or his willingness to take political risks. He stressed that a greater emphasis should be placed on taking tough decisions. At least when he used that rhetoric, he talked about some of those tough decisions. I am not so sure that some of them will make him all that popular among the middle class in North Down. Perhaps they will; I do not know.

He spoke about the way in which public service cuts fall on the poorest, while revenue-raising measures are more likely to hit the better-off. That is a very blunt and crude equation, because much public sector spending is, of course, directed towards the middle class as well. Indeed, many would argue that middle-class families probably get more out of education spending than working-class families do, and so on and so forth. It must also be accepted that many middle-class and lower-middle-class families that would be hit by the increased charges that the Member mentioned are also struggling with bills. Therefore, there will be an economic impact on people who although they may be described as better-off, are not well-off. Any progressive system will start to work at that level and work its way up.

However, at least Mr Farry spoke about some of the tough decisions that will have to be made, although it worries me a wee bit that all the issues that he talked about tended to be revenue-raising ones. Some of the tough decisions will require our looking at some of our spending programmes, too.

Dr Farry: That was only part 1; I am keeping part 2 for tomorrow. With all Mr McNarry's interventions, I ran out of time before I could get on to the second part of my speech.

The Minister of Finance and Personnel: I look forward to part 2 tomorrow. At least Mr McNarry has guaranteed us that we will not get a reheated meal tomorrow but something that is fresh, and I look forward to that.

Mr Farry also raised the issue of capital allowance. I dealt with that matter during Question Time. The fine is disproportionate. The payments were around £2 million above what they should have been, yet we had a potential fine of £63 million, which is 5% of the total disallowance. Of course, that is disproportionate, and negotiations are ongoing.

The Member asked why the Minister of Agriculture and Rural Development was not answering questions on that issue. He knows full well that there are ways in which to get the Minister to the Assembly to answer questions, whether they be through tabling a motion or a question for urgent oral answer. I am sure that if Members want to question the Minister on that issue, there are ways in which that can be done.

Mr Storey spoke about Committee engagement, which I have dealt with, and savings in the Department of Education. Education spending went up by 1.9% for this year, on top of a 5.8% increase on the previous year. The Minister of Education accepted that. It is useful to put some of the myths to bed when it comes to cuts in education spending or cuts in health spending. There have been increases in spending in those two major Departments.

Mr McLaughlin raised the issue of fiscal powers. He said that we are really debating only the allocation of the existing Budget, not how we will raise money.

We do have limited revenue-raising powers. However, he decided not to mention those because his party has problems with the one revenue-raising power that we could have in this House; namely, water charges. Therefore, he chose to talk fairly ambivalently — I hope that I am not being unfair to him — about the need for tax-varying powers. I am not sure which taxes he was referring to, because it did not come through in his speech. Everyone must recognise that tax-varying powers of any nature will hit some sector of the economy. Of course, if we call for full tax-varying powers, we will immediately run into the problem of the Treasury saying that we are on our own. Given the deficit that exists in Northern Ireland, I am not sure that anyone would wish to move in that direction.

4.30 pm

Mr Shannon talked about efficiencies in the Health Service. I note that the Health Minister has confirmed that his Department is committed to achieving savings, and it has published plans for doing so on its website. However, as Mr Wells said, there is scope for more savings in the Health Service.

Mr Dominic Bradley raised the issue of investment in education. Again, an impression was given that there is no investment in education or that it has been reduced. Capital funding for the Department of Education for this year is 28% greater than the level of spend at the beginning of this mandate or in 2006-07, the last year of direct rule.

The £700 million that has been spent during the period of devolution has led to more than 100 major school projects being taken forward. Of that 100, 25 have been completed, 15 are on

site and there are nine PPP schemes. I visited two of them in north Belfast last Thursday at the Boys' Model and Girls' Model schools. Anyone who wants to see first-class educational facilities should go to those schools, because they are good examples of how the capital spending that is voted for in this Assembly benefits young people on the ground and their school environment. That is a smart way to spend money, because there is great potential for those facilities, which include fantastic indoor sports halls, keep fit studios, dance studios and theatres, all of which are inside the schools.

Looking across the Chamber at a member of Belfast City Council leads me to ask whether there is a way in which, by smarter working between councils and schools, we could avoid burdening ratepayers with bills for building more leisure centres or maintaining existing ones. Some schools have better facilities than some leisure centres, so why are the schools closed from 4.00 pm? Why are they not open to the public to allow for dual provision for some areas? That is the smarter way forward for public investment.

Mr Weir spoke about public spending projections. We do not yet know the projections for the next three-year period. Hopefully, we will have greater insight after the Budget of 22 June. We do know that the Prime Minister has been preparing us for the reductions that we are going to face. He has talked about the painful times ahead, the cuts that could affect our way of life and the fact that the overall scale of the problem is even worse than he had thought. Therefore, its potential consequences are more critical than we feared. We are going to have to live in that environment. That will be the background to Budget 2010. As Finance Minister, I will seek clarification about the implications for Northern Ireland as quickly as possible.

Mr Gallagher raised the issue of Quinn Insurance and a number of other detailed constituency issues. I assure him that every effort is being made to address the issue in Fermanagh. I know that Mr Gallagher likes to give the impression that the people at the end of the M1 and west of the Bann are forgotten about. That is not the case. Indeed, at every Executive meeting, we have had an update on what Ministers — there are at least four — are doing about the

economic situation that the collapse of the Quinn Group in Fermanagh caused.

It would seem now that compulsory redundancies, at least, are unlikely in Enniskillen. Invest Northern Ireland and the Department for Employment and Learning have held information sessions with employees at which they outlined the details of benefit entitlements and offered advice on how people might consider self-employment as an alternative. Mr Leslie Ross has been appointed to co-ordinate the interagency approach for those facing redundancy in Fermanagh. I have also spoken to Martin Mansergh, a Minister of State in the Irish Republic, and we are looking at what can be done with INTERREG money, for example, which may be available for helping to promote schemes to deal with the issues that have arisen as a result of the collapse of the Quinn Group.

Mr Gallagher also raised the issue of the more fundamental re-prioritisation of departmental budgets. I agree with him on that. The Executive have, through in-year monitoring, sought to deal with particular issues as they have arisen. In addition, when we conducted the review of the 2010-11 spending plans, we wanted to ensure that public services remained on a more secure basis. The priorities that we set in the Budget were aimed at reflecting those changing priorities and on emphasising some of the priorities that we wanted to keep.

Mr O'Dowd talked about the block grant and how we seem to concentrate our discussions on how it was allocated. The point of this debate is that we have reached the end of the process and have established the Budget. There is not a great deal else that we can talk about. There is no point in talking now about whether we should have done this, that or the other, because the Budget process is over. We have had the Committee scrutiny, the conversations with departmental officials and the discussions on the draft Budget, which led to the final Budget. One of the reasons why I wanted to begin the discussion on the Budget 2010 is that that is where we will have the kind of discussion that Mr O'Dowd lamented that we are not having today.

I will point out three things to Mr O'Dowd. First, the block grant makes up 90% of the funding available to the Executive. Secondly, although I understand that he and Sinn Féin in particular like to think about the all-Ireland economy, most of our trade, investment and money come

from our links with the United Kingdom. I am not one for sticking my head in the sand: no one can accuse me of pretending that nothing exists over the border, that we do not have contact with Ministers over the border or that we cannot work with Ministers over the border. Thirdly and equally, Sinn Féin has to realise that the main focus of our economic activity is with the rest of the United Kingdom. There must be some recognition of that. Whenever it comes to people sticking their head in the sand, they are more likely to take the approach that Sinn Féin sometimes takes on the issue, rather than the approach that unionists adopt.

I do not know how I got on to Mr O'Dowd, because I am back to Mr Gallagher. I have got them all mixed up — it does not matter. Mr Gallagher talked about structural maintenance of the roads in Fermanagh and the way in which they were crumbling. The impression that sometimes comes out of these debates is that we no longer spend money on education, health or roads. If I was listening to the debates as a member of the public, I would be wondering, "What do those boys spend money on?".

Ms Ní Chuilín: Boys?

The Minister of Finance and Personnel: Sorry — and ladies. I would wonder what the money is spent on. There are a lot of things going on. I have mentioned schools and hospitals. The maintenance budget for roads for 2009-2010 was £85 million; that is a 35% increase on the previous year.

Mr McNarry: They did not come near Strangford.

The Minister of Finance and Personnel: I do not know where the money is spent. I am not responsible for what the Minister for Regional Development spends the money on. I have responsibility for taking part in a debate around how the money is allocated, but I am sure that, if there were good constituency representatives in Strangford, they could get the roads fixed. I will leave that with Mr McNarry.

The maintenance budget for this year is £70 million. I understand that rural roads will receive resurfacing treatment as far as budget allocation permits. The roads around my house have been beautifully resurfaced recently, and I did not even have to talk to DRD.

Mr Gallagher mentioned the health capital programme. The Executive have given priority

to health spending, contrary to some of the comments that have been made. Of all the budget adjustments this year, the lowest adjustment was in the Department of Health. When a claim was made for help to deal with the swine flu epidemic, Ministers immediately responded by top-slicing their budgets. They then found, to their anger, that the vast proportion of the money that was allocated was never even used. That money was offered back to them with around three weeks left in the financial year. The Department of Health is not the pauper in this; health spending has been protected by the Executive, and Ministers recognise the importance of that.

Mr Wilson also said that the Executive were not providing sufficient or adequate funding for health. I have made the point about the amount of money being spent on health, the way in which the budget has been protected and what has been done when emergencies have arisen. He also raised the important issue of the Bamford review of mental health. The Health Minister plans new investment for mental health and learning disability services in support of Bamford. That will amount to £87 million over the next three years. There will be £44 million of additional investment in this year's budget.

I would like to see more detailed information given to Committees in the Budget process in future, rather than the global figures that Ministers produce. Sometimes, things happen without people realising because the money is just put into a huge pot and line-by-line commentary on it is not available to Members.

Mr Dallat raised the issue of the ombudsman's budget. I was not clear if he was talking about the ombudsman's budget or his powers. The ombudsman is independent, but he is free to apply for additional resources through in-year monitoring, which is considered by the Executive. Mr Dallat also mentioned the Dungiven bypass and rail funding. The Executive's capital plans for the next four years will set out the priorities for road and rail funding in the Budget 2010 process. In the short term, the Member will want to be aware that capital funding available for roads and transport is due to increase by 23% to over £350 million.

4.45 pm

I am sure that you will be glad to hear, Mr Speaker, that I have a couple more points

to make. Mr Wells and Mrs Kelly raised the issue of senior public service pay in the Health Service. Public sector pay accounts for about half of the total DEL resource. The control of pay growth will, therefore, be crucial over the next number of years, although much of that is outside our control because it is agreed nationally. We negotiate with the Civil Service and on some other local pay awards, but it is important to note that our ability to impose a blanket pay freeze is constrained by the agreements on nationally determined pay settlements that apply to many local groups. We cannot introduce pay freezes in that way, but we have been given a fair indication that the national Government may take a more robust attitude to public sector pay, which would be reflected in cuts to pay in Northern Ireland.

Mr Maginness raised the issue of public spending cuts. I was a bit disappointed in Mr Maginness's speech because it started off well, when he talked about the need to proceed on the basis of balance. However, he went on to list things on which we should spend money. As I said at the start of my contribution, I do not mind Members' outlining issues that are a high priority for them and on which they think that money should be spent. However, if we are to have the kind of debate that is required, rather than simply playing to the gallery, it is incumbent on Members to outline lesser priorities on which less money should be spent. Even at Question Time today, Mr Maginness told me that we should close our eyes to raising revenue through the sale of assets. We are not to put up water charges or sell assets, but we are to spend more money on the range of issues that Mr Maginness mentioned. We would not get far with that approach, and the public would regard us as a laughing stock.

Ordinary people in the street recognise that any reduction in the amount of money coming in every week requires them to make certain decisions, such as whether they stop going out for meals. People who want to go on holiday may decide not to buy a new car or something for the house. That elementary concept seems continually to escape Members. Sometimes, they simply want to list their favourite things on which money should be spent, even adding those to what we spend on at present. If we were to go down that route, our only choice would be to raise the taxes that are available to us in Northern Ireland.

Mrs Kelly raised the issue of student loans and excess funds. I refute the allegations that my Department was responsible for DEL's Excess Vote. Although the budgeting for student loans is complex, the treatment is set out by HM Treasury in its consolidated budgeting guidance, and that did not change during the year. DEL sought clarification from the Treasury on some issues, but that did not change the substance of the guidance. As the Department with responsibility for the management of student loans, DEL must take full responsibility for forecasting the level of interest and ensuring that the budget guidance is followed.

I am concerned about the Member's view that an Excess Vote is not a serious breach of the controls of the Assembly. It is, and Departments must adhere to the controls of the Assembly. It is right that such breaches are reported to the Comptroller and Auditor General and the Assembly because, if we overspend on budgets, all of Northern Ireland will bear the penalty. It is not a matter to be taken lightly, and DEL should have been aware of it. At the end of the day, it is DEL's responsibility to adhere to Treasury guidance.

(Mr Speaker in the Chair)

My time to speak is almost up. In conclusion, I thank everybody who spoke in the debate, including Members with whom I was cross and barged a wee bit. I look forward to a repeat performance from them tomorrow. No doubt some of them are listening to my winding-up speech and saying that they will get me back tomorrow. I will be happy for that to happen. I thank the Committee Chairpersons, Deputy Chairpersons and all Members for their contributions. Those who did not speak today will, no doubt, speak tomorrow, and some of those who spoke today will, no doubt, speak again tomorrow.

I appreciate that Members have reflected the genuine concern that members of the public feel when they look into the economic unknown that we face in the next three or four years. People are worried about their jobs, the services on which they rely, their economic future and so on. Therefore, it is good that Members have taken the opportunity to express those concerns. The Executive acknowledge that there are financial challenges ahead as we seek to manage prudently the reduced resources available.

Various pleas were made during the debate, but no Department can be immune from the reductions in public finances during the remainder of this year or for the foreseeable future. However, I am confident that, as we complete the last financial year of this mandate, the Assembly will not be found wanting. The people of Northern Ireland expect that; therefore, we must deliver. The importance of this stage of the public expenditure cycle — the Assembly approval of the Supply resolutions today and the associated expenditure plans that are laid out for 2010-11 in the Main Estimates — cannot be overestimated. Failure to pass the resolution would have serious consequences: Departments would run out of cash, and public services would grind to a halt. For that reason, I commend the Supply resolutions to the House and seek their endorsement.

Mr Speaker: I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That this Assembly approves that a sum, not exceeding £7,019,163,000, be granted out of the Consolidated Fund, for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office and the Northern Ireland Authority for Utility Regulation for the year ending 31 March 2011 and that resources, not exceeding £7,569,483,000, be authorised for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office and the Northern Ireland Authority for Utility Regulation for the year ending 31 March 2011 as summarised for each Department or other public body in columns 3 (b) and 3 (a) of table 1.3 in the volume of the Northern Ireland Estimates 2010-11 that was laid before the Assembly on 7 June 2010.

Resolved (with cross-community support):

That this Assembly approves that a sum, not exceeding £16,272,049.74, be granted out of the Consolidated Fund, for or towards defraying the charges for the Department for Employment and Learning and the Department of the Environment, for the year ending 31 March 2009 as summarised for each Department in Part II of the 2008-09

Statement of Excesses that was laid before the Assembly on 7 June 2010. — [The Minister of Finance and Personnel (Mr S Wilson).]

Budget (No. 3) Bill: First Stage

The Minister of Finance and Personnel (Mr S Wilson): I beg to introduce the Budget (No.3) Bill [NIA 26/09], which is a Bill to authorise the issue out of the Consolidated Fund of certain sums for the service of the year ending 31st March 2011; to appropriate those sums for specified purposes; to authorise the Department of Finance and Personnel to borrow on the credit of the appropriated sums; to authorise the use for the public service of certain resources (including accruing resources) for the year ending 31st March 2011; to authorise the issue out of the Consolidated Fund of excess cash sums for the service of the year ending 31st March 2009; and to repeal certain spent provisions.

Bill passed First Stage and ordered to be printed.

Mr Speaker: I inform Members that written notification has been received from the Chairperson of the Committee for Finance and Personnel, confirming that the Committee is satisfied that there has been appropriate consultation with it on the public expenditure proposals contained in the Bill, in accordance with Standing Order 42(2), and that the Bill can, therefore, proceed under the accelerated passage procedure. The Second Stage of the Bill will be brought before the House tomorrow, Tuesday 15 June 2010.

Welfare Reform Bill: Consideration Stage

Mr Speaker: I call the Minister for Social Development, Mr Alex Attwood, to move the Consideration Stage of the Welfare Reform Bill.

Moved. — [The Minister for Social Development (Mr Attwood).]

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 we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1, 2, 3, 6, 7 and 9, together with opposition to clauses 5 and 9 and to schedule 2, which stand in the names of Mr Brady and Mr McCann. The group deals with social security matters relating to children and couples and with income support.

The second debate will be on amendment No 8, together with opposition to clauses 19 and 20 and to schedule 3, which stand in the names of Mr Brady and Mr McCann. The group relates to benefit sanctions for benefit fraud and violent conduct and to non-compliance with jobseeker's allowance.

The third debate will be on amendment Nos 4 and 5, which concern the requirement for pilot schemes and a duty to report on a pilot scheme.

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

Clause 1 ordered to stand part of the Bill.

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, 6, 7 and 9, together with opposition to clauses 5 and 9 and to schedule 2, which stand in the names of Mr Brady and Mr McCann. The

group deals with social security matters relating to children and couples and with income support.

I advise Members that the opposition to schedule 2 is consequential to the opposition to clause 9. In addition, amendment No 9 is consequential to opposition to clause 9. Therefore, I will call amendment No 9 only if it is voted that clause 9 will not stand part of the Bill.

New Clause

Mr Brady: Go raibh maith agat, a Cheann Comhairle. I beg to move amendment No 1: After clause 1, insert the following new clause:

“Children affected by Welfare Reform

1A.—(1) It is the general duty of the Department to take such action as the Department considers appropriate to promote the well-being of children who may be affected by this Act.

(2) Further to the general duty imposed by subsection (1) the Department must have regard to this Act’s impact on any child so far as relating to the following aspects of a child’s well-being—

- (a) physical and mental health and emotional well-being;*
- (b) protection from harm and neglect;*
- (c) education, training and recreation;*
- (d) access to appropriate and affordable childcare (where required).”*

The following amendments stood on the Marshalled List:

No 2: In clause 3, page 10, line 33, leave out “under the age of one” and insert “under the age of five”. — [Mr Brady.]

No 3: In clause 3, page 11, line 4, leave out “under the age of one” and insert “under the age of five”. — [Mr Brady.]

No 6: In clause 24, page 32, line 9, at end insert

“(c) the person’s responsibility for a child under the age of 16 who is—

- (i) in receipt of any rate or component of a disability living allowance; or*
- (ii) was in receipt of a disability living allowance and has made and is pursuing an appeal against a decision that he is no longer entitled to a disability living allowance, and that appeal has not yet been determined.” — [Mr Brady.]*

No 7: In clause 24, page 32, line 20, at end insert

“(c) the person’s responsibility for a child under the age of 16 who is—

(i) in receipt of any rate or component of a disability living allowance; or

(ii) was in receipt of a disability living allowance and has made and is pursuing an appeal against a decision that he is no longer entitled to a disability living allowance, and that appeal has not yet been determined.” — [Mr Brady.]

No 9: In schedule 4, page 62, line 19, leave out from line 19, page 62 to end of line 22, page 67. — [Mr Brady.]

Mr Brady: The Welfare Reform Bill is the most important social security legislation since the inception of the welfare state in 1948. It will affect all our constituencies and some of the most vulnerable people in them.

The purpose of amendment No 1 is to place the well-being of the child at the forefront of all policies or directives that are put in place as a consequence of the Bill. The amendment recognises the importance of parents and people caring for the child in safeguarding the child’s well-being. It includes adequate childcare in its definition, thereby providing additional safeguards about the quality of childcare provision.

One of the difficulties that we have here is that childcare provision is inadequate. At present, we do not have a recognised childcare strategy. In fact, in some areas, we have some of the worst childcare provision in western Europe. The amendment puts the well-being of the child at the forefront.

5.00 pm

Amendment No 2 ensures that the Department cannot impose a requirement or a sanction on a lone parent with a child under five. The Department has yet to evaluate the impact of imposing work-related requirements on lone parents with a youngest child aged 12 or under, which was introduced in October 2008; a 10-year-old from October 2009; and a seven-year-old from October 2010. Eventually, it is intended that lone parents with a child as young as one will be required to undertake work-related activities. It is much too early to consider imposing requirements on lone parents when a child reaches the age of one. The Department may well say that it will not impose sanctions because of a lack of adequate childcare, but that needs to be enshrined in legislation. It is much easier to impose sanctions once legislation is in place.

As to amendment No 3, as I said in respect of amendment No 2, it is much too early to consider introducing requirements when a child has reached only the age of 12 months. Therefore, it is intended to leave out “under the age of one” in clause 3 and insert “under the age of five”.

Amendment No 6 ensures that families with a disabled child who are in receipt of any component of DLA and those awaiting the outcome of an appeal are exempt from conditionality in respect of job-seeking activities and cannot have their benefits sanctioned. Again, that is relevant to the whole issue of the well-being of the child. Amendment No 7 has the same purpose as amendment No 6, as it also deals with children who are disabled or who are in receipt of components of disability living allowance.

Amendment No 9 deals with the abolition of income support. That is a fundamental reform and, again, there are no details of how it will work in practice. For example, what will happen to carers if income support is abolished? Until a feasible, practical alternative is proposed, it is not acceptable that it should even be considered. The Department of Work and Pensions (DWP) in Britain has said that it will bring forward proposals but, as yet, it has produced nothing. That is not the way to run a social security system that affects the lives of many of our most vulnerable citizens.

I will now talk about the opposition to clauses 5 and 9 and the opposition to schedule 2. Clause 5 will remove entitlement to income support and income-related employment and support allowance for couples when one member of that couple is capable of work. That will mean that the only route to income-related support for such couples will be through income-based jobseeker's allowance, and the member of the couple who is work ready will be required to fulfil the job-seeking requirements. Regulations will then prescribe the circumstances in which a member of the couple will not be treated as capable of work; for example, if he or she has claimed employment and support allowance or he or she is in receipt of carer's allowance.

As for opposition to clause 9, the Bill grants the Department the power to abolish by Order income support in respect of any category of person.

Clause 9 should be read in conjunction with clauses 4 and 5. Clause 5 allows for some claimants to lose access to income support when they are part of a couple of which the

other person may be capable of work, and clause 4 allows people to claim jobseeker's allowance without seeking a job. It is totally unacceptable to allow the Department the power to scrap income support when the fate of different types of claimants such as carers and others with highly specific needs has not been explained. If that power remains in the Bill, the Assembly's role in scrutinising social security policy and its impact will be undermined.

Schedule 2 seeks to abolish income support, and no feasible alternative has been suggested. As a result of the impact that the abolition of income support will have on particular client groups, it is essential that those groups have some knowledge and detail of what they can claim when income support is replaced. There is an onus on the Department not to abolish income support until a feasible alternative has been put in place.

The Chairperson of the Committee for Social Development (Mr Hamilton): The Committee for Social Development has carefully and seriously considered the many complex matters in the Welfare Reform Bill. As the House will be aware, Committee members spent a great deal of time on the Bill during its pre-legislative consultation phase, its Second Stage and particularly during its Committee Stage. The Committee's lengthy report reflects members' interests and concerns on the social security and child maintenance issues in the Bill.

I wish to thank present and past members of the Committee for Social Development for their contributions to the debate in Committee and to the content of the report. I also place on record the thanks of Committee members to the many witnesses who provided such useful written and oral submissions and to the departmental officials who provided a fast turnaround on some detailed queries from Committee members. Finally, I want to thank the Committee staff, who facilitated the commencement of formal evidence taking, the conclusion of the clause-by-clause scrutiny and the production of the report within a three-week period. That may be a record in the House.

During the Bill's Final Stage, I will comment on the timing of the different stages of the Bill and the usefulness of its Committee Stage. However, with the Speaker's indulgence, I want to address some of the Committee's

considerations of the Bill and those issues for which ministerial assurances are sought.

As the House is well aware, the majority of Committee members and Members of the House support the principle of maintaining parity with the rest of the United Kingdom on social security, pensions and child maintenance matters. As a consequence, and following debate and division, the majority of Committee members agreed that there was no opportunity to amend the Bill without endangering the generally beneficial access to social security support afforded to claimants in Northern Ireland. Notwithstanding the majority of members' concerns about breaking parity, the Committee nevertheless critically reviewed all the clauses and sought to secure important assurances where amendment did not appear possible.

Chief among members' anxieties was the possible impact of the Bill on vulnerable claimants, particularly those with childcare problems, mental illnesses, learning disabilities and other caring responsibilities, or those who are victims of domestic violence. Members wanted to be sure that those claimants would not find themselves subject to mandatory directions that could unfairly impact on them or their dependants. Therefore, the Committee was happy to receive assurances from the Department that guidance to benefit advisers would set out that additional and appropriate consideration would be given to those claimants. That is an important issue, and the Committee would welcome confirmation of that assurance from the Minister today for DSD and DEL benefit advisers.

During its consideration of clause 6, the Committee sought confirmation that claimants in receipt of income support or statutory sick pay would continue to be passported to other benefits. Members had concerns about that issue and would also welcome an assurance from the Minister.

The Committee spent some time considering the proposed changes to community care grants in clause 15. Many stakeholders felt that the substitution of grants with goods could lead to additional bureaucratic costs, the stigmatisation of claimants and even poor product quality. The Committee also seeks an assurance from the Minister that the best practices will be employed when goods and services are procured through community care grants.

The Committee would also welcome confirmation that it will be consulted by the Department prior to the completion of the relevant contracts.

The Committee noted the absence from the Bill of provisions to allow piloting of the automatic payment of state pension credit. It is understood that those provisions are included in the equivalent Westminster Bill. Members felt strongly that the automatic payment of state pension credit would be of particular value to impoverished pensioners in Northern Ireland. The Committee hopes that the Minister will confirm today that, following successful Great Britain pilot schemes, the roll-out of the automatic payment of state pension credit will, if those pilots are successful, be extended to Northern Ireland.

Mr Speaker, I thank you for allowing me to refer to the key ministerial assurances that the Committee sought, and I will now address specifically the amendments in group 1. On proposed new clause 1A, the Committee considered the provisions that affect lone-parent claimants and that include, for example, the requirement to comply with certain directions from advisers. Members were quite exercised about how those provisions might affect the children of claimants. It seemed to some members that it was unfair for parity on social security conditionality to be applied to lone parents in Northern Ireland when there was apparently an absence of parity with Great Britain in childcare infrastructure.

Members welcomed assurances on the nature of work-related activity and the provision of clause 25, which refers specifically to the well-being of children. In that regard, members are keen to hear the Minister confirm that benefit advisers will recognise the childcare issues that are peculiar to Northern Ireland and will accept the wide range of difficult scenarios in which lone parents and parents with disabled children can find themselves.

It is essential that the operational flexibility that the Minister's predecessor mentioned at Second Stage is brought to bear for all claimants with children. The majority of members took the view that, despite their reservations, amendments to the Bill's provisions in that regard would endanger parity with the rest of the United Kingdom on access to social security benefits.

The Committee, therefore, proposed a similar amendment.

The Committee also considered clause 3, which refers to the conditions of eligibility for lone parents for income support. Members note the Department's assurance that the intent of the clause was to reduce conditionality for certain lone parents in receipt of benefits. Nonetheless, members did not welcome the restrictions on eligibility for lone parents without the provision of supporting childcare infrastructure. Following a useful debate in Committee, and as our report shows, the majority of members took the view that, despite all of their reservations, for parity reasons, they would support the clause as drafted.

Members of the Committee were concerned that clause 5 might lead to carers being denied access to employment and support allowance and the specialist work-related activity support and additional payment regime. Members were glad to receive assurances that carers would continue to have access to ESA or income support. That is an important issue, and members would value further confirmation from the Minister that those provisions will not apply to carers, regardless of whether or not they receive carer's allowance or other similar benefits. As our report shows, the majority of members, for parity reasons, therefore agreed to support the clause as drafted.

Clause 9 deals with the abolition of income support and, through regulations, the termination of eligibility for groups of claimants. Not surprisingly, and given the experience of the transfer to employment and support allowance, Committee members expressed great disquiet on that clause. Members would welcome an assurance from the Minister about further transfers of claimants from income support to other benefits. Members would particularly welcome assurances that vulnerable groups, including carers, will not be transferred from income support until suitable alternative benefits have been identified and are in place. As our report shows, the majority of members, for parity reasons, agreed to support the clause, subject to confirmation of the assurances that I have just mentioned.

Members welcomed clause 24, the so-called good cause clause. As I mentioned before, the Bill contains many challenging provisions. The majority of the Committee felt that the Bill had to be accepted to maintain parity in social

security matters with the rest of the UK. Crucial to members' acceptance of the Bill was the assurance that good cause for non-compliance with its provisions would include childcare issues, mental illness, learning disability and other caring responsibilities. I ask that the Minister reaffirms that assurance and signals clearly that appropriate, informed discretion will govern benefit advisers' administration of the provisions of the Bill.

In summary, and as our report shows, the majority of members, for parity reasons, agreed to support all of the relevant clauses as drafted, subject to confirmation of the assurances that I have just mentioned.

I will conclude by making some remarks in a personal and party capacity. Having endured the Committee Stage over the past number of weeks and months with the Members opposite, I understand where they are coming from. In fact, nobody on the Social Development Committee or in the House will, when reading the amendments tabled by the Members opposite, fail to understand why they have proposed the changes. Nobody will disagree with the sentiment. Of course, there will be a divergence over the means with which they are seeking to achieve their ends.

5.15 pm

The Members opposite who tabled the amendments have been beaten with the stick of parity long enough without me starting to wield it as well. However, it is worth reiterating that, to some degree at least, and despite its flaws and faults, the welfare system is better than what might replace it. There is a risk that damage could be done to that system and to the shield that it provides for the most vulnerable in our society.

Mr Brady: The Member mentioned parity, which is dealt with under section 87 of the NI Act 1998. Parity is not set in stone. The Act states that the Secretary of State for Work and Pensions and the Minister for Social Development will be responsible for social security and shall consult with each other to secure that, to the extent agreed between them, the legislation provides single systems of social security, child support and pensions for the UK. There is no legal requirement for parity. Effectively, it is about co-ordination.

Our amendments aim to make the Bill more structured and to improve administration and

how it affects the outworkings in the North. Ultimately, we are not saying that the subvention will necessarily be affected. That is an extremely important part of the issue of social security benefit. We are not suggesting that that will have a huge impact or that the Treasury will, as the Chairperson said, beat us over the head with parity.

The Chairperson of the Committee for Social Development: I thank the Member for his intervention. The Member has heard the interpretation of parity more times than I have and knows where a breach might happen. The Member is right: it is not a carbon copy or an exact lift. Although the words in the Bill may be more or less the same, it appears that there is flexibility on how benefits are administered here in Northern Ireland in comparison with Great Britain. The House will recognise that flexibility has been instilled into the system. Indeed, some of the issues that the Member wants to address through his series of amendments have been addressed by assurances that Northern Ireland's particular circumstances will be taken into account.

Childcare is the best example. I understand why the Member and his colleagues have put forward amendments that try to increase the Bill's recognition of the differing childcare circumstances between Northern Ireland and Great Britain. The Member does not need me to repeat those differences. He knows that there is a more private sector focus on childcare in Northern Ireland, whereas there is a more public sector focus on childcare in Great Britain. That poses problems for us in Northern Ireland.

It is a very noble objective to try to ensure that everybody in society who is willing and able to work can do so regardless of their circumstances, whether that is disability, mental illness, long-term generational unemployment or because he or she is a lone parent. If a person is willing and able to work, Members, the Minister and the Department should do all that they can to encourage people back into work. The lack of childcare provision in this country has certainly been an impediment to getting single parents back into work.

Although it may seem that some clauses in the Bill try to force individuals back into work, the Member and his colleagues should reflect on the many assurances that the Committee received from the Department. In fact, one of

the few benefits of the Committee Stage was that we were able to get so many assurances from the Department, particularly that lack of childcare will be taken into account.

It is very clear from the assurances, which I asked the Minister to reaffirm today, that "work for your benefit" schemes or work-related activity will not be imposed on any single mother who cannot find childcare. In fact, a very good point that was raised at Committee Stage was that, when a mother presents herself to a benefits adviser and says that she cannot find childcare, they take her word for it. There is no questioning of that. However, we will see how that works in practice. The Member has given a knowing wink in my direction, but at least we have that assurance on the record. Hopefully, we will receive similar assurances today. It is important to note that —

Mr F McCann: Will the Member give way?

The Chairperson of the Committee for Social Development: I will just finish my point. It is important to note that, at least in respect of the administration of that particular area of childcare, the Department and the Minister have acknowledged that there are different circumstances in Northern Ireland that have to be borne in mind.

Mr F McCann: Mickey Brady has just told me to say that you are an optimist. When the Bill was going through its earlier stages, we raised concerns about the passage of some elements of it. One of those concerns was about advisers and people with mental health problems or autism. We were given concrete guarantees that those issues would be taken care of, yet we listened to organisations that looked after people who have autism or mental health problems, and they said that they still face the same problems.

The Chairperson of the Committee for Social Development: I thank the Member for his intervention, and I draw his attention to the comments that I made about clause — *[Interruption.]* That was a musical interlude. We could have done with that sort of musical interlude when Mr Brady was struggling with his papers.

I draw the Member's attention to comments that I made about clause 24, and I appreciate that we are relying heavily on assurances from the Department, but we can only take

those at face value and in the spirit in which they were offered. The Member is right to draw attention to particular problems. In my time as Chairperson, and as a member of the Committee, we held at least two evidence sessions with representatives from Autism NI. They spelt out for us, in very graphic detail at times, the problems that their members and people with autism in Northern Ireland have had to endure. I have taken from those evidence sessions, and the follow-up meetings that we have had with the Department, that the message is very much getting through at the top. There is an understanding that there is a problem, and steps have been taken to try to arrest the problems and change some of the procedures, but, rather than a lack of understanding, it is more about a process problem. The system cannot deal with some of the difficult circumstances that arise when people suffer from autism; for example, advisers do not realise that callers have that condition when they speak to them on the telephone.

That message has got through at the top, and there have been some changes, but there is an obvious difficulty in filtering that down to everybody in the Social Security Agency. The Committee will continue to give attention to that and will try to press for ongoing, progressive change in respect of how the Department deals with people with autism.

I referred earlier to the comments that I made about clause 24, on which we have the assurance that good cause for non-compliance would include not just childcare, which I mentioned before, but issues in respect of mental illness, learning disability and caring responsibilities. We can test that with the Minister and get that assurance again. However, it is worth noting that good cause is a fundamental counterbalance to some of the other provisions in the Bill. Good cause is so extensive that it includes mental illness, learning disability, caring responsibilities, as well as childcare issues.

To return to Mr Brady's points about childcare, clause 25 is fundamental, and I mentioned it previously in my remarks as Chairperson. The well-being of the child is considered right across the Bill when it comes to arranging a jobseeker's agreement. The impact on the well-being of the child, who is defined as someone up to 16, is also important. It is worth noting that if a single parent who presents themselves and drafts up

a jobseeker's agreement and all the various conditions that that will contain, it will have an impact on the child, be it related to childcare or something else. That would be considered as the Bill progresses.

Mr Brady mentioned parity. Colleagues on this side of the Chamber and I are concerned that, although the amendments in this group might have been put forward with the best of intentions, they do, in some respects, fundamentally alter the conditions in which somebody applying for a benefit in Belfast, versus somebody applying for the same benefit in largely the same circumstances in Birmingham, Newcastle or Edinburgh, Cardiff, or wherever, in the rest of the United Kingdom can do so. That would be a fundamental change in the conditions. I hope that the Member will accept that that would be a breach of parity. An individual who applies here would do so on the basis of different conditions to somebody in Great Britain. In that respect, and even if the amendments are well intentioned, they would bring about a breach.

Mr Brady: I thank the Member for giving way. People in Birmingham pay a council tax; people in Belfast do not. There have been breaches of parity already. People here get a lot more deducted from their benefits in relation to overpayments, etc, than people in Birmingham.

The Chairperson of the Committee for Social Development:

I hope that the Member is not arguing for bringing in the council tax here, because the average council tax bill is substantially higher than what people in Northern Ireland pay through their rates bills. Perhaps that is not what the Member intended to say. We are talking narrowly about welfare. There is no doubt in my mind that, if passed, the amendments would constitute a significant breach in parity conditions.

I do not wish to sound like the Minister's predecessor, who regularly rammed the lesson of parity down our throats, but it is a fundamental issue for me and my colleagues. It is imperative that the safety net, or umbrella, of the welfare system that we enjoy in the United Kingdom is protected and not risked in any way. The Member is right in some respects: nobody knows what the consequences would be if there were a fundamental breach of parity.

Whatever the circumstances, we have a subvention of £3 billion plus for social security

payments. That is too much money for me to endorse being reckless or gambling with. In the economic circumstances in which we find ourselves, with severe pressure on our economy and public spending, it would be foolish and foolhardy to go ahead and risk any change. If the Member and his amendments were able to give me a cast-iron assurance that that subvention would be protected, I would be happy to test the Bill to its limits. Given that he cannot do that, and given that the Minister would be unable to do so, it is too much of a risk for us to take. For those reasons, as well as the assurances that I talked about, which I am happy to rely on, I cannot support the first group of amendments.

Mr Kinahan: I am pleased to speak on this subject, although, sadly, I am not a member of the Committee. I agree that this is an incredibly important Bill, and I salute the great deal of work that has gone into it. I am sure that the Committee has had much more discussion on it than I have.

The Ulster Unionist Party feels that we should be pushing for parity with the rest of the United Kingdom. We should also make it clear that, at the moment, Northern Ireland has a tax take of some £12 billion, but we receive somewhere in the region of £19 billion. That is a difference of £7 billion. The largest proportion of that money comes via the benefit system. It is important, therefore, that we play our part. I do not think that Scotland, England and the other parts of the United Kingdom would like to think that we are trying to get more out of the system than them.

Mr F McCann: Will the Member give way?

Mr Kinahan: I would like to carry on. Amendment No 2 asks that the age of the child for whom a lone parent in Northern Ireland cares be increased to five. That cost would end up falling on us. The mainland would pay for the first year, and the cost for the other four years would fall to us.

I do not believe that that is correct or that we should follow that route.

5.30 pm

Furthermore, there would be cost implications to the implementation of clause 5. If we were to remove entitlement to income-related employment and support allowance for couples, where one member of that couple is capable

of work, we would have to foot that bill. That is also wrong.

If I move on to clause 3, I should say that Professor Gregg recommended a system of personalised conditionality matched by personalised support, with virtually everyone of working age who is on benefits being expected to take steps towards work. To rephrase that jargon, it basically means that everyone who is on benefits should understand that they must take steps to find work and that we will support them while they do so. Again, my party disagrees with the amendments to clause 3.

One of the Bill's key goals is to break the cycle of dependency. The Ulster Unionist Party feels that many of the amendments will not do that. Therefore, my party rejects the amendments.

Mrs M Bradley: Having been a member of the Committee that undertook a thorough appraisal of the Bill, I am surprised by some of the amendments that have come from the Sinn Féin Benches, especially as those ideas were, for the most part, discussed and ruled out by the Committee, which, of course, includes Sinn Féin members. The Committee for Social Development voted for the legislation. Now, however, it seems as though Sinn Féin is changing its position.

Mr Brady: On a point of order, Mr Speaker. If the Member actually reads the minutes of the Committee's meetings, she will find that Sinn Féin members voted against those parts of the Bill that we now seek to amend.

Mr Speaker: The Member has certainly made his point.

Mrs M Bradley: As I said, the Committee voted for the legislation. Sinn Féin tells me that I am incorrect. I will look at the minutes.

Now more than ever, in the current climate, it is vital that the people who will benefit from the legislation are well protected and provided for. It is highly questionable whether Sinn Féin's amendments would ensure that level of protection. I have no doubt that Mickey Brady and Fra McCann mean well. However, their efforts are badly directed. Many of their amendments are well intentioned, and it is relatively easy to see what they are trying to achieve. However, some of the amendments seek to make provisions that the legislation covers already. Indeed, other amendments

would, unfortunately, undermine some of the protections that the legislation offers.

If those amendments were agreed to, it is likely that the British Government would argue that they have significant implications for parity, especially where clause 9 is concerned. I do not know whether Sinn Féin has considered that problem or has done so and is simply happy to accept the British Government treating the people of the North differently and, indeed, like second class citizens. I, for one, did not realise that that was how Sinn Féin viewed equality.

It is interesting, however, that alongside a misunderstanding of what breaking parity could mean for the people of the North, Sinn Féin is showing again that it is unable to represent those people properly. Gerry Adams has made much of the need for other parties to stand by Sinn Féin in opposing Government cuts, yet his party is now happy to assist that process by unthinkingly suggesting breaking parity with no consideration of the consequences. Such a measure would require significant consideration and debate in the Chamber and would require more than Sinn Féin simply altering its position between the Committee and Chamber.

Mr F McCann: On a point of order, Mr Speaker. Earlier, my colleague pointed out that in Committee, we voted against the clauses to which we have tabled amendments. The Member should take that on board. She said that she would look at that, yet she keeps repeating that Sinn Féin has altered its position. That is inaccurate.

Mr Speaker: I have no doubt whatsoever that both Members are now on the record.

Mrs M Bradley: It is also important to note that as the Assembly still practises the principle of parity, it is the Chamber at Westminster where vital decisions will be finalised. However, Sinn Féin will not be there — will it? Perhaps it is so keen to put forward these misguided amendments because of its inadequacies in defending the people of the North against British cuts. I support the Bill.

Ms Lo: First, I want to thank all the staff and stakeholders who helped us along the way during the process of scrutinising the Bill. In group 1, my party supports amendment No 1. In fact, we were hoping to put in the new clause suggested by the Law Centre, but Sinn Féin

was ahead of us, and, therefore, our proposed amendment was not accepted.

I had a number of concerns. I am sympathetic to a number of the amendments put forward by Sinn Féin, although we all have to consider the consequences of breaking parity. I hasten to add that the plentiful assurances from departmental officials have given me some comfort, and I hope that a balance will be struck between encouraging people into employment and having sanctions against them.

Amendment No 1 proposes a new clause to place an additional safeguard for the well-being of the child. Although clauses 24 and 25 of the Bill refer to the need to take cognisance of the well-being of the child and the availability of childcare in relation to failure to comply with regulations in jobseeker's agreements and action plans, it is important that the impact of the Bill on the well-being of the child should be extended beyond the reach of clauses 24 and 25 to cover other aspects of the Bill, including sanctions.

We have high levels of child poverty in Northern Ireland — shamefully so. In 2005-06, one in 10 children in Northern Ireland was experiencing severe poverty. That meant that they were living in families with particularly low incomes and that the parents and children were going without basic necessities. A recent study by Save the Children showed that, over a four-year period, 21% of families — one in five children in Northern Ireland — experienced persistent poverty. That means that they were experiencing poverty in at least three of the four years. That compares with only 8% in Great Britain.

The Northern Ireland Commissioner for Children and Young People has indicated that the impact of poverty on children throughout their childhood is severe, resulting in, for example, higher infant mortality rates, greater physical and mental ill health, increased likelihood of teenage pregnancy or drug or alcohol abuse, increased likelihood of being not in education, employment or training when they become 16, and many other disadvantages.

The review of child poverty by OFMDFM highlighted the importance of families taking up benefits as a means to help them to get out of poverty. It is important, and it is consistent with central government policy. In Great Britain, in relation to childcare provision, welfare reform developments have gone hand in hand with a

resourced childcare strategy, including a statutory duty on local authorities to ensure that adequate childcare provision is in place. A transformational fund was established in England to invest in high-quality, sustainable, affordable provision. In contrast, in Northern Ireland, there is no lead Department, no statutory duty and limited resources. As a result, we have a very poor level of childcare provision.

It is important to acknowledge the contributions of parents and grandparents who look after children at home. They should be thanked. It is essential that the welfare of children be paramount in all the policies that come out of the Bill.

As I say, we oppose all the other amendments in group 1.

Mr Easton: I intend to be as brief as possible. The amendments proposed by the Members opposite are an attempt to break parity with rest of the United Kingdom. Although I think that the amendments are well meant and are not meant to be malicious, I believe that parity is the best way to go.

In group 1, the crux of the amendment to clause 24 is already dealt with by the Bill in paragraph 2 of proposed new article 14B, which states:

"The provision made by the regulations prescribing those matters must include provision relating to —

(a) the person's physical or mental health or condition;

(b) the availability of childcare.'"

The amendment is, therefore, unnecessary as anyone who is suffering from a mental or physical condition or who is restricted because of the need for childcare is already protected by the provisions of the Bill.

I have sympathy with the amendment to clause 3 that exempts a lone parent with a child under five, as opposed to under one, from work-focused interviews.

Clause 5 amends existing legislation in relation to the entitlement to income support and income-related employment and support allowances for couples, where one member is capable of work, and removes any entitlement to benefits should one member of a couple be able to work. Therefore, people should be working if they can. That excludes people who are receiving carer's allowance, if the person who can work is caring for the other individual in

a couple or is receiving employment and support allowance. I, therefore, support that clause.

The Members opposite seem to be opposed to getting rid of income support, as evidenced by their amendment to clause 9. Schedule 2 relates to income support, and the Members opposite also seem to be opposed to that aspect of the legislation. Schedule 4 relates to the repeal of the legislation governing income support, which the Bill will get rid of. I support that schedule as it stands and, therefore, disagree with the proposed amendments. Parity with the rest of the United Kingdom is probably the best way forward in this case.

Mrs McGill: Go raibh maith agat, a Cheann Comhairle. I do not sit on the Committee for Social Development, so I have relied on the knowledge and expertise of two party colleagues, Mr Brady and Mr McCann, despite what Mrs Bradley said — apologies, Mary. I relied on those colleagues for a briefing on Sinn Féin's amendments, which I fully support. By way of reassurance to Mary Bradley, I also looked at recent and not so recent evidence to the Committee. Given the evidence from organisations that are particularly involved in issues such as child poverty, the difficulties faced by lone parents and the barriers to education, employment and training, I share the Committee Chairperson's view that it is a noble ideal to try to get those who are not in work into work.

I will concentrate on amendment Nos 2, 3 and 6 and will comment on them by referring to the evidence that was given to the Committee.

5.45 pm

Clause 3 refers, in general terms, to lone parents, and amendment Nos 2 and 3 relate to the age of a child above which a parent could be sanctioned for not attending a work-related interview or activity. The Law Centre said that sanctions along those lines would certainly have an adverse impact on poverty levels, and its evidence was convincing. Save the Children's figures show that 70% of children in one-parent families live in poverty. Therefore, imposing sanctions is the wrong route to take. I have also seen evidence to show that imposing sanctions does not always get a positive result and, in fact, encouragement, particularly for those who face barriers to employment, is better.

Gingerbread NI said that we have 95,000 one-parent families, with perhaps 150,000 children in those families. Therefore, we are talking about a substantial number of children who could be affected by sanctions where childcare is not available. The Committee Chairperson and Mr Brady touched on the issue of childcare. The Child Poverty Action Group said that if sanctions are imposed, we could end up with a situation in which people have to work for something in the region of £1.73 an hour. If that is accurate, and considering how far short of the minimum wage that that figure falls, I would not expect anyone to give up benefits.

Amendment No 6 relates to children with disabilities. Mencap is very concerned about the hidden costs for parents of children with disabilities, such as added transport costs and the added time that those parents have to spend with their children. A range of factors impacts on those parents, who already have a lot to deal with in caring for their disabled children. Therefore, Mencap was concerned about the imposition of sanctions.

At one Committee evidence session, Margaret Sisk, a departmental official, said that the majority of children who live in poverty come from lone-parent families. We must be mindful of that fact. She also said, in what was a telling evidence session, that the purpose of the legislation is to move those lone parents out of poverty. Will the Bill do that? My party colleagues believe that Sinn Féin's proposed amendments would go some way to addressing the gaps in the Bill's provisions.

Finally, Marie Cavanagh, a representative from one of the disability groups, said that her organisation was seriously concerned that those with significant and complex disabilities are being gradually removed from employment and training provision through the implementation of welfare reform.

That is a fairly graphic comment, and is important in the context of what may be criticism of the party bringing forward amendments to the legislation. My route was to quote those groups that have an interest in and are close to the issue that we are discussing.

The Minister for Social Development

(Mr Attwood): I welcome the efforts of the Committee over recent weeks in preparing for the Consideration Stage of the Bill. It must be cold comfort to them that having endured the

Committee Stage, as the Chairperson of the Committee outlined, they now have to endure a speech from me, given the length of time that I have taken in the past to contribute to the House. I hope that I will get some consideration for all that.

The Chairperson of the Committee for Social Development: Like a Japanese game show.

The Minister for Social Development: Yes, water torture.

I want to make some general comments before I deal with some reassurances on matters that were raised by the Chairperson of the Committee. I will then deal with the body of the amendments.

I took the time before this past weekend to acquire the Law Centre's submission to the Committee, in which it drafted a series of amendments. In my personal capacity, as with many Members, I have sympathy with many of the assertions made by the Law Centre in its draft amendments, one or two of which have been followed through into today's amendments. Therefore, I asked officials to arrange a meeting with the Law Centre in advance of the Further Consideration Stage to scope out what the Law Centre was thinking and to determine whether anything further, consistent with best practice and all the issues that I am about to talk about, can properly and usefully be added to the Bill. I am not prejudging that. It will be very difficult. It might even be very risky, for reasons that I will explain. Nonetheless, I am prepared to undertake that meeting and to determine whether anything further can properly, usefully, legitimately and without risk be added.

Although the Committee Stage may have been an endurance, it was a useful endurance, given that there has been a change of Government in Britain, the statement made in a speech by Iain Duncan Smith, the Secretary of State for Work and Pensions, and subsequent comments by the Chancellor in particular. It has been useful and coincidental that we have been able to consider welfare issues with regard to this Bill, given what may or may not be developing in Westminster around the Tory/Liberal Democrat wider welfare agenda.

It is only fair to confirm to the House that Mr Duncan Smith forwarded to me a copy of his speech. I replied immediately, scoping out the terms of any conversation that I think

should arise between my Department and his Department about welfare reform. It is not appropriate at the moment to share the contents of that Bill, because it would not be fair to open a public negotiation, as it were, with London about those matters. However, I reassure the House that I put down clear parameters about how the welfare reform agenda may be taken forward, informed in part by this Bill.

I also reassure the House that I carefully considered the amendments. I will not be dogmatic. If a Bill can be made better, let us make it better, and if amendments add to legislation, let us legislate. However, in dealing with the amendments globally before I deal with them specifically, it is only fair to outline three principles.

The first, and I will outline this in more detail shortly, is that in my view and in the view of the Department, one or two of the amendments create a mischief. It is not intentional, but it is a consequence of the amendments, and I will outline the reasons for that. If certain amendments are made, there will be tension between some clauses to the point of making the Bill inconsistent, if not contradictory. I ask the proposer of the amendments to reconsider pursuing one or two of them because of the mischief that may be created. I hope that my argument may, at least, convince Claire McGill, who, through the briefing that she received this morning, was swayed by the arguments of her colleagues.

Secondly, the Committee requested reassurances, and I hope that in the course of the debate, I will be able to provide all those reassurances, of which there were quite a number. In those circumstances, the substance of the reassurances that I provide to the Chairperson of the Committee will enable the House to consider whether the amendments should have been tabled and whether they should be supported.

Thirdly, having considered all the issues, we must be vigilant and mindful of parity, which clearly casts a long shadow over this debate, the Bill and, no doubt, future welfare reform. Members commented on that in some length in the debate and their comments should be taken on board. I do not want to open the door now and enable the Treasury in London to race through in a way that may affect the people who

we are trying to legislate for in the Bill; namely, those who are vulnerable, in need, or who suffer an incapacity or disability of one sort or another. Therefore, in taking forward the debate on parity, which we should do, I am anxious that we do not open the door in such a way as to enable the Treasury to exploit the people for whom we are legislating.

During an intervention, Mr Brady rightly referred to section 87 of the Northern Ireland Act, which laid down how the principle of parity kicks in. However, legislation is, obviously, always open to interpretation. The Treasury interpreted it in the following way:

"If, in the future, the Northern Ireland Executive change social security policy to differ from the rest of the United Kingdom, United Kingdom Ministers will need to take a view on whether and how to adjust this funding".

Therefore, not only is the Treasury saying that if we go down the road of raising issues about parity, it will take a view, it is saying that the view will be how to adjust social security funding to the North.

Mr F McCann: I do not disagree with what the Minister is saying, especially about parity. He mentioned the Law Centre. Its representatives appeared before the Committee a couple of times and produced a paper about parity. That paper said that although we may not want to breach parity, we do have control over how the benefits are administered, which can be done for the benefit of claimants. That is big part of our argument.

The Minister for Social Development: I absolutely agree with the Member, and he anticipated my next point about how, consistent with the policy of not running foul of the Treasury, my predecessor, Margaret Ritchie, stretched the limits of operational responsibility for social security in a way that benefits people in the North. I will talk about that shortly.

I will make some further comments about parity shortly. However, at this stage, I am not convinced that this is the correct time or that the correct circumstances exist to begin, through this Bill, to push the issue of parity. We are going to have to have that debate, and the circumstances of the Treasury in London may come across the Irish Sea in a way that will make us consider the issue further. In that regard, I met the Social Fund Commissioner

last week in what was simply a stocktaking meeting. My understanding is that the Scottish Government received a report that outlined why it may be appropriate to devolve the social fund to them in a way that London may find acceptable but that does not necessarily open the door on parity. It would provide the people in the devolved jurisdictions, including here, the potential to administer funds in a way that more suitably deals with their issues. I am prejudging that issue.

6.00 pm

The Deputy Chairperson of the Committee for Social Development (Ms Ní Chuilín): The Minister will know by now that his honeymoon period is probably well over. The Minister and his Department have the ability to administer the disability living allowance locally in a different way and to change how it is administered at present. I refer the Minister to the report of the Committee's inquiry into the administration of that allowance. He should take into account the impact of the conflict here, and the higher levels of poverty and disability that are recognised as prevailing here, as opposed to those in Britain. That is another example of how the Minister could use his flexibility to implement a universal benefit locally in a different way. It is not so much breaching parity as administering it differently. That can work.

The Minister for Social Development: I hear clearly what the Member says. I am not speaking out of turn when I say that, in the letter that I sent to Iain Duncan Smith, I scoped why the situation in the North is objectively different to that in Britain, and how, in various debates on funding over the past number of years, it is acknowledged that the North's circumstances are somewhat different to those that prevail in Britain and in the other devolved jurisdictions.

I am not averse to stretching parity, consistent with not breaching it. I refer to comments that Anna Lo and Simon Hamilton made. Currently, after the Bill becomes law, if the House chooses to pass it, no lone parents in the North will have their benefits sanctioned where there is no suitable or affordable childcare. The practice was employed in the North by the previous Minister for Social Development, Margaret Ritchie, and it pushes the limits of flexibility regarding parity. It applies to children up to 16 years of age where no suitable or

affordable childcare is available. Anna Lo outlined the case in Britain in some detail. The Childcare Commission was set up there and worked through the issue, and the work of the ministerial subcommittee on children and young people here is ongoing.

Given Northern Ireland's particular adverse circumstances when it comes to securing suitable and affordable childcare, that practice represents a broad flexibility. It informs the payment of benefits, and this Bill will do that further. Over and above all the other flexibilities that I will talk about in order to provide the reassurances that Mr Hamilton, the Committee Chairperson, seeks, the bottom line is that the people who make the assessments retain discretion. Over and above all the flexibility laid down in regulation or in primary legislation, staff have the ability to exercise discretion and say yea or nay, depending on particular circumstances.

I welcome what Ms Ní Chuilín said about pushing or stretching parity without breaching it. That is the mindset that I have. That is one reason that I have asked to see representatives of the Law Centre. It has presented a paper with ideas, which, thus far, have not convinced the Department. The Department is well-intentioned, but it is useful to have a further conversation, without jumping in and going too far.

After the Committee Stage concluded, Mr Hamilton asked that I put on record a number of reassurances to the Committee and to the House. I will not deal with all those matters now; some will be addressed in later comments. However, I did not hear properly one of the Chairperson's requests, so if there is something that my officials or I miss, we will rectify it in due course.

The first reassurance that I wanted to give was in relation to clause 6, which deals with statutory sick pay and employment and support allowance. I can confirm to the Chairperson and the members of the Committee that I am able to give the reassurances that were sought on the maintenance of passported benefits; namely, that existing rules relating to the passporting of claimants receiving income support and statutory sick pay onto other benefits would continue.

Secondly, there was a question about clause 10, which deals with the power to direct a claimant to undertake specific work-related activity.

The Committee sought reassurances about training guidance for DSD and DEL staff and the involvement of voluntary disability organisations in developing guidance for advisers. I assure Members that voluntary disability organisations will be involved in the development of guidance for advisers.

I heard a comment from a Member about dealing with parents of children with autism. That issue has been flagged up to me independently over the past few days. I checked with officials this morning about what is meant by the involvement of voluntary disability organisations in developing guidance for advisers. I look at that issue in the same way that the Chairperson of the Committee looks at it; it represents ongoing and progressive changes to the way in which disability organisations may have input. Ultimately, however, as I understand it — over and above the fact that advisers get training and meetings are held with the relevant voluntary disability organisations to enhance the capacity of advisers to give advice — the advisers are themselves advised by healthcare professionals when it comes to a particular judgement. However, if in the outworkings of the further guidance on those matters, there are further efforts to bring about the progressive change that Mr Hamilton referred to, I will encourage my officials to take them into consideration. I hope that I have provided sufficient reassurance on that matter.

Clause 15 deals with community care grants relating to specified goods or services. I am pleased to confirm that there will be further Committee involvement in the relevant contracting processes. I asked officials what that would translate into, and I have been advised that, as the programme is rolled out, officials will be happy to give advice to the Committee on those matters.

There is one further matter relating to pension credit in Britain. I want to assure Members that, if it is decided to roll out the automatic payment of pension credit in Great Britain, Northern Ireland will follow suit.

Those are the reassurances that I wanted to give, other than those that I will deal with in subsequent comments.

I wish now to deal with the amendments. Amendment No 1 inserts a new clause 1A entitled “Children affected by Welfare Reform”. As has been pointed out, amendment No 1 inserts a new clause mandating the Department

to promote the well-being of children who may be affected by the Bill and to have regard to its impact on the well-being of a child. There are 10 or 11 mechanisms already in place that fulfil the purpose of amendment No 1; namely, that in making assessments of relevant welfare benefits, the well-being of children is a major and primary concern. However, unless we fix issues such as affordable childcare, we will always fail our community when it comes to issues such as the well-being of children.

What are the 11 mechanisms that properly or reasonably address the protection of the well-being of children in relation to the management of benefits? I am mindful that the proposer of amendment No 1 said that childcare provision in Northern Ireland is the worst in Europe and that the ministerial-led subgroup on childcare had unfinished business.

The first mechanism is that parents claiming jobseeker's allowance who have older children are required to be available for work for as many hours as their caring responsibilities permit. That can be limited to 16 hours a week or fewer. That is an easement put in place by the former Social Development Minister, Margaret Ritchie. Those 16 hours can be managed around school hours as opposed to out-of-school hours.

Benefits office staff are trained in developing an understanding of a claimant's circumstances and ensuring that jobseeker's agreements and action plans are appropriate. That includes consideration of the person's caring and other responsibilities. When requiring parents to undertake any mandatory activity, such as work-related activity or participation in the “work for your benefit” programme, any decisions made around their treatment or the activities that they are to undertake will also be made with due consideration to the well-being, welfare and education of any of their children who may be affected.

When making agreements or agreeing an action plan with a parent, before the plan is finalised and agreed an adviser will ensure that the person's wishes and individual family circumstances are taken into consideration. They will then make a decision, in conjunction with the parent, on the appropriateness of the activities and ensure that they do not adversely affect the welfare, well-being or education of the child. That will be detailed in guidance for staff, which is currently being drafted. I will attempt to

assure that the guidance is drafted consistent with the principle that I have outlined. Given the importance of the matter, I will ensure that the Committee is given sight of whatever is prepared.

Failure to carry out the agreement or an activity outlined in the plan could lead to further action, and, as a very last resort, a sanction. We will ensure that safeguards are in place so that claimants are not asked to comply with a requirement that is unreasonable or inappropriate to their individual circumstances. That will include circumstances where appropriate childcare is not available.

We will ensure that anyone facing a possible sanction can easily rectify the situation so that they should not suffer unnecessary hardship. If a parent is required to undertake training or work experience in the school holidays, they will only do so if they can access appropriate childcare. In considering the imposition of a sanction, an adviser will refer the evidence supplied to an expert decision-maker, who will make a decision based on the reasonableness of the activity agreed between the adviser and the parent. The evidence may relate to the welfare or education of any child involved; for example, attending school, sickness or the availability of appropriate childcare.

A person will not be sanctioned for failing to participate in a mandatory activity if they have good cause. Examples of what constitutes good cause will be prescribed in regulation as well as in comprehensive guidance. Dealing with that in guidance rather than in primary legislation gives the adviser and the decision-maker latitude to consider all of the individual's circumstances, which include but are not restricted to the factors set out in the proposed amendment. Lack of childcare, the well-being of the child, transport difficulties, a physical or mental health condition and care responsibilities are just some of the factors that personal advisers and decision-makers can consider. All the circumstances of the individual customer will be taken into account.

Finally, personal advisers and decision-makers are already highly skilled, and currently deal with complex circumstances and discussions with parents. We will build on that by enhancing the comprehensive training package that they already undertake. By ensuring that personal advisers and decision-makers are suitably trained so that they can judge in discussion with

the parents the effect that advice or directions may have on the welfare, education or care of the children involved, we will ensure that they will be able to deliver the more personalised and family-focused approach that we require.

People have said that they have some sympathy with the amendment. We must bear in mind that the well-being of the child is a requirement of all Departments, not one Department alone. I am mindful of my earlier comments about parity. I hope that there is enough reassurance in the comments that I have made and the 11 points that I have outlined that Members will be minded not to move the amendment, or to oppose it.

6.15 pm

Mr Brady: The Minister has related 11 examples of protection of the well-being of the child. Surely inserting new clause 1A would simply reinforce that. It does not deviate from what the Minister has already said. It simply reinforces, in the context of the Welfare Reform Bill, what the Minister has already said. I am not sure why that clause should not be included. If the Minister is aiming for the round dozen, why not include it? I do not mean that in a facetious way. The Minister has outlined 11 different areas, and I do not see any reason not to include that clause. I wonder to whom it could potentially be mischievous; that needs to be clarified. I do not see any problem with the insertion of that clause, because it simply reinforces what the Minister has already said.

The Minister for Social Development: I thank the Member for that intervention. My comment was not that the amendments were mischievous but that they would create mischief, contradictions and tensions in the Bill, not in respect of this clause but in respect of amendment Nos 2 and 3 to clause 3, which deals with lone parents.

We have been advised that there are parity issues. However, over and above that, operational, financial and legal consequences could arise if the Department takes on responsibility for the well-being of the child in the legislation. As Ms Lo indicated, no Department owns the issue of childcare currently. Indeed, some would suggest that there has been a battle of wits between Departments about where childcare should be located. Departments will be supportive of the principle but anxious about the consequences of having sole or primary responsibility for

childcare. Putting it in the Bill that the Department has responsibility for the well-being of the child could have legal consequences for the Department. It could result in the Department assuming responsibilities that do not necessarily fall to it and that may fall to more than one Department or to other Departments. I have to be mindful of that.

Given the parity issue, the possible legal consequences and the ongoing discussions about a — as yet unconcluded — ministerial subgroup on childcare, I think that the wiser counsel at this stage is to acknowledge the existing safeguards. I tried to outline what some of those might be and explain that they provide sufficient reassurance around the various subsections and paragraphs of the clause that the Member has proposed. I am trying to create legal certainty and a proper operational approach and to give confidence to those in the community who need confidence as regards protecting the welfare of the child.

Mr Brady: I accept what the Minister is saying, but surely the well-being of children is paramount to all Departments. Since I have become an Assembly Member, I have heard a lot about cross-departmental co-operation and so on. Surely this is an opportunity for all Departments to take on that responsibility. Being open to legal action and litigation is another issue entirely. The well-being of the child is paramount here, and inserting this clause would simply reinforce that.

The Minister for Social Development: As I have said repeatedly, I give reassurances that that is my view and the Department's intention. The proof positive of that is how the Department has stretched itself. I am prepared to look at stretching the Department further to ensure that, on an issue concerning the well-being of the child, those in receipt of benefits have all the appropriate flexibility. For all the reasons that I have outlined, my current judgement call is that that is the right side of the line. We will go as close to the line as possible and work through the matter as fully as we can. However, for all the legal, operational and financial reasons that I have outlined, that is the appropriate way to proceed at the moment.

Amendment Nos 2 and 3 relate to clause 3, which deals with lone parents and contains important safeguards for existing and new claimants of income support, jobseeker's

allowance and employment and support allowance. The additional safeguards will form part of a wider framework of flexibilities that are already in place to help parents to balance work and family life. I listened attentively to what the proposer of the amendments, Mr Brady, said. He may want to reflect a little further on the possible consequences of the clause. My interpretation of what Mr Brady said suggests that there might have been some misunderstanding about what clause 3 means and what it will do.

Under clause 3, lone parents with a youngest child aged under one will not be subject to any benefit conditionality, whereas I heard the proposer of the amendment say that there was an intention to require a lone parent with a child aged under one to take part in work-related activities. That might have been a misstatement, but I reassure Members that clause 3 intends to ensure that during the first year of their child's life, lone parents will have the right and the opportunity to look after and bond with their child without any requirements to engage with jobs and benefits offices.

Lone parents with a youngest child aged between one and two will be expected to attend six-monthly, mandatory work-focused interviews. We know that such support helps people to overcome barriers to work and that the requirements that we place on people through work-focused intervention helps more lone parents to start the process of overcoming those barriers. When their youngest child is aged between three and six, lone parents will be expected to attend three-monthly work-focused interviews and to agree an action plan with their adviser to undertake work-related activities.

Amendment Nos 2 and 3 seek to remove the requirement for a lone parent with a child under the age of five to attend a work-focused interview. However, that is where the mischief arises, because it seems to me that the amendment would end up creating a situation in which the right hand would not know what the left hand does. By that I mean that clause 2 of the Bill provides for a mandatory work-related activity for parents with a youngest child aged three to six. Therefore, the consequences of accepting amendment No 2 would be as follows: lone parents with a youngest child aged between three and five would not be required to attend a work-focused interview but would still be required to carry out mandatory work-related

activity. Thus, on the one hand we remove the requirement for them to attend a work-focused interview, but we impose a requirement to carry out mandatory work-related activity. To tell a parent whose youngest child is aged between three and five and who is minded to return to work that they have to carry out mandatory work-related activity without having been required to attend a work-focused interview could create an inconsistency, if not a mischief. It works against the interest of the lone parent of a child aged between three and five. Therefore, I —

Mr Brady: Will the Member give way?

The Minister for Social Development: Just one second.

Therefore, I ask the Member to consider whether that was the intention of amendment No 2. I do not think that it was. In those circumstances, will he review whether the amendment should be withdrawn?

Mr Brady: I thank the Minister for giving way. I want to make the point that when the Committee was briefed by the Department, its definition of what work-related activity might be was nebulous; there was nothing specific about what work-related activity might be. Essentially, the Department said that a lone parent with a child as young as three did not have to go into any detail about their work-related activity. Difficulty arises once that is enshrined in legislation. There is so much local office variation and interpretation, which the Minister himself has mentioned and which I have experienced over the years, that front line staff, who are under extreme pressure and with whom I greatly sympathise, will interpret the legislation as set out in the Act and not flexibly, as the Minister has suggested.

The Minister for Social Development: I thank the Member for that intervention. It is not a matter of flexibility; it is a matter of what process will govern the parent whose youngest child is between three and five years old. The Member said that the mandatory work-related activity was nebulous — I think was the word that he used in the Committee. However, for somebody who has not been in work for a period of time but who may be thinking about going back to work and whose youngest child is between three and five years old, surely it is better practice to try to create the greatest comfort zone around that person to help them to consider getting back into work. That is the

case, given that the evidence is that, in many circumstances, work can be a passport out of poverty. Therefore, if we are to create the most accommodating environment for that person, it seems sensible to carry out a work-focused interview and then to give them mandatory work-related activity.

I remember that the Committee for Employment and Learning received a lot of evidence about people who were out of work and about the dedicated measures that were needed to build up their self-esteem in some cases, their capacity and the confidence to get them thinking in work-related ways. In those circumstances, parachuting somebody into mandatory work-related activity without going through some preamble could create a mischief. It could mean that somebody is suddenly thrown in at the deep end when there are ways to encourage them to go into the sea, if I may use that phrase. I understand what the Member is saying about how some of this legislation may work out. To some degree, it is still a work in progress, because, as I indicated earlier, guidance is still being developed for various aspects of it. Nonetheless, we have to step back from that and identify the right process. This seems to be the right process, so in those circumstances, the Member may wish to consider further whether the amendment is appropriate.

Clause 5 deals with couples where at least one member is capable of work. The provisions in that clause form part of the raft of legislative changes that are needed to produce the recommendations that are in Professor Paul Gregg's review. He recommends that people who receive benefits should be divided into three groups: first, those who cannot be expected to fulfil any labour market conditions; secondly, those who should make progress towards work; and thirdly, those who are work ready. Clause 2 deals with the provisions that are being introduced for claimants and their partners who are capable of making progress towards work. Clause 5 makes provisions for couples where one member is capable of work.

Entitlement to income support and income-related employment and support allowance is calculated on a family basis. That means that in couple families, the needs of both members of the couple can be met. However, although the whole family receives support from those benefits, only the person who makes the claim is required to undertake any significant action

to move towards work. Therefore, we have a situation in which the partners of claimants receive financial support, but they are required to do somewhat little in return. It would be remiss to allow that situation to continue under a welfare system that expects almost everyone to take the necessary steps to enter employment. Indeed, in many instances, it makes sense to focus help on partners, rather than on the benefit claimant. For example, the healthy wife of a sick or disabled man many have a better prospect of an early return to work than their partner. Currently, however, she is given little help or encouragement to do so.

Support must be targeted to meet the needs of individuals to ensure that everyone is given the chance to fulfil their potential. To achieve that, the clause inserts additional provisions into the basis of entitlement for income support and income-related employment and support allowance. The new provisions will mean that, for couples where at least one member is work ready, the only income-related support available will be income-based jobseeker's allowance. Receipt of that benefit will be subject to the work-ready partner's fulfilling the full labour market conditionality regime and jobseeker's allowance. For example, they will be required to enter into a jobseeker's agreement to remain available and to actively seek work. Where a partner claims that they also have limited capability for work, that will be tested via the assessment process for employment and support allowance. It is again intended to devise regulations for those groups to which the new provision will not apply. For example, couples with young children will be excluded, and people of pension credit age or who are in receipt of carer's allowance will not be considered as being capable of work. I think that that may have been referred to earlier, and I give that reassurance.

Many of the couples concerned are parents, so it is important to note that the jobseeker's allowance system contains safeguards to ensure that people are not sanctioned for failing to comply if they have good cause.

6.30 pm

If a parent cites difficulties in sourcing suitable childcare or has other care responsibilities, that will form part of the decision-maker's consideration of good cause. Assurance is given, as requested by the Chairperson of the

Committee, that partners who are not capable of work can claim employment and support allowance and that certain claimants who have care responsibilities but are not in receipt of carer's allowance can claim income support. We are moving towards a welfare system, which, I trust, should have as its objective that it is leaving no one behind, where all people, as appropriate, are either looking for work or are preparing for work and in which everyone is treated as an individual and given the support that they need. In such a system, both members of a couple are subject to a regime appropriate to their circumstances. However, I am saying that with caution, given the debate that is being engaged in at Westminster.

If the Executive are to achieve their child poverty objectives, which we know are in jeopardy due to the economic downturn and because our legislation may have to follow in the wake of legislation in Westminster in that regard, we must reach all those who are capable of work and provide them with help to find employment. Introducing obligations for partners of benefit claimants is intended to reduce the number of workless couples as a step towards helping those families find a way out of poverty. It is not meant to be punitive, and it is not intended to be uncaring. I hope that it will be a measure to address the many families in the nationalist community in which there is not a parent, grandparent or child in work and the growing number of families in the unionist community in which there is not a parent, grandparent or child in work.

I urge the proposer to consider his opposition to clause 9 and schedule 2 and the amendment to schedule 4. Those provisions relate to the abolition of income support. Clause 9 is important because it sets out how the structure of the benefits system will be reformed and simplified. It provides the basis for a streamlined system in which there is no longer a separate benefit called "income support". When income support was first introduced, it was a catch-all benefit for everyone who satisfied an income test. It was, essentially, a one-stop shop benefit covering all situations and all bases, but that is no longer the case. Over the years, new benefits have been introduced to provide support for different groups, including income-based jobseeker's allowance, pension credit for older people and income-related employment and support allowance for sick and disabled people. In addition, lone parents with older children now receive jobseeker's allowance rather than income support. Once the

changes come in, income support will serve a much narrower purpose than was intended. It will be a benefit mainly for lone parents with young children, carers and a number of much smaller groups.

The people who get income support still need help, and clause 4 amends jobseeker's allowance to ensure that they get that support. The amendments in clause 4 will create a new form of jobseeker's allowance that will, to all intents and purposes, provide the same comprehensive safety net that income support currently provides. Crucially, a person will still receive the same amount of benefit as they did while in receipt of income support. Therefore, clause 9 provides a mechanism for abolishing income support when there are no longer any groups that require it. I gave that reassurance to the Chairperson of the Committee because he asked for that reassurance to be stated on the record.

Mr Brady: When the welfare state was introduced in 1948, the whole issue surrounding what was then called supplementary benefit was that it was a safety net; it was there to catch those who did not qualify for other benefits. You are saying that the scope of income support will be narrowed, which serves that intention. Surely, we will be going back to the original purpose, which was for there to be a safety net for the people who do not qualify for other benefits or do not fulfil the conditions for other benefits. I thought that that was the original intention.

The Minister for Social Development: Yes: 2010 is not 1948. The noble objectives of the welfare state after the Second World War have worked to the benefit of generations of people in a way that was unknown in the history of Britain and Northern Ireland and, arguably, unknown in western democracies.

In my correspondence with Iain Duncan Smith in respect of other matters that fall to the jurisdiction of the Department for Social Development, I am not going down the road of undoing the welfare state or privatising public services. There will be more of that in due course. However, the nature of benefits has changed. I outlined the various benefits that have been introduced to fine-tune and target appropriate benefits to those in need and those who are vulnerable. This legislation will mean a further change. As I said, these are matters of parity, and it would be unwise to open up any issues at this stage.

Clause 9 provides a mechanism for abolishing income support when no groups of people require it. Therefore, as long as one group of people requires income support, I will not ask the Department to bring a motion to the Chamber. That may be for a future Minister — whoever that may be — to address, but I do not envisage it happening during my tenure or the next year. I assure the House — this is important in the context of the amendment — that, even in the event of no group requiring income support, the Committee would be consulted and a motion tabled in the Assembly. The authority will lie not at ministerial or departmental level; it will fall, as is appropriate, to the Assembly to decide, and Mr Brady — if he is still a Member — and the rest of the Assembly will have the final say and ultimate sovereignty on that matter. However, given the changes that the coalition Government in London may introduce to income support, the debate may become academic.

Over and above all that, not to include the clause would have major implications for Northern Ireland. If income support were to be abolished in Britain, we would have no power to uprate it. In addition, the Social Security Agency shares IT systems with the Department for Work and Pensions. Those would be enhanced to accommodate a change in the benefit system. If we did not have the power ultimately to abolish income support, existing and new claims for income support would have to be maintained clerically. In this day and age and given the numbers who may still seek income support, it would be self-defeating and prohibitively costly to maintain that system clerically. That argument has, understandably, been deployed in favour of parity. The Department has taken certain measures to reshape the deployment of benefits in Northern Ireland. Were it to go further, it would need to introduce costly IT systems. Every year, £3 billion in various benefits comes across from London. If parity were broken, it would be neither feasible nor manageable to introduce new IT systems to facilitate the payment of benefits.

Amendment Nos 6 and 7 relate to clause 24. They seek to add a specific reference to:

“the person's responsibility for a child under the age of 16 who is—

(i) in receipt of any rate or component of a disability living allowance; or

(ii) was in receipt of a disability living allowance and has made and is pursuing an appeal against

a decision that he is no longer entitled to a disability living allowance”.

I hope that I can reassure Members that those amendments are unnecessary. Clause 24 makes it clear that the decision on whether a person has good cause for failing to undertake a mandatory activity must always consider:

“(a) the person’s physical or mental health or condition;

(b) the availability of childcare”.

When any employment and support allowance, income support or jobseeker’s allowance applicant fails to undertake a mandatory activity such as attending a work-focused interview, he or she is given the opportunity to demonstrate good cause for this before any action is considered. Applicants are invited to submit reasons for non-compliance to the decision-maker, who decides whether the evidence that has been provided demonstrates good cause. The new provision will be an important safeguard, ensuring that customers are not sanctioned unfairly. The provision will also apply to decisions on whether a person has just cause to leave employment voluntarily.

Current regulations on good cause already contain flexibility on the factors that decision-makers have to take into account when considering whether a person has good cause for failing to undertake mandatory activity. I do not intend to rehearse those now, but if it were useful to the Committee —

Mr Brady: Will the Minister give way?

The Minister for Social Development: I will in one second. If it were useful to the Committee, I would provide, through officials, a note to the Chairperson of the Committee to outline what the current regulations on good cause mean. It has always been appreciated that discretion is the safety net when it comes to the operation of such matters.

Mr Brady: The people that will affect might feel more reassured if it were enshrined in legislation. The Minister mentioned the decision-maker and good cause. I have worked in appeals for almost 30 years, and, in my experience, good cause is very open to interpretation, and, unless it is clearly laid out and defined, it is open to the individual who interprets it. With discretion, subjective rather than objective decisions are made, and that has been my experience over the years.

The Minister for Social Development: I

appreciate the Member’s insight. At the Committee meeting last Thursday, I said that the Member clearly had a long-time interest and understanding of all such matters. I am mindful of the wider debate about parity, and a combination of three elements should provide reassurance. First, in some places, good cause is already defined in law. I am not hostile to defining something in law, although I am more interested in what is best practice. In some places, some matters are defined in law. Secondly, given that the Member raised the issue, I will share a note that outlines the regulations that govern just cause. Thirdly, the power of discretion that falls to the person who makes the decision can cover a multitude of reasons, explanations and the background to individual claimants’ circumstances. Taken in the round, the use of those three prongs of good cause seems to be the more appropriate way to proceed.

In any case, the regulations ensure that the list is not exhaustive. In the event that circumstances change, thinking widens or experience informs the Department to go further, we can certainly do so by the introduction of regulations. In that way, we could legislate through regulations that arise from primary legislation and legislate and regulate in a way that might reassure the Member, given his different and difficult experience.

I stress that the current legislation and the guidance provided to personal advisers and decision-makers ensure that they also have the discretion to take account of all the facts of each individual case when considering good cause, including a mental or physical disability or condition of a person or child for whom they are responsible and the lack of suitable childcare for that child. Therefore, account is currently taken of people with a child under 16 years of age who are in receipt of any disability living allowance when considering good cause for not undertaking a mandatory activity.

In addition, clause 25 makes provision for the well-being of any child to be taken into account when completing a jobseeker’s agreement or action plan for people who are claiming jobseeker’s allowance and employment and support allowance. Therefore, at the initial stage of the claim or during the period of the claim, any specific needs of the parent and the child will be taken into account, including those of

any child in receipt of any rate of disability living allowance, when considering mandatory activity.

I hope that, in light of the reassurances that I have provided, the Member may be minded not to press his amendments. If he is not, for the reasons that I outlined when I discussed the specific amendments and the wider narrative that I outlined at the beginning of my contribution I urge Members not to accept the amendments. Although they are undoubtedly well intentioned, they are not necessary, create unintentional mischief or begin to wander beyond the principle of parity. Although we have explored what to do in the short term, never mind the longer term, it could open up the debate in a way that could give the Treasury in London the opportunity, if it is minded to do so, to drive a coach and horses through social security in the North.

6.45 pm

The Deputy Chairperson of the Committee for Social Development: Go raibh maith agat, a Cheann Comhairle. Although I am winding on the amendments, Members will be relieved to know that I have absolutely no intention of going through every contribution. You have worn me down, Alex. You gave us notice that you were going to talk at great length about everything and, in fairness, as is your prerogative, you did that.

I will mention some specific points that Members raised. Committee members displayed great endurance during the Committee Stage, and, although Mickey and Fra are colleagues whom I love dearly, I felt sometimes that they were taking the hand out of me. Therefore, I had great sympathy with the rest of the Social Development Committee. I want to record our gratitude for the work of the Committee staff and congratulate them on that. The report is 645 pages; that is no mean feat for any Committee. Many witnesses gave evidence to the Committee, including the departmental officials who are sitting to my right. This is a fairly weighty piece of legislation that is going through the House.

We are still debating the first group of amendments. Two groups remain, and, therefore, I will horse on. Mickey Brady spoke to amendment Nos 1, 2, 3, 6, 7 and 9 and stated his opposition to clauses 5 and 9 and schedule 2. He outlined the reasons why we tabled the amendments in the first place. Those reasons

are well rehearsed. Members did not speak so much in opposition to the amendments but expressed their sympathy for the amendments or their disagreements or concerns about breaking parity, rather than, perhaps, stretching it. However, the intentions behind the amendments are genuine.

We must accept that there are political parties in the Chamber that will never agree on the colour of grass. It is green, by the way. At times, we come from very different ideological positions. However, for the best part of the debate, there has been a generosity towards and an acceptance of those positions. For example, Danny Kinahan, who is not on the Social Development Committee, showed his Toryism and his Conservative allegiance.

Mr Kinahan: Sort of.

The Deputy Chairperson of the Committee

for Social Development: It came out big time, Danny, not “sort of”. If that is your assessment, I do not know what you will say during the debates on groups 2 and 3.

I knew after the first five minutes of the debate that we were in the minority. In fact, I knew that after five minutes of the first day in Committee. However, we did not table the amendments for the sake of it. We fully believe in the availability. That is what this is about. Mickey’s point is correct: there are 11 examples — the Minister described them as 11 protections — and Mickey’s argument is that there should be a twelfth. We must ensure the protection of families, lone parents, children and those who are very vulnerable.

The Chairperson, Simon Hamilton, said that we needed to seek assurance from the Minister, particularly on clause 15 and others that I cannot recall. However, clause 15 stuck out. I will give an example of why clause 15 stood out, particularly in relation to white goods, procurement and contracting out in respect of community care grants. I am not being flippant, but there are various examples in which that did not work in the past. That included the stigma of people going with a token, a voucher or a docket to ask for a cooker. Mickey talked about people’s experiences, but maybe that was a Newry phenomenon. I know of other experiences. There was a consignment of Spanish cookers, and, when people turned on the grill, the back left ring came on. Often the ovens did not work. It was almost impossible

to get them fixed, and it was a waste of time to go back to the supplier. Therefore, people felt that the opportunity through the community care grant was wasted. They felt embarrassed and ashamed. However, everyone on the Committee identified with that and had different anecdotal bits and pieces about their experiences. Therefore, that assurance is welcome.

We accept the idea — the Minister alluded to it — that, if the pilot state pension credit scheme in Britain ends, it will be brought in here automatically. However, if we already know that that is going to happen, why not introduce it here? Large numbers of people are on state pensions, and they would certainly benefit from it. Anything that will raise the quality of life and make it easier for those people has to be welcomed.

I will not go into the issue of good cause. We are coming from different positions on that matter. We have argued it backwards and forwards and around again.

Mr Brady: The good cause clause.

The Deputy Chairperson of the Committee for Social Development: Yes; the good cause clause. Our position is clear. I was disappointed by Mary's speech. The Committee report is published, and it is 645 pages long. She had loads of opportunities to speak at Committee meetings. There were times when we all agreed with one another, but the way in which Mary's opposition to our amendment was delivered was disappointing. However, we are big girls and big lads, and that is what this place is for, so I am not going to burst out crying because Mary was particularly petty. We will just try to get on with it.

The idea that Anna Lo raised about additional safeguards and the well-being of the child extends beyond clause 25. As Anna and others pointed out, the high levels of child poverty are the main reason why she supported the amendment. That is a concern.

In no circumstances will Alex Easton break parity. That is fair enough, even though he has sympathy for aspects of our amendments and why we tabled them. That is Alex's position, that is his party's position, and that is fine.

Claire McGill read a 645-page document in summary this morning, and I am really impressed. I have been sitting on the Committee and have struggled with it, but,

obviously, there is a lot of skill there. Claire pointed out certain examples that various organisations have mentioned, particularly in respect of amendment Nos 2 and 3 regarding lone parents and the age of the child, from the Law Centre, Save the Children, Gingerbread, the Child Poverty Action Group and Mencap. She gave a variety of examples of concerns from well-established, well-respected groups who advocate on behalf of some of the most vulnerable people in our society. That is a clichéd phrase that we bandy about here quite a lot, but even the Members who oppose the amendments will accept that there is concern about some aspects of the Bill from bodies and organisations that do exceptionally good work.

In fairness to the Minister, I note that he took a different approach to the issue. The impression that I get — I am not asking him to confirm it, even though I am really tempted to — is that, if he was convinced that stretching matters and breaking parity on the issue would not affect a subvention, he might actually go with it. That is the sense that I got.

I am relieved that the Minister realises that Mickey, Fra and I are not being mischievous with these amendments. I accept — I do not agree — that pushing some of the amendments to a vote may have consequences for other parts of the legislation, although I can tell that it will not fly through. I heard what the Minister and other Members said, but I am not convinced that that is the case.

Fra and I say something behind Mickey Brady's back, but everybody else knows it, so I will say it out front. I think that Mickey Brady was working in welfare rights from 1948. He has a breadth of knowledge and experience that many people in the Chamber respect. However, we are not just relying on Mickey's word. We spoke to some of the groups outside the Committee evidence session and to individuals and welfare rights workers on the ground. It is because of all that and more that we are sticking to what we brought forward.

The Minister accepted the intervention around the local administration of benefits, of which disability living allowance is one. There is an example of where the Scottish could, possibly, do something different, and other devolved institutions are prepared to test that out. There are interesting times ahead with regard to

welfare reform and delivering to people who need support.

I think that many of us have been lobbied by, spoken to or met, on several occasions, the autism groups and the Don't Write Me Off campaign, particularly on the ongoing training with advisers. Few committees that I know of have not raised concerns regarding that issue. The fact that the training is ongoing is to be welcomed. I am not saying that in a patronising way. It is the same for anybody who is doing something for a while. Members who have been here for a couple of years get surprised now and again, and it does us no harm. If training is ongoing as part of the process and if autism advocates and people with a disability play a part in advising the training advisers, that is to be welcomed. I am not sure if I picked it up right, but I do not think that that is the case. It could, however, be good practice.

I have loads of stuff here, but, in conclusion, I am content that, although we disagree politically over aspects of the Bill and the implementation of the Bill from ideological positions, we do it from positions of constructive respect for our positions on the Committee. We had genuine reasons for tabling the amendments. I am still not convinced; I think that it will go to a vote.

I hope that Members appreciate that I have cut down eight pages of my winding-up speech. The Minister spent an hour and 45 minutes on his, but that is his prerogative.

The Minister for Social Development: I did not.

The Deputy Chairperson of the Committee for Social Development: Sorry. We are an hour and 45 minutes into the debate on the first group of amendments, and the Minister, rightly, took a lot of that time. I ask the House to support the amendments.

Question put, That amendment No 1 be made.

The Assembly divided: Ayes 25; Noes 47.

AYES

Mr Adams, Ms Anderson, Mr Boylan, Mr Brady, Mr Butler, Mr W Clarke, Dr Farry, Ms Gildernew, Mr G Kelly, Mr Leonard, Ms Lo, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McElduff, Mrs McGill, Mr M McGuinness, Mr McKay, Mr McLaughlin, Mr P Maskey, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Ms S Ramsey, Mr B Wilson.

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

NOES

Mr Armstrong, Mr Attwood, Mr Beggs, Mr Bell, Mr D Bradley, Mrs M Bradley, Mr P J Bradley, Mr Bresland, Lord Browne, Mr Buchanan, Mr Burns, Mr T Clarke, Mr Cree, Mr Dallat, Mr Dodds, Mr Easton, Mr Elliott, Sir Reg Empey, Mrs Foster, Mr Gallagher, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Irwin, Mrs D Kelly, Mr Kinahan, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McDevitt, Dr McDonnell, Mr McGimpsey, Mr McGlone, Miss McIlveen, Mr A Maginness, Mr Moutray, Mr Newton, Mr Poots, Mr P Ramsey, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Mr Weir, Mr Wells, Mr S Wilson.

Tellers for the Noes: Mr P J Bradley and Mr Burns.

Question accordingly negated.

Clause 2 ordered to stand part of the Bill.

7.00 pm

Clause 3 (Lone parents)

Amendment No 2 proposed: In page 10, line 33, leave out "under the age of one" and insert "under the age of five". — [Mr Brady.]

Question put and negated.

Amendment No 3 proposed: In page 11, line 4, leave out "under the age of one" and insert "under the age of five". — [Mr Brady.]

Question put and negated.

Clause 3 ordered to stand part of the Bill.

Clause 4 ordered to stand part of the Bill.

Clause 5 (Couples where at least one member capable of work)

Mr Speaker: Mr Brady and Mr McCann's opposition to clause 5 has already been debated. Members are advised that they will now be asked to vote on whether clause 5 should stand part of the Bill.

Question, That the clause stand part of the Bill, put and agreed to.

Clause 5 ordered to stand part of the Bill.

Clauses 6 to 8 ordered to stand part of the Bill.

Clause 9 (Abolition of income support)

Mr Speaker: Mr Brady and Mr McCann's opposition to clause 9 has already been debated. Members are advised that they will now be asked to vote on whether clause 9 should stand part of the Bill.

Question, That the clause stand part of the Bill, put and agreed to.

Clause 9 ordered to stand part of the Bill.

Clauses 10 to 18 ordered to stand part of the Bill.

Clause 19 (Loss of benefit provisions)

Mr Speaker: We now come to the second group for debate. With amendment No 8, it will be convenient to debate the opposition to clauses 19 and 20 and to schedule 3, which stand in the names of Mr Brady and Mr McCann. The amendments relate to benefit sanctions for benefit fraud and violent conduct and to non-compliance with jobseeker's allowance.

I advise Members that the opposition to schedule 3 is consequential to the opposition to clause 19.

Question proposed, That the clause stand part of the Bill.

The following amendment stood on the Marshalled List:

No 8: In clause 27, page 36, line 7, after "prescribed period" insert

"of not less than 21 days". — [Mr F McCann.]

Mr F McCann: Go raibh maith agat, a Cheann Comhairle. I propose amendment No 8 and oppose clauses 19 and 20 and schedule 3 to the Welfare Reform Bill. *[Interruption.]*

Mr Speaker: I ask that Members leave the Chamber quietly.

Mr F McCann: First, I wish to state that any act of violence or abuse against staff in social security offices is to be condemned and the strongest possible actions should be taken against those who perpetrate such actions.

At Committee, it became obvious to us from the evidence given by a number of groups that there was opposition to many parts of the Bill. There was particular opposition to the aspects that proposed the extension of sanctions to deal with those who use violence against staff, who

have been charged and convicted of fraud, or who, for whatever reason, do not, on the days allocated, sign on or turn up for meetings.

We explained to the Committee that the pursuance of further sanctions in respect of their benefit payments against people who have already been through the courts and who may have already been sentenced, fined or both seemed to be a double hit against such people. We are concerned that that could not legally be defended and would be an injustice against the person who committed the offence in the first place. We have argued that offenders should be pursued through the courts, which we believe would send the clear message that attacks on members of staff, verbal or otherwise, will not be tolerated.

7.15 pm

Our other concern is that many people who have been tackled or charged for their behaviour are suffering from mental illness or are alcohol- or substance-dependent. It would be wrong to issue an additional sanction against such people, many of whom are homeless and could not survive but for the monetary help that they receive from the state, especially if they have just been through the court system and have been charged with and convicted of an offence.

Amendment No 8 deals with the proposal to strengthen sanctions against those who do not turn up for a meeting. However, some people may have good reasons for not doing so. Within five days of not turning up for a meeting, people can find their benefits suspended, and they will then have to go through the procedure of making a fresh claim. That would be too strict a penalty. The timeline should be extended to 21 days in order to give people with genuine, sound reasons for not signing on, or for non-attendance at a meeting, enough time to contact their local office, or for the office to remind them that they have failed to attend.

In his evidence to the Committee, Mr Les Allamby from the Law Centre said that he does not believe that a sanctions-based approach works. He went on to say that evidence of the success of sanctions is very mixed, with many people realising that they have been sanctioned only after it has happened. Our benefits system is so complex that people often do not understand the ramifications of non-attendance. He also said that the Department in Britain has prejudged its use of sanctions

by setting up the Gregg review to examine the efficiency and effectiveness of sanctions. That review has not reported, yet the Department for Work and Pensions is talking about a considerable extension of sanctions: it has said that that is what it is going to do, and then gather information to see whether it will work. Mr Allamby said that he had never seen such a cart-before-the-horse approach before.

A number of organisations referred to the detrimental impact of extending sanctions. Therefore, the Department should have gone back to the drawing board and accepted the weight of professional opinion from many of those who gave evidence to the Committee. Representatives from Gingerbread said that they did not agree with additional sanctions being brought against those who use violent behaviour in offices, as there is a criminal justice system to deal with that. Gingerbread went on to say that any sanctions on individuals, which impinge on the provision of food, clothing, warmth or shelter, impact not only on the individual but on his or her family.

We also learned of additional problems leading to non-attendance at meetings. For example, there are people with mental illnesses who find it difficult to cope with life, and people who suffer from autism and have difficulty handling their mail. Let us not forget the vast numbers of people in our communities who suffer from general learning difficulties, stress or illness, or are looking after a loved one who is ill. Those people may genuinely forget about an interview. However, the only time that such people will know that they have been sanctioned is when their benefit is stopped.

We are opposed to the introduction of schedule 3, which impinges on the rights of people who have already been charged with the offence of committing fraud. Again, the Department is asking that we agree to a two-strikes-and-you-are-out system of penalties for those found guilty of fraud. Clause 19 seems to say that the decision of the courts is not strong enough and, therefore, the Department will impose its own penalty to punish people. Stopping benefits is an additional punishment for someone who has gone through the judicial system and been punished for an offence. If, in any such case, the evidence exists to pursue an offender through the courts, that is the proper road to go down to deal with those who break the law, not the Department's additional punishment,

which could have far-reaching effects on families and individuals. I hope that the House takes on board the consequences of passing the Bill without the additional checks and balances that are required so that people are not punished twice for the same offence.

We have an opportunity to adopt a North of Ireland approach to administering benefits, which does not punish those who most need our protection. I ask the Assembly to support our amendment.

The Chairperson of the Committee for Social Development: Members spent a great deal of time at Committee Stage considering the new benefit sanctions that the Welfare Reform Bill introduces.

With regard to clause 19 and the new one-strike provisions, some members felt strongly that additional penalties for benefit fraudsters who had been punished by the courts were disproportionate. Those members also highlighted anxieties about sanctions that could severely and unfairly affect the blameless dependants of those responsible for benefit fraud. The Committee divided on clause 19, with a majority of members supporting it.

Members also debated the issue of benefit sanctions for those cautioned or convicted for violent conduct against benefits office staff. The Committee unanimously wanted to demonstrate its support for benefits staff and to set out its abhorrence of violent conduct in benefits offices. That said, a minority of members felt that the approach taken in that provision was inconsistent with other similar circumstances. Members noted, for example, that violent conduct targeted at tax office staff is not subject to sanctions over and above those imposed by a court. Those members again highlighted the view that such sanctions should be left to the courts. The Committee divided on clause 20, with a majority of members supporting it.

Clause 27 deals with sanctions for non-attendance in connection with jobseeker's allowance interviews. Members were surprised by evidence provided by the Law Centre (NI) that claimants sometimes may not be aware that they had been sanctioned and may not understand what they had been sanctioned for. Members again looked to the reasonable interpretation of the good cause provisions as a means to provide protections for vulnerable

claimants. A minority of members again indicated their opposition to clause 27, and the Committee divided accordingly.

Members were surprised by evidence on the apparent ineffectiveness of sanctions. They also noted assurances from the Department that the blameless dependants of those in receipt of sanctions would not suffer as a consequence of the actions of a member of their family. The majority of Committee members took the view that the sanctions regime is part of the parity package. Consequently, the Committee agreed that the provisions relating to sanctions should be accepted.

I want to make some remarks as a DUP Member. As with the group 1 amendments, I understand where the Members who tabled the amendments and registered their opposition are coming from. However, that hackneyed word “parity” applies strictly in this case. If we were not to include those clauses in the Bill, different conditions would exist for people claiming benefits in Northern Ireland as opposed to the rest of the United Kingdom. Different sanction levels would also apply in Northern Ireland. If anything among the amendments constitutes a clear breach, that is it.

There are good reasons for not only maintaining but strengthening the current sanctions regime for benefit fraud and violent conduct. In some cases, people think that the system does not go far enough and want the Department, for example, to name and shame clearly those guilty of benefit fraud, perhaps on its website.

An attitude used to prevail in which people who took a few extra quid out of the system were, with a nod and a wink, almost to be encouraged. Fortunately, we have all come around to a position of opposing that for the crime that it is because it constitutes theft from a benevolent benefits system. We may have issues with the benefits system and think that it is not fair or does not pay enough to certain people, particularly vulnerable people at certain stages of their life. However, it is a benevolent system, and people abuse it. They take money to which they are not entitled out of the system; that money could be given to people who need help.

Some people cite the fact that we are experiencing some of the lowest levels of benefit fraud in many years and that there is no need to increase sanctions. Why is the level of fraud so low? One good explanation is that

a concerted effort has been made to try to combat and clamp down on benefit fraud and remove the sense that it is socially acceptable.

However, the two-strike policy has been a change in recent years, and my argument is that it has acted as a disincentive for people who want to commit benefit fraud. If it has worked, and I believe that it has, there is an argument to reduce it to a one-strike policy. Doing so would be a disincentive and would act only to discourage even greater numbers of people from committing benefit fraud.

The message must go out clearly this evening, as it did during the Committee’s deliberations, that violent conduct towards those in social security offices is completely and utterly unacceptable, just as it is when it is directed towards any other member of staff in the public sector. There has been public uproar about attacks on workers, particularly those in the emergency services, such as doctors, paramedics and ambulance staff, who work at the coalface to deliver vital public services. I do not want to see the message going out —

Mr F McCann: I understand perfectly what Simon said. Such issues have been debated on a number of occasions in the Chamber, and I fully understand that we want to take the strongest possible action to protect people who work in benefits offices. The Member mentioned Health Service workers. If someone verbally or violently abuses a Health Service worker, they are charged and brought to court, but they are not refused healthcare. This is like a double dunt: people could be fined and jailed, and then, when they get out, they face another sentence.

The Chairperson of the Committee for Social Development: I thank the Member for his intervention. This is where he and I will have to diverge in our views. Some may be of the view that the punishment for people who are convicted of benefit fraud or violent conduct is harsh enough and we should not penalise them by withdrawing their benefits for as short a time as one week, or, as the Bill proposes, for as long as five weeks. However, others, including myself, believe that that is not harsh enough. If people defraud or abuse the system, which, at its heart, tries to be benevolent to the vulnerable in our society, they deserve punishment. I do not think that it is, by any means, as harsh a punishment as some in society may wish to see, particularly for those who engage in violent conduct. I made

the point about healthcare workers. I do not want the message to go out that any member of staff in a benefits office is in any way less important than those who work in the Health Service or in any other area of the public sector.

We are talking about moving from what is effectively a two-strike position to a one-strike position. Currently, if someone is twice found guilty of benefit fraud or violent conduct, they are punished by having their benefits removed. Therefore, the principle exists, and this is about tightening that. Perhaps the Members on the opposite Benches disagree with the two-strike policy, but if they were to oppose it, I think that that would be a bad sign. This is simply about tightening a principle that already exists.

Hardship provisions are in place. Therefore, it is not as though I am backing draconian measures for people who are found guilty of benefit fraud or violent conduct without caring about the impact that that would have on their dependants. Provisions are in place to ensure that the innocent family members, who may depend on the benefits of someone who is found guilty, are not affected. The only benefits that would be withdrawn would be those that relate exclusively to the individual concerned. Therefore, family benefits would not be affected in any way.

7.30 pm

I also take comfort from the good cause clause that ensures that the vulnerable, those who are mentally ill or those who use childcare provisions and so forth will not be adversely affected. I am talking about the clause that concerns people who do not attend jobseeker's allowance interviews and the subsequent punishment that they receive. Therefore, as the proposer of the amendment said, if someone has mental illness issues or learning disability problems and cannot understand what they are being called for or if it causes havoc to their usual regime, the good cause clause will take that into account.

I take some comfort from that clause. Such punishment ought not to be inflicted on people in those circumstances.

On behalf of my party, I oppose the amendments and support the clauses. We must send a strong message that benefit fraud, and especially violent conduct towards benefits advisers, is intolerable. The regime needs to be

strengthened to further dissuade those inclined to defraud the benefits system or to be violent towards those working in it.

Mr Armstrong: I wish to speak on the group of amendments dealing with the sanctions to be applied where those in receipt of benefits do not live up to their responsibilities.

Much has been said about people's entitlement to benefits. In our society, the right to receive benefits exists as a safety net; however, with rights come responsibilities. The amendments fail spectacularly to recognise that basic principle and must therefore be rejected.

Clause 19 is perfectly reasonable; it provides for the withdrawal of benefits for a period of 13 weeks where a claimant is convicted of benefit fraud on two occasions and the second offence was committed within five years of the first. Benefit fraud is a massive problem, and it is only right and proper that those found guilty of it should pay the penalty. They have stolen money from the public purse and have done a disservice to all those genuinely entitled to benefits. I therefore oppose the amendment and propose that clause 19 stand.

I cannot support the proposed amendment to clause 20, which seeks to prevent the withdrawal of benefits from jobseeker's allowance claimants who have been convicted or cautioned for violent behaviour towards staff. Once again, that relates to rights and responsibilities. Just as this House has constantly called for stronger action to be taken against those who assault Health Service staff, so it must send out a clear message that attacks on Social Security Agency staff will not be tolerated. The amendment sends out entirely the wrong message: if people are to exercise their rights to receive benefits, society has the right to expect that claimants will act responsibly when engaging with staff. Those who fail to meet their responsibilities by assaulting staff must be punished. There can be no room for doubt.

I also reject the amendment to clause 27 because I do not agree that it is reasonable to extend to 21 days the time that a claimant has to attend mandatory interviews before they lose benefits or have their claim closed. The proposed extension is excessive. I refer again to the principles of rights and responsibilities. If claimants cannot attend an interview, it is their responsibility to contact the benefits office

within a reasonable time. The five days laid out in the Bill is quite fair enough.

Mrs M Bradley: I thank the Minister for his work on the Bill and I am happy that he has been able to assure the Assembly on the concerns raised by the Committee for Social Development. I am sure that he will want to ensure the best protections for vulnerable people in the North.

Many Members are concerned about protections for lone parents. I am glad that there is no question of the lone parents of children of any age being sanctioned where suitable and affordable childcare is not available. That is important.

I said earlier that many of the amendments are well intentioned but misdirected. Amendment No 8 seeks to increase the period before sanctions are applied, in the case of someone failing to attend an appointment, from five to 21 days. Instead of protecting the applicant from sanctions, that could leave him without any money for up to five weeks. Therefore I ask the proposers to consider withdrawing their amendment.

Ms Lo: I support the four proposed amendments on sanctions in group 2.

In no way do I condone fraud, but I fear that the sanctions in clause 19 may cause undue hardship for many individuals and their families.

Many people on income-related benefits are already socially and economically marginalised. The removal of their only income source may just push them further into exclusion, which may all too easily lead to offending or criminal activities when individuals become desperate. The one-strike approach is also likely to increase the number of appeals and may, in turn, increase the workload of Social Security Agency staff.

Clause 20 outlines the sanctions that may be applied for violent conduct in connection with a claim for jobseeker's allowance. I condemn any aggressive behaviour by claimants towards Social Security Agency and job centre staff. However, as a liberal, I see an assault on an individual as a criminal matter that should be dealt with by the law enforcement agencies. People should not be punished twice, first by the court and then through benefit sanctions.

Amendment No 8 seeks to amend clause 27. Five days is far too short a period to allow people to contact the relevant agencies. That time period is totally unacceptable. That sanction will disadvantage people with mental or physical health problems, many of whom are dependent on others to take them to the social security office. I am also thinking of ethnic minority people, who may depend on a relative or a friend to interpret for them in the social security office in the event of a query. The timescale proposed in the Bill is far too short, too restrictive and too rigid. There are also cost implications, given the likelihood of an increasing number of appeals in relation to the short period for queries.

Mr Easton: I intend to be very quick in dealing with the second group of amendments. The amendment to clause 27 simply sets the prescribed period in the Bill as "not less than 21 days". A person should have a good reason why he or she fails to turn up to a benefit interview. There is ample opportunity in the Bill as it stands for a claimant to argue the case as to why he or she was unable to attend an interview. Schedule 3 to the Bill relates to sanctions on those who engage in violent conduct towards Social Security Agency staff. The Bill clearly sets out that violent crime against public sector workers is unacceptable.

The Minister for Social Development: The Chairperson of the Committee captured the dilemma in the Bill, particularly with regard to the clauses that outline loss of benefit provisions. I am also on the horns of a dilemma. The proposer of the first group of amendments correctly relied on section 87 of the Northern Ireland Act 1998 with regard to social security and child support provisions. The 1998 Act places a statutory duty on the Minister for Social Development and the Secretary of State for Work and Pensions to work together — this is the critical phrase — to secure single systems of social security, child support and pensions for Britain and Northern Ireland.

That is the dilemma in the Bill to which the Chairperson of the Social Development Committee referred. "Single systems" is code for parity. If, as the Treasury and the Department for Work and Pensions see it, there is not a single system in respect of, for example, loss of benefit provisions, there could be consequences. By that I mean that if the loss of benefit provisions in Northern Ireland is more flexible than the

system that prevails in England or with the other devolved Administrations, there is a risk that people who have suffered more severe loss of benefits in Britain could come to the North, where the approach might be more flexible.

Although I do not like the terminology because it has echoes of some sort of American dogmatic view, if there is a one-strike policy in Britain and a two-strike policy in Northern Ireland, people from Britain might come to Northern Ireland to avail themselves of benefits. Therein lies the dilemma of this legislation. There is a statutory duty to work together to secure a single system of social security. If we were to end up with two different systems of social security, when it came to the loss of benefit provisions, parity would be turned on its head. A more flexible system in the North could end up being more costly than that in Britain, and the Treasury might seek to penalise us for going down that road.

The clause and the proposed amendment capture that dilemma, which is what the Chairperson of the Committee was trying to outline in more robust terms. Speaking in a personal capacity, I do not like the loss of benefit provision. If I were more free, I might take a view on it. However, I am not. The provision would have consequences and would result in issues around parity and open that debate.

Mr F McCann: The Law Centre indicated that there was no real difficulty in extending the period from five days to 21 days. Most people are paid below the poverty line, so I cannot see a big rush of people migrating here for the £55 a week that they would get on the dole.

The Minister for Social Development: I hear what the Member is saying. I will explore that particular matter with the Law Centre. However, I am not talking about that clause; I am talking about the loss of benefit, not the attendance requirement. I am talking about the loss of benefit clause in respect of benefit fraud; I am sorry, I should have made that clear.

Mr F McCann: I am talking about sanctions in general.

The Minister for Social Development: I am talking about this particular sanction. There could be a cost consequence that could raise issues around parity. Bearing in mind what the Treasury states in its guidance, what is in law, and the principle of single systems that we signed up to in the Northern Ireland

Act, which gave expression to the Good Friday Agreement, that is where consequences arise. I have personal issues around the change to the benefit fraud sanction regime, but this is where the Assembly is captured. That particular amendment creates particular dilemmas and consequences. I urge caution about that amendment in that regard, although I have significant personal sympathy for its intention when it comes to benefit fraud.

The new sanction adds to the current fraud sanctions regime. That is the argument that informs this particular provision. The intention is to send a message to those who abuse the benefit system. It proposes that those who commit benefit fraud should be subject to the new sanction. The existing provisions, which Ms Lo referred to as the two strikes provisions, in the Social Security Fraud Act 2001 enforced the principle of rights and responsibilities by ensuring that those who repeatedly defraud the system can lose the right to continued benefit provision.

7.45 pm

The argument now is that an equal principle should apply to all those who are guilty of fraud — the one strike rule — to deter more people from committing benefit fraud in the first place by making the benefits system more active as regards those who do not honour the rules. The existing benefit fraud sanction means that claimants who are convicted of benefit fraud twice in a period of five years are disqualified from benefit for a set period. I do not think that there would be much division in the House if that were being proposed now.

However, the introduction of the new clause, under which the loss-of-benefit sanction can be applied to first-time benefit offences, extends the penalties faced by people who are guilty of fraud. It will be a further deterrent against committing benefit fraud. All claimants who have committed benefit fraud, whether a first or subsequent offence, will now face loss or reduction of their benefit for a set period. That is further to any administrative penalty, caution, court conviction and any requirement to repay the overpayment.

I have indicated my view on the matter, but I also have to indicate the ministerial view. My Department accepts that the level of recorded fraud across all benefits is 0.3%, or around £12.6 million, of benefit expenditure.

In evidence that I gave to the Committee for Social Development last Thursday, I outlined that successful measures have been taken through a range of interventions to try to reduce that further. Mr Jonathan Craig is exploring that matter both through the Committee and publicly.

Existing hardship payments that protect the basic needs of vulnerable claimants who are faced with a sanction following two offences will also extend to the new one-offence sanction. Those payments will mitigate the situation by helping to ensure that the basic needs of vulnerable claimants or those with families continue to be met. Underlying entitlement to passport benefits, housing benefit, free school meals and so on will remain.

Before turning to opposition to clause 20, namely jobseeker's allowance and sanctions for violent conduct, I wish to put on record that, given the violent conduct that took place outside the jobs and benefits office just off the Shankill Road a number of weeks ago, the staff of that office showed remarkable resilience and dedication to service for the people of the Shankill. When I attended the office shortly after Mr Moffett was murdered, my staff were handing out cheques at the gate to ensure that claimants received their payments in advance of the bank holiday weekend. I spoke to staff on all four floors of the building that day. They had heard the shots and could look out of the window at the horrific scene a matter of yards away. Their dedication in the face of such trauma spoke for the true spirit and nature of the people of the Shankill. I know that the Minister for Employment and Learning concurs with me on that point.

I turn now to the sanction for violent conduct. I have more sympathy with that matter, although I have an issue regarding those who suffer from mental disability or stress and how that works itself through in respect of the sanction. Clause 20 introduces the benefit sanction for jobseeker's allowance, which applies to customers who commit acts of violence or exhibit threatening behaviour against staff or contracted staff in benefit offices during the course of a claim for jobseeker's allowance.

The claimant will be entitled to benefit during the period of the sanction, but it will not be payable. It is hoped that the new sanction will deter disruptive behaviour. It is important to stress that the sanction will apply only

following a conviction or caution. That means that the courts will have already considered and reached judgement on the offence. Guilt will have to be admitted by the offender in the case of cautions. The sanction will only apply to offences that involve violence or harassment that are committed by jobseeker's allowance claimants against benefit office staff or contracted staff who are going about their duties in the benefits office.

It will apply to offences such as assault, battery, threats to kill, wounding with intent to do grievous bodily harm, affray, causing fear or provocation of violence, intentional harassment, causing alarm or distress and committing racially or religiously aggravated assaults or harassment. The new sanction reinforces the link between a person's conduct and their engagement with the jobseeker's regime in actively seeking work and visiting benefits offices.

The sanction is an enhancement of the existing jobseeker's allowance labour market conditionality regime that may help customers to engage appropriately with the support on offer to help them move into employment and improve their lives. However, I assure Members that we do not envisage having to use that approach very often. The sanction is there to address the behaviour of a relatively small proportion of jobseeker's allowance customers. As I indicated, I am currently and actively looking at the matter of those who may have committed a criminal act as a consequence of or influenced by their mental disability, but I accept the principle that our staff in offices and contracted-out work must be protected.

Finally, I turn to amendment No 8, which relates to attendance in connection with jobseeker's allowance. Again, I ask Mr McCann to consider whether he wishes to pursue the amendment, because, again, unintentionally, in my view, amendment No 8 creates a mischief in the legislation that comes back in the face of claimants, for reasons that I will explain. The purpose of clause 27 is to introduce an incentive for customers to attend their appointments and to reduce the operational burden on the benefits office in having to close and reopen claims. The amendment proposes to prescribe the period for which a customer can show good cause for failure to attend a mandatory appointment for jobseeker's allowance as "not less than 21 days". That period currently stands at five days.

A person receiving jobseeker's allowance is made aware of their obligations at the outset. They know that they are required to attend the benefits office on a two-weekly basis and that they lose entitlement to benefit if they fail to do so, unless they can show good cause. That is all subject to the current regulations, which prescribe when people have flexibility about attending. I will share those details by way of a note to the Committee. Individuals who fail to attend the benefits office for an appointment are advised to contact the office within five days — a working week. I consider that a reasonable amount of time to wait for a customer to contact the office about their failure to attend. Contacting the office may not, necessarily, mean that they need to attend; it may be acceptable for them to contact the office by phone.

I suggest that it is self-evident that people in receipt of jobseeker's allowance are not in a financial position to wait for three weeks before going to their benefits office. Benefit payments will be suspended from the date they fail to attend until they do attend. If amendment No 8 were to be accepted, it could become nearly five weeks since they last received a benefit payment. Taken to its logical conclusion, if it becomes law that people will have 21 days in which to go back to the benefits office, it could be a further two weeks before they receive payment. Therefore, the amendment creates a mischief in the legislation. Unless people in need and the vulnerable seeking benefits have to attend within five days, they could end up running that time up to 21 days, with a further period thereafter before they receive benefits. That is the mischief: it puts some people who need to get into the office quickly to regularise their situation in a situation where some might decide to just wait.

Mr F McCann: I understand what the Minister is saying. In reality, sanctions already exist and are applied to people who do not sign on or forget to do so. I have dealt with cases where, on phoning up, a person is told that they are entitled to a crisis loan. However, they are entitled to only one crisis loan, and that takes no account of their benefit being suspended for four weeks. That sanction already exists; there are no safeguards to ensure that those people have money over that period. We are saying that there may be some people who suffer from mental or other illnesses who cannot handle their mail and do not realise that they have been invited along to a meeting.

They will only find out when their benefit is stopped, and they will then go through that process anyway. That could take five days, 10 days or two weeks. Safeguards need to be built into the legislation to ensure that those people are not affected because of their disability.

The Minister for Social Development: I hear what the Member is saying, but I have two points in reply. First, the potential consequence of the amendment for such individuals is to compound their situation, not alleviate it. Secondly, there are various provisions in the requirements to attend a benefit office that mitigate the situation for individuals who for good cause, because of circumstances beyond their control, is not able to attend when they are supposed to. There are already some provisions that protect the individuals about whom the Member is talking. However, we do not want to compound their difficulty by creating a situation in which they do not feel that they have to go to an office for 21 days and then end up not receiving benefits for five weeks. The amendment's intention to protect the individual is understandable and good, but the consequence of it puts that person in a more difficult situation. That is why I argue that the longer the individual stays away from the office, the longer it will be before they receive a payment. That is not in the interests of particular claimants. For those reasons, I urge Members not to accept the amendments, if they are moved.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. I will first say that I condemn unreservedly and absolutely any violent behaviour against any member of social security staff. As someone who has worked in a social security office and has been at the receiving end of what would be considered violent behaviour, I have the greatest sympathy for staff. In the case about which I am talking, it was accepted that the lady had severe mental health problems. In other cases that I witnessed when I worked in a social security office in Belfast where there were incidents of violent behaviour, people were prosecuted and brought through the criminal justice system. Going through the criminal justice system is the proper way to deal with people who behave violently and aggressively towards staff.

Mention was made of people being sanctioned. The point was well made, and Fra McCann and other Members stated that people do not know

that they are sanctioned until it happens or until their benefit does not arrive. The Chairperson said that he was astonished, as some of us were, by the statistics that were given by the Law Centre. Violent behaviour should be dealt with through the criminal justice system and people should be punished appropriately for it. All of their circumstances should be taken into account. There may be incidents of drug or alcohol abuse, or mental health issues. There may be a situation in which somebody has been promised a benefit or whatever and it has not happened. There are various circumstances to be taken into account, but people with particular difficulties, such as autism or mental health issues, should be dealt with in an appropriate and sensitive manner.

Much has been said about the sanctions in relation to jobseeker's allowance and changing the prescribed period from five days to 21 days. Fra McCann stated that that change is to give people the opportunity to contact the office. There may be particular circumstances, such as bereavement, illness or hospitalisation, that lead to people relying on others to contact the office. I imagine that the number of people affected would be relatively small because nobody would put themselves in a position in which they would not receive benefit and would be sanctioned if they could possibly avoid it.

Simon Hamilton talked about support for benefit office staff, with which I agree absolutely.

He talked about inconsistency in the approach, because someone who is guilty of violent behaviour in a tax office is not sanctioned in the same way.

8.00 pm

The Member also talked about a reasonable interpretation of good cause, and I know that the good cause clause is close to his heart because he mentioned it frequently in Committee. He was and continues to be consistent in his view on the parity package, which also seems to be close to his heart. He is entitled to his view on that. He said that he that he understood where the amendments were coming from and acknowledged that they were not meant to be mischievous. In my opinion and that of my Sinn Féin colleagues on the Social Development Committee, the aim of the amendments is to lessen the impact on the vulnerable groups who will be most affected.

Social security fraud was mentioned many times. Tax fraud, however, is much more prevalent but never receives the same publicity. People who claim social security benefits seem to be marginalised and are, therefore, much easier targets.

Simon also said that the sanctions did not go far enough. I am not sure how far he wants them to go. He talked about publishing details on the Internet. However, that may have legal ramifications, and, if it were to progress, it would have to be opposed. He also talked about a benevolent system, but I am not sure whether he was ever a recipient of that benevolent system. If he was, I presume that he encountered someone who was more benevolent than those whom the rest of us came across.

We talked about benefit fraud and how effective it can be. Simon mentioned that the level of fraud had fallen, presumably because the level of detection has increased. In my experience, the vast majority of people are detected by friends, neighbours or family members who pass on information about them. They are not necessarily detected through the vigilance of special investigation officers, who largely rely on the public to give them information.

Billy Armstrong talked about benefit claimants not living up to their responsibilities, and I agree that people on benefits have responsibilities. He said that clause 19 was perfectly reasonable, and he talked about the two-strike and one-strike policies. He also said that benefit fraud was a massive problem. However, I argue that, based on the available statistics, social security fraud is not a massive problem. DLA claims, for example, are the least fraudulent, with less than 0.01% of fraud. In general, the level of social security fraud here is not high.

Mary Bradley talked about protections for vulnerable people, and I agree with her point. She said that people were being left without money for five weeks. However, the increase to 21 days is designed to give people the chance to get in touch with their local office after five days should they be unable to do so within five days. That situation must be examined.

I thank Anna Lo for supporting the amendments. She talked about the undue hardship that was caused by sanctions, and she said that people on benefits were marginalised and that sanctions removed their only source of income.

She condemned violent behaviour and said that assault was a criminal matter.

Alex Easton was succinct in his reiteration of what is in the legislation. He seemed to oppose the amendments, although I am not sure. We will find out later.

The Minister talked about the 1998 Act in connection with parity. He talked about the responsibility of the Social Development Minister and the Secretary of State for Work and Pensions to consult one another. I am not sure whether he mentioned the extent to which there would be agreement between them. Presumably, there could be three levels of agreement: a lot of agreement; a middling amount of agreement; and very little agreement. That is something I will leave to the Minister to contemplate.

The Minister also talked about there being a two-strike rule here when there would be a one-strike rule in Britain and said that a lot of people would come across the Irish Sea to benefit from our social security offices. If that should happen, will the Minister put in place more front line services to cope? The existing ones are overstretched. The Minister also talked about there being a cost consequence, and he returned to his favourite point of parity and the extent to which parity would be agreed between himself and the Work and Pensions Minister in Britain.

I ask the House to support the amendments. Sanctions are something that no one wants to see, nor is violent conduct against staff. The Minister commended the staff in the Shankill Road social security office, and I absolutely endorse that. Having been in Newry when a lorry tragically overturned killing some people outside the social security office, I know that the staff there were very much up to the mark and dealt with the situation competently. That was around 1978, when the Minister was perhaps beginning to think about starting his political career; he can perhaps inform the House about that later. The Minister also talked about when and why sanctions would be implemented for violence, harassment of staff, assault and battery, threats to kill and racial or religious harassment. The Minister also talked about mental instability and having a sensitive approach, which is something that must be considered in all cases.

The Minister told the House that the purpose of some of the amendments was to create mischief. I reiterate that that was not the intention behind any of the amendments. The

intention was to raise awareness and show that Sinn Féin is thinking of the most vulnerable in our society who have been marginalised and are very much reliant on state benefits.

I believe that Danny Kinahan spoke about the culture of benefit dependency, but in many ways that has been encouraged. Twenty years ago, my constituency had the third highest level of unemployment in western Europe. People had to survive, and they had to be on benefits, because, historically, there had been very high unemployment and neglect. All those things must be put into context. I ask the House to support the amendments.

Mr Speaker: Mr Brady and Mr McCann's opposition to clause 19 has already been debated. Members are advised that they will now be asked to vote on whether clause 19 should stand part of the Bill.

Question, That the clause stand part of the Bill, put and agreed to.

Clause 19 ordered to stand part of the Bill.

Clause 20 (Jobseeker's allowance: sanctions for violent conduct etc. in connection with claim)

Mr Speaker: Mr Brady and Mr McCann's opposition to clause 20 has already been debated. Members are advised that they will now be asked to vote on whether clause 20 should stand part of the Bill.

Question, That the clause stand part of the Bill, put and agreed to.

Clause 20 ordered to stand part of the Bill.

Clauses 21 and 22 ordered to stand part of the Bill.

Mr Speaker: We now come to the third group of amendments for debate. With amendment No 4, it will be convenient to debate amendment No 5. The amendments concern the requirement for pilot schemes and a duty to report on a pilot scheme. I advise Members that amendment No 5 is consequential to amendment No 4. Therefore, I will call amendment No 5 only if amendment No 4 is made.

New Clause

Mr Brady: I beg to move amendment No 4: After clause 22, insert the following new clause:

"Pilot schemes in Northern Ireland

22A.—(1) *Article 31 of the Jobseekers Order (pilot schemes) applies to the first regulations made under Article 19A of the Jobseekers Order (as inserted by section 1 of this Act).*

(2) *In Article 31 of the Jobseekers Order (pilot schemes) —*

(a) *in paragraph (1), for ‘Any’ substitute ‘The’, and*

(b) *in paragraph (1), for the words from ‘may’ substitute ‘must’.*

The following amendment stood on the Marshalled List:

No 5: After clause 22, insert the following new clause:

“Duty to report on a pilot scheme in Northern Ireland

22B.—(1) *The Department must prepare and publish a report on the pilot scheme, referred to under section 22A.*

(2) *The report must consider—*

(a) *the social and economic impact on those persons affected by the pilot scheme within Northern Ireland; and*

(b) *the lessons learnt under the operation of the scheme.*

(3) *The report, under subsection (2) must make recommendations to the Assembly as to the further implementation of the Act following the evaluation of the pilot schemes.” — [Mr Brady.]*

Mr Brady: Go raibh maith agat, a Cheann Comhairle. Amendment No 4 is an amendment to enforce powers to establish a pilot scheme in the North.

As the legislation stands, the results of pilot schemes carried out in Britain will be implemented here. One such scheme will be carried out in Cambridgeshire and, although I am sure that that is a nice part of the world, I am not sure what relevance it has to deprived areas here in the Six Counties. Our amendment to that clause asks that a pilot scheme that would suit local circumstances be carried out here. Surely, it is right that a relevant pilot scheme that deals with local issues and with how to address them to best effect be carried out here, rather than less relevant results from other pilot schemes in Britain being superimposed here.

That would not breach parity, because other local pilot schemes have been carried out by the Minister's predecessor. Under the strategic business review, pilot schemes were initiated.

Initially, the pilot scheme was supposed to take place in the south region, but that was changed to the north region. There is a precedent for pilot schemes and, if they were carried out, they would impact here in the way that they should. In other words, they could be considered in light of how local issues are affected.

Amendment No 5 is to the clause to provide for a duty to report on a pilot scheme here. It would allow an evaluation of the social and economic impact on people who are affected here, and it would allow us to learn from the lessons of the scheme's operation, rather than from other pilot schemes that have been introduced in Britain and superimposed here. Those schemes might or might not be relevant, but they would probably not be relevant to the areas with which we are dealing here.

In Committee, a DUP member asked why, if parity were to exist in such cases, a pilot scheme was being run in Britain but not here. I agree with that and, although I am not a great advocate of parity, the member made a valid and telling point. I commend the amendments to the House.

The Chairperson of the Committee for Social

Development: The Committee considered the clauses relating to the introduction of mandatory “work for your benefit” schemes, and members recognised that the implementation of those schemes in Northern Ireland may be some way off. It is understood that the schemes are to be piloted in Great Britain and extended to Northern Ireland only if and when resource constraints allow.

Members were concerned about being asked to legislate on an important provision with such a dearth of detail. Members were also worried about the mandatory nature of the schemes and how they might impact on vulnerable claimants; for example, on school leavers and adults with autism. Some members were concerned about job displacement and the impact of the scheme on low-paid employees in receipt of the national minimum wage. Some members felt that, if the schemes must be undertaken, there needed to be protections for certain groups of claimants and pilot schemes in Northern Ireland might offer a good opportunity to explore those protections.

In summary and as our report shows, the Committee divided on clause 1, which refers to “work for your benefit” schemes. At that time,

members voted that they would not support any of the amendments that had been tabled, including one that proposed a measure to carry out a Northern Ireland pilot “work for your benefit” scheme. The majority of members, therefore, supported the clause as drafted.

As this should be my last contribution as Chairperson to the debate, I thank Committee members for their contribution and the Minister for the assurances that he has provided so far today.

I will make some final remarks as a DUP Member. As with the other amendments that Members opposite tabled, I understand the rationale and the arguments for them. There is a pilot scheme in Great Britain, so why not have one in Northern Ireland, particularly when Northern Ireland’s different circumstances are considered? Those have been teased out in the debate, particularly the issue of lack of childcare. Some of the places where pilot schemes are taking place in England do not suffer the same lack of childcare infrastructure as Northern Ireland. The argument that there are different circumstances in Northern Ireland is reasonable. Goodness only knows that we —

Mr Brady: Will the Member give way?

The Chairperson of the Committee for Social Development: Yes, I will.

Mr Brady: The Member mentioned childcare provision in Britain. In 2006, legislation was introduced in England and Wales that makes it incumbent on the local authority to provide proper childcare provision, and, if a gap is identified, it has to be filled by the local authority. We simply do not have that legislation in place, so there is absolutely no comparison. I agree with the Member.

8.15 pm

The Chairperson of the Committee for Social Development: I thank the Member for his intervention. In some ways, he makes the broader point that the objective in the Bill, as has been said before, is moving people from welfare to work. We all agree with that objective and want that to happen. In many ways, achieving that goal in Northern Ireland is hampered by issues such as the lack of a childcare infrastructure. We are, perhaps, many years behind Great Britain in our ability to make the most of some of the Bill’s clauses. I believe

that it will be some time before we see any benefit from the Bill’s provisions.

The argument for a pilot scheme is, on one level, reasonable. However, I want to stress that there is no impediment in the Bill to prevent the Department from holding a pilot here, if that is its desire, to address the different circumstances in Northern Ireland. I have raised that point with the Minister and sought his assurance that, if a pilot scheme in Great Britain flags up particular issues, we will look at it and say that that may not work in Northern Ireland. That should be the exact moment — the trigger point — for running a pilot scheme in Northern Ireland.

In many ways, the entire discussion is academic because it is now mid-2010, and it is my understanding that the pilot scheme in Great Britain does not commence until November 2010. It is a two and a half-year pilot scheme; that takes us into 2013. It is being run in Cambridgeshire — I have been in Cambridge, but I do not know what Cambridgeshire is like — in Suffolk, which I know to be a rural area, and in greater Manchester. Although I imagine that Cambridgeshire and Suffolk have been picked because they are rural areas and not because of their high levels of deprivation or disadvantage, I have been in Manchester several times, and greater Manchester appears to suffer from the same disadvantage and deprivation as Northern Ireland. There is certainly no deprivation or disadvantage for the football teams in Manchester, given the money that they appear to have, but some of the people who live there seem to experience it. The pilot scheme in that area should flag up some of the problems that we might expect here.

Those pilot schemes do not start until the end of this year and will run until 2013. As has been mentioned several times during the debate, while we are dealing with this welfare reform, there are more coming down the line. Iain Duncan Smith, the new Secretary of State for Work and Pensions, has said that he intends to make far-reaching changes to the benefits system. Therefore, what is before us now may be entirely academic. The reforms that the Tory Party are likely to bring forward may well make what is before us today look like a teddy bear’s picnic. The Minister may be privy to more detailed information than I am, but the Tories are talking about amalgamating all the existing welfare-to-work schemes into one. Therefore,

by 2013, when the pilot scheme across the water has concluded, that scheme itself may be redundant.

In conclusion, I point to the fact that this all desperately hinges on resources — not the Minister's resources but those of his colleague the Minister for Employment and Learning. I imagine that rolling the scheme out depends strictly on the resources that are available at the time. That issue was flagged up during Committee Stage and was touched on in our discussions with officials, who underlined the point that resources will be a consideration. If we were to roll this out today, the Minister for Employment and Learning might find it difficult to get money from his colleague the Minister of Finance and Personnel. I cannot imagine our public finance position, never mind our welfare position, in 2013.

Therefore, there is a largely academic and moot element to the discussion. We must legislate to confer the necessary power, even if we may never have to use it. I would not be surprised if, by 2013, when the pilot scheme across the water has concluded, we will be considering a different and perhaps even more draconian pilot scheme. With that in mind, I do not support the amendments. I support the Bill as drafted.

Mrs M Bradley: I agree with the Chairperson of the Committee for Social Development. It is right, proper and in everyone's interest that we give the flexibility to conduct the pilot schemes to DEL, because Northern Ireland has unique requirements. Therefore, I do not support the amendments.

Ms Lo: I support the amendments that relate to the pilot scheme. We should have the right to run pilot schemes that reflect our circumstances. Many points were made about childcare, and Northern Ireland also has a higher prevalence of mental and physical health problems. There are low levels of academic attainment, a need for better training and public transport difficulties. A pilot scheme may throw up some of those issues.

Mr F McCann: I support my colleague Mickey Brady's proposal to roll out a pilot scheme in the North of Ireland. Over the period of the pilot scheme, the impact that the Welfare Reform Bill would have on the local population in the North could be evaluated. To be honest, I cannot understand the Department's reluctance to roll out a local pilot scheme.

The Committee heard evidence from many groups who spoke of the far-reaching consequences of the Bill's implementation for people who are in receipt of social security benefits. We should take on board their words of caution, and, rather than relying on the results of the pilot schemes that will run in two areas of Britain, the Assembly should endorse the amendment and instruct the Department to proceed with a locally tailored pilot scheme.

Every area is unique and will be affected differently. Circumstances will determine what will be detrimental to one place but prove all right for another. When giving evidence to our Committee, Mr Les Allamby from the Law Centre spoke about childcare:

"Where we have a very different set of childcare arrangements in"

the North of Ireland

"social security provisions need to be tailored to those arrangements. Therefore, part of devolution involves the recognition that there are areas in which we differ in broader policy terms."

In response to my colleague Carál Ní Chuilín's question about whether the Bill would be in breach of section 75, he said:

"the Bill would have an adverse effect on lone parents, particularly as regards compulsion, conditionality and possible reduction of benefit. From a departmental point of view, the question then is whether one can justify the basis for those adverse impacts. I do not think that anybody will argue that those will not have an adverse impact."

That, in itself, is startling.

I have already dealt with the issue of sanctions and their possible impact on the people who are most in need of our help. The Bill is riddled with pitfalls that would have a detrimental impact in the North. A decision to wait until the two pilot schemes in Britain have ended does not answer the question of whether we would benefit from a pilot scheme being run here; there seems to be no doubt that we would.

The other question is whether anything prohibits the holding of such a pilot scheme, to which the answer is no. The Department has the power to order that a pilot scheme be run in the North. Again, I ask why there is resistance to that. It is not that there is no precedent. In fact, when debating the change from housing benefit to the local housing allowance, the Committee argued

that the pilot schemes based in England would not fairly reflect the additional problems that may show up here. At that time, the Department refused to consider a local pilot scheme, but the then Minister overruled that position and ordered that a pilot scheme be rolled out across the North to gauge the impact of the new methods being introduced.

Although we are still opposed to elements of the Bill, there could be benefits from a localised pilot scheme that could embrace local peculiarities and allow them to be dealt with from a local perspective. When one considers the effect that 30 years of conflict have had on our communities; the mental strain that people suffer as a result of living in a low-pay economy; the worst childcare in western Europe; the shocking figures released last week that show that people in north and west Belfast are among the biggest users of Prozac and other such drugs; and the fact that all groups who gave evidence to our Committee had serious reservations about various aspects of the Bill, we as laypeople should listen to the experts on those matters and agree that a local pilot scheme will provide the evidence that we require to make the right decisions. That is something that a pilot scheme in Cambridgeshire will not provide.

I ask Members to support the amendment, put their constituencies first and ask the Department to prepare a local pilot scheme to properly determine the impact that the Bill will have on our constituents. I support the amendment.

The Minister for Social Development: I

acknowledge the contributions that have been made over the past three and a half hours. I acknowledge also your patience, Mr Speaker, for sitting on the Chair throughout the debate and that of the officials who have joined you.

I will confirm a number of things to avoid doubt and to create certainty. I have not suggested that the amendments tabled today have been mischievous. I have not said that they are mischievous; I said that the passage of two of the amendments might create a mischief, which is different. The mischief could mean that the amendment could penalise those whom we are seeking to protect. In case there is any doubt about that, that is what I have said on the record, and I repeat that that is the situation.

I concur with the Chairperson of the Committee for Social Development that the picture is

changing on a week-to-week basis, given the election in England, the views of Iain Duncan Smith, the comments of the Chancellor and how all of that will wash through over the next weeks and months. Whatever about pilots of the “work for your benefit” scheme, more significant material proposals could be emanating from London over the next number of months in the run-up to the comprehensive spending review and the Budget in the next couple of weeks and thereafter. In the event that something comes down the road from London that is in conflict, I hope that we will be on the same page when it comes to protecting the social security budget and the child maintenance regime that we have in the North.

I do not think that there is an argument between the Members about pilot schemes. I understand why the amendment has been proposed. However, I think that it places restrictions on the capacity of the Assembly, Ministers and the Committee to do what they think is in the best interests of people in the North. That is why I oppose the amendment. In its essence, however, we are not on different pages when it comes to the proposal, because new clauses 22A and 22B propose to ensure that the Department for Employment and Learning pilots the “work for your benefit” programme. Those clauses also place on that Department a duty to provide a report on the pilot, which would contain recommendations to the Assembly on the implementation of the programme in Northern Ireland.

I have to put down a health warning in that regard, because a decision has to be made as to whether a pilot of the “work for your benefit” scheme in Northern Ireland is the responsibility of the Minister for Employment and Learning, Sir Reg Empey. Therefore, I tread warily in making any comment, lest I tread on his toes. When pilots are completed and evaluated in Britain — as the Committee Chairperson indicated, that could be some 30 months away — the Department for Employment and Learning will consider in consultation with the Committee and the Assembly whether to introduce the programme here, modify it to suit the needs in Northern Ireland or pilot its own programme. Even if we are in the same political context 30 months down the road, which, given the intentions of the new coalition Government in London, we will not be, those are the options that will be presented to the Assembly at that

time. The choice will be whether to introduce, modify, or pilot a programme.

That is the sensible and logical way to proceed, because the consequence of new clause 22A would remove the Department for Employment and Learning's discretion to decide whether to run pilots. The amendment's consequence would be to mandate the Department to run a pilot and take away from the Assembly, the Minister and the Committee the freedom of choice to decide the appropriate course of action at a particular time.

8.30 pm

Over the next 30 months, it may well be that proposals will emerge that result in pilots being run in the North. I believe that the better judgement is not to mandate a Department to run a pilot but to give it freedom to run a pilot if it is appropriate. A situation could arise in which a consensus emerges around the Assembly as to what programme should be rolled out. We are saying that a pilot would be mandatory in those circumstances. To mandate a pilot would have consequences for cost-effectiveness and value for money, and would have resource implications. All that must be put into the mix in order to determine what does or does not happen.

Mr F McCann: I understand what the Minister is saying. What we were talking about at Committee was two pilot schemes being run in Britain, the results of which would be evaluated here. If a pilot scheme were initiated here now, in 30 months' time, at least we would have all the necessary evidence on which to base recommendations.

The Minister for Social Development: As I understand it, the circumstances are that we will not get to the point of making a judgement on whether to run a pilot until after the evaluation of the pilots in Britain has run through. Therefore, our actions would be a consequence of the evaluation of a pilot that is only about to commence and will not conclude for 30 months.

Mr Brady: I thank the Minister for giving way. Is he suggesting that it could be another two years' time before we have evaluated the pilot schemes in Britain and initiated a pilot scheme here? Are we, therefore, talking about four or five years before the legislation comes into being here?

The Minister for Social Development: As I have said, when the pilots are evaluated in Britain — because it is a pilot for a “work for your benefit” programme — it is in that context that we will have to make judgments about what we do or do not do. Therefore, it will be 30 months before there is an evaluation of what has been done in Britain. Given that we are not going to just swallow what is done in Britain without some evaluation, that is, as I understand it, the consequence of what will happen.

In any case, the architecture of that is all changing. As the Committee Chairperson said, and as I said in my opening remarks, the political narrative from London suggests that more fundamental changes to welfare provision, social security roll-out, and pilots may come down the road. Therefore, in those circumstances, this is a better way to proceed — not in the event that, in the future, there is an evaluation that the Assembly, the Committee and the Minister want to consider. In those circumstances, we will have given ourselves the freedom to run our own pilot, no pilot or a modified pilot. That is the sensible option, which does not tie our hands.

I want to move to the proposed amendments to article 31. In the Department's view, substituting “The” for “Any” in paragraph (1) makes no impact whatsoever. Substituting “must” for “may” actually restricts the period of any pilot. The Bill extends the period for any pilot from 12 to 36 months. As it stands, clause 31 allows flexibility to lengthen the period to 36 months, whereas if the word “must” is inserted, pilots will be restricted to 12 months at the most. Again, that ties our hands and is not a sensible way to proceed.

In summary, the proposed new clauses remove the Department for Employment and Learning's discretion, particularly as to whether a pilot would be a cost-effective and good use of scarce resources. The Bill does not preclude pilots on our terms. In any case, with the sands shifting in London, those matters will no doubt be the subject of continued political debate there and here.

I ask the Member not to pursue the amendment; if he does, I ask the House to reject it.

The Deputy Chairperson of the Committee for Social Development: Go raibh maith agat, a Cheann Comhairle. I do not intend to go through a great deal of detail, as our position

is clear. There is disagreement on whether to introduce, modify or develop our own pilot; that is something that we are stuck on. My understanding is that the Bill will enable DEL to carry out a pilot scheme of some description — or not, as the case may be.

The issue for us, and why we proposed the amendment in the first instance, is that by the time the legislation goes through, it is almost a question of “better looking at it than looking for it.” I appreciate the Minister’s comments, but I am still not convinced.

Some of the issues raised were discussed by the Committee. Poor physical and mental health, autism and vulnerable people, such as those who experience domestic violence, have been consistent themes since the start of the debate. The issue of who has responsibility for a childcare strategy has loomed not only throughout this debate but through many others.

The Minister and I fenced over the Financial Assistance Bill.

The Minister for Social Development: We did.

The Deputy Chairperson of the Committee for Social Development: Do you remember? One of the issues that we disagreed on was how it could be used. The point that I made then and which I make now is that somebody needs to lift responsibility for the provision of childcare. For the purpose of the Bill, we are talking about welfare reform and the effects of not having childcare; that is why we proposed the amendments in the first place. However, greater even than the question of whether the public or the private sector should take responsibility for providing childcare is the issue of affordability. That particularly restricts people’s ability to present themselves for work.

Our other difficulty is the differences in broader policy in how the Bill would have an adverse impact on lone parents. Fra raised that issue during Committee Stage when asking questions of witnesses from the Law Centre. That is still at the heart of the issue. It may have an adverse impact on some of the other section 75 groups by possibly not making a pilot scheme available. I understand that the provisions of proposed new articles 22A and 22B are DEL’s work, and I appreciate the health warning.

We could argue the reverse of the argument that the Minister and others made. There is a load

of stuff that I could go through bit by bit, but I do not see the point at this stage. Our points have been well made and the reasons for our amendments have been explained. Once again, I ask the House to support our amendments.

Question, That amendment No 4 be made, put and negatived.

Mr Speaker: Amendment No 4 has not been made, so I will not call amendment No 5.

Clause 23 ordered to stand part of the Bill.

Clause 24 (Good cause for failure to comply with regulations etc.)

Amendment No 6 proposed: In page 32, line 9, at end insert

“(c) the person’s responsibility for a child under the age of 16 who is—

(i) in receipt of any rate or component of a disability living allowance; or

(ii) was in receipt of a disability living allowance and has made and is pursuing an appeal against a decision that he is no longer entitled to a disability living allowance, and that appeal has not yet been determined.’” — [Mr Brady.]

Question put and negatived.

Amendment No 7 proposed: In page 32, line 20, at end insert

“(c) the person’s responsibility for a child under the age of 16 who is—

(i) in receipt of any rate or component of a disability living allowance; or

(ii) was in receipt of a disability living allowance and has made and is pursuing an appeal against a decision that he is no longer entitled to a disability living allowance, and that appeal has not yet been determined.’” — [Mr Brady.]

Question put and negatived.

Clause 24 ordered to stand part of the Bill.

Clauses 25 and 26 ordered to stand part of the Bill.

Clause 27 (Attendance in connection with jobseeker’s allowance: sanctions)

Amendment No 8 proposed: In page 36, line 7, after “prescribed period” insert

“of not less than 21 days”. — [Mr F McCann.]

Question put and negatived.

Clause 27 ordered to stand part of the Bill.

Clauses 28 to 37 ordered to stand part of the Bill.

Schedule 1 agreed to.

Schedule 2 (Abolition of income support: consequential amendments)

Mr Speaker: Mr Brady and Mr McCann's opposition to schedule 2 has already been debated. Members are advised that they will now be asked to vote on whether schedule 2 should be agreed to.

Question, That the schedule be agreed to, put and agreed to.

Schedule 2 agreed to.

Schedule 3 (Loss of benefit provisions: further amendments)

Mr Speaker: Mr Brady and Mr McCann's opposition to schedule 3 has already been debated. Members are advised that they will now be asked to vote on whether schedule 3 should be agreed to.

Question, That the schedule be agreed to, put and agreed to.

Schedule 3 agreed to.

Schedule 4 (Repeals)

Mr Speaker: Amendment No 9 is consequential to the opposition to clause 9. Clause 9 stands part of the Bill, so I will not call amendment No 9.

Schedule 4 agreed to.

Long title agreed to.

Mr Speaker: That concludes the Consideration Stage of the Welfare Reform Bill. The Bill stands referred to the Speaker. I ask the House to take its ease until we move to the next item of business.

8.45 pm

Committee Business

Caravans Bill: Extension of Committee Stage

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

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 17 December 2010, in relation to the Committee Stage of the Caravans Bill [NIA Bill 17/09].

The Caravans Bill undertook its Second Stage on 24 May 2010. As part of the Committee Stage, the Committee for Social Development received a number of substantive written responses and is shortly to hear evidence from key stakeholder organisations. The Committee's undertaking to conclude promptly its consideration of the Welfare Reform Bill has taken up a great deal of members' time. As a consequence of that, and of the Committee's very substantial legislative commitments in the autumn, a significant extension to the Committee Stage of the Caravans Bill is sought. I assure the House that the Committee will endeavour to conclude its work well in advance of the proposed extended deadline of 17 December 2010. Nonetheless, the Committee asks for extra time in which to consider responses associated with the Bill and to manage the rest of its extensive legislative programme. Therefore, I ask the House to support the extension of the Committee Stage of the Caravans Bill to 17 December 2010.

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 17 December 2010, in relation to the Committee Stage of the Caravans Bill [NIA Bill 17/09].

Licensing and Registration of Clubs (Amendment) Bill: Extension of Committee Stage

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

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 17 December 2010, in relation to the Committee Stage of the Licensing and Registration of Clubs (Amendment) Bill [NIA Bill 19/09].

I am tempted to say “ditto”.

The Licensing and Registration of Clubs (Amendment) Bill undertook its Second Stage on 1 June 2010. As part of the Committee Stage, the Committee for Social Development is seeking written evidence and expects to hear from key stakeholder organisations in September. The Committee’s other legislative commitments, which I mentioned previously, have introduced an unavoidable delay to the commencement of formal evidence taking for the Bill. As a consequence of that, and of the Committee’s legislative commitments, which could amount to four simultaneous Committee Stages, a significant extension to the Committee Stage of the Bill is sought. I again assure the House that the Committee will endeavour to conclude its work well in advance of the proposed extended deadline. Therefore, I ask the House to support the extension of the Committee Stage of the Licensing and Registration of Clubs (Amendment) Bill to 17 December 2010.

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 17 December 2010, in relation to the Committee Stage of the Licensing and Registration of Clubs (Amendment) Bill [NIA Bill 19/09].

Dogs (Amendment) Bill: Extension of Committee Stage

The Deputy Chairperson of the Committee for Agriculture and Rural Development (Mr Elliott): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 29 November 2010, in relation to the Committee Stage of the Dogs (Amendment) Bill [NIA Bill 20/09].

On behalf of the Committee for Agriculture and Rural Development, I seek the approval of the House to extend the Committee Stage of the Dogs (Amendment) Bill to what might seem to be a very generous deadline. However, the Committee has already received substantial input from stakeholders, and it is expected that that will be repeated during the formal consultation period.

The Bill aims to strengthen the Dogs (Northern Ireland) Order 1983. However, during Second Stage, some Committee members, and other Members of the House, expressed concerns that the Bill does not sufficiently address a number of areas. Given the personal impact that the Bill will have on our communities — namely, protecting people from fatal attacks by dogs — it is entirely appropriate that the Committee takes sufficient time to scrutinise the Bill and to assess its impact.

In setting the date of 29 November 2010, the Committee is being mindful of the legislative pressures that face the House, its own legislative programme, and those of other Committees. Obviously, if the Committee can complete its formal scrutiny of the proposed Bill any sooner, it will.

I am aware that our Committee office and officials from the Department have already met to discuss the logistics of progressing the Bill. That contact will continue throughout the process. I am also aware that the Department has been advised of and is in agreement with the extension period that I seek to have approved by 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 29 November 2010, in relation to the Committee Stage of the Dogs (Amendment) Bill [NIA Bill 20/09].

Executive's Priority Measures to Deal with the Economic Downturn

The following motion stood in the Order Paper:

That this Assembly takes note of the written ministerial statement, 'The Executive's Priority Measures to Deal with the Economic Downturn.' — [The Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Mr Kennedy).]

Mrs D Kelly: The Chairperson of the Committee for the Office of the First Minister and deputy First Minister has asked that the motion not be moved tonight. The Committee will ask the Business Committee to reschedule the debate.

Motion not moved.

Adjourned at 8.51 pm.

Northern Ireland Assembly

Tuesday 15 June 2010

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

Members observed two minutes' silence.

Ministerial Statements

North/South Ministerial Council: Agriculture Sectoral Format

Mr Speaker: I have received notice from the Minister of Agriculture and Rural Development that she wishes to make a statement

The Minister of Agriculture and Rural Development (Ms Gildernew): Go raibh míle maith agat, a Cheann Comhairle.

Before I start, I take the opportunity to wish the Bloody Sunday families in Derry well on a very significant day for them.

With your permission, Mr Speaker, I wish to make a statement in compliance with section 52 of the NI Act 1998 regarding the thirteenth meeting of the North/South Ministerial Council (NSMC) in agriculture sectoral format, held in the Agri-Food and Biosciences Institute, Hillsborough, on Wednesday 31 March 2010. The Executive were represented by Minister Edwin Poots MLA and me; the Irish Government were represented by Brendan Smith TD, Minister for Agriculture, Fisheries and Food. This statement has been agreed with Mr Poots, and I make it on behalf of us both.

The Council noted a presentation by officials on co-operation in research, which dealt with current structures and funding streams for research in both jurisdictions and demonstrated the importance and benefits of ongoing co-operation, with particular emphasis on generating and disseminating knowledge and technology that will support the agrifood industry in exploiting global market opportunities and highlighting the potential for future collaboration. It welcomed plans to continue that co-operation and engagement in areas of mutual interest and benefit, including access to international and EU funding

programmes, and it looked forward to receiving an update at a future NSMC meeting in the agriculture sectoral format.

The Council agreed an all-island animal health and welfare strategy, designed to optimise the animal health status of the island through the alignment of policies to control animal disease. Full co-operation on animal health issues could help to reduce or prevent animal disease spread as well as facilitating trade. Agreement of the strategy fulfils indicator 6 of public service agreement (PSA) 4 of the Executive's Programme for Government. The ultimate objective of the strategy is the development of policies to facilitate the free movement of animals on the island. In order to work towards that aim, three key strategic areas have been identified: partnership; further co-operation on trade, animal identification and animal movement policies and legislation; and further co-operation in developing disease control and animal welfare policies.

Ministers welcomed progress on the delivery of initial activities in the strategy, including progress towards a mutual recognition of genotype programmes, which is at an advanced stage, and the cross-border stakeholder event that took place on 12 April 2010. The Council noted that the EU Commission is expected to publish a review of the EU budget in June or July 2010 as well as a communication on the future of the common agricultural policy (CAP) in autumn 2010.

The Department of Agriculture and Rural Development (DARD) and the Department of Agriculture, Fisheries and Food (DAFF) will continue consultations with stakeholders. Both Administrations will remain in close contact as negotiations progress. Ministers noted the challenges facing the agriculture sector, particularly greenhouse gas emissions reduction targets. Ministers requested officials to remain

in close contact on those issues and to report developments to a future NSMC meeting in agriculture sectoral format.

The Council welcomed the allocation by the EU of €300 million to assist dairy farmers severely affected by the dairy crisis and noted the method of allocation of payments to farmers. The Council agreed that its next meeting would take place in late summer 2010.

Mr Irwin: The Minister says that she wants free movement of animals on the island. Is it not true that there has been free movement of animals, subject to normal testing procedures?

The Minister of Agriculture and Rural

Development: There has been free movement of sheep on the island, but following the beef ban, which was lifted in 2006, there have been restrictions on bovine movement, despite controls on disease. There are still problems, many of which I encounter when visiting marts and shows, where people raise their difficulties in buying stock or moving cattle across the island. There is much to be done, and I believe that the all-island animal health and welfare strategy will help to facilitate that.

Mr Doherty: Go raibh maith agat, a Cheann Comhairle. What preventative measures has the Minister put in place to deal with the threat of bluetongue?

The Minister of Agriculture and Rural

Development: A range of measures is in place to minimise the risk of bluetongue reaching Ireland. We carry out post-import testing of all imported sheep and cattle from Europe and Britain and have taken steps to ensure that importers know the risks and can put measures in place to minimise them. Pre-import testing is one of the conditions laid down by EU regulations before animals can be imported from bluetongue zones. However, that testing is not always necessary if the animals satisfy other conditions.

We have worked closely with industry stakeholders and do not consider other measures to be necessary at this time. I have asked the farming community to remain vigilant for bluetongue by inspecting livestock at least daily for signs of disease and to report any suspicions immediately. My Department has issued all cattle and sheep owners with an information leaflet outlining the clinical signs and symptoms that they should look out for.

We also advise against importing animals from bluetongue-affected areas.

Mr Savage: I thank the Minister for her statement. The three strategic areas that the Minister outlined are co-operation, partnership and further co-operation. Will she assure the House that that co-operation is happening and that incidents that have occurred over the past year or 18 months will not happen again?

The Minister of Agriculture and Rural

Development: We should all learn from our difficulties. I presume that the Member is referring to the dioxins incident. Relations have been strengthened as a result of that incident, and communication between the two Departments is much better, but there is no question that we can always improve. I look forward to further co-operation at ministerial, official and industry level.

We should make more of our health policies and our bluetongue-free island status, which the fortress-Ireland approach has helped to ensure. We have seen the difficulties that foot-and-mouth disease, bluetongue and avian influenza caused in Britain, and we want to ensure that our farmers are not subject to the same controls and do not face the same difficulties as farmers across the water during what has been a difficult enough three years for them. The fact that our farmers have benefited has much to do with the co-operation that we have on the island.

Mr P J Bradley: Mr Irwin and Mr Savage asked about freedom of movement, but I want to take the matter further. I understand that the strategic areas to which the Minister referred have been on the agenda for the past five or six years, so I am disappointed that only a strategy has been agreed up until now. Will the Minister give a date on which the free movement of animals will eventually be permitted? That is what livestock owners want to hear. In her statement, the Minister said that the EU's method of allocating €300 million to farmers affected by the dairy crisis was noted. Will she go into greater detail on what was noted?

The Minister of Agriculture and Rural

Development: The Member is aware that we reached agreement on a strategy at March's NSMC meeting. I accept that there were some difficulties in getting to that stage, but they were not of my making. In the meantime, much work has been done on preparing the strategy. We were not waiting for the strategy to be

agreed before making progress on some of the measures needed to benefit farmers.

We have worked in close co-operation. For example, the fortress-Ireland approach that I first adopted in conjunction with Minister Coughlan has been further developed with Brendan Smith. He and I continue to work together against the real threat that bluetongue poses to the island of Ireland. We have also agreed a common chapter on contingency plans in the event of an outbreak of foot-and-mouth disease, avian flu or bluetongue. I have been to Brussels and Luxembourg on several occasions to make our case on animal health matters, and on sheep ID tagging in particular.

I want to ensure that the North's special position in the EU, which President Barroso has acknowledged, continues to be recognised in disease control, trade and other important high-level discussions. I said earlier that I am continuing to bear down on animal diseases that continue to impose significant ongoing costs to government and industry, specifically bovine tuberculosis and brucellosis.

I was also delighted to welcome Commissioner John Dalli to the cross-border event on the all-island animal health and welfare strategy on 12 April. Over breakfast, I had the opportunity to raise issues with the commissioner. I consider that meeting to have been the start of a very positive working relationship with him and his cabinet.

Members asked about the dairy crisis, and we have made good progress. Some farmers here have not yet given us the necessary contact details to have payments made into their bank account. We are working closely and making good progress on trying to get that number down to zero. The money should be paid out, and we will meet our targets on the payment of our share of the €300 million EU dairy fund.

Mr McCarthy: I welcome the Minister's statement. Did she enjoy an Ulster fry when she had breakfast with her friend? Support local industry.

I have two questions. First, when will the Minister make a statement to the House on the £60 million that must be repaid to the EU Commission? That is an important issue for many people. Secondly, agrifood, which is the largest private industry in Northern Ireland, was discussed at the NSMC meeting. Is the Minister convinced that enough cross-border

work is being done to ensure that that industry continues and expands?

10.45 am

The Minister of Agriculture and Rural

Development: First, I should deal with the question about the fry. The meeting took place in a very beautiful part of Ulster, in the Slieve Russell Hotel in Ballyconnell, County Cavan, and I did have an Ulster fry, which was great. You would know to look at me that I have had a few.

In recent weeks, there have been difficulties with some trade issues. Indeed, yesterday, in conjunction with Minister Foster, I had a very useful meeting with industry representatives at which some of those issues were discussed. Although disallowance was not discussed, I tried to explain my position, which is quite complicated and technical. The first £30 million of the penalty has been covered, and, through the conciliation process, we are negotiating with Europe to have the second part reduced. The Commission made it clear that we have made great strides in improving our mapping system, but, at this point in time, it is considering enforcing the remaining £30 million penalty. We will fight that decision as far as we can, up to the European Court of Justice if necessary.

Mr Molloy: Is there scope to extend the North/South relationship to cross-border co-operation on research?

The Minister of Agriculture and Rural

Development: In the past number of years, we have undertaken several measures to improve co-operation. The Agri-Food and Biosciences Institute (AFBI) works very closely with Teagasc, with which it has a memorandum of understanding on developing complementary research strategies to ensure that we do not have to reinvent the wheel or duplicate work in both areas. That work is very successful and has been ongoing for a number of years.

The College of Agriculture, Food and Rural Enterprise (CAFRE), which carries out quite a bit of research as part of its education programme, also has a close working relationship with Teagasc. Seeing how things are done in both areas is beneficial to the next generation coming through the industry. CAFRE's student exchange programme with Kildalton College in Piltown has been very successful, with students from there coming up to Greenmount and vice versa.

There has been a great deal of co-operation across the services that we provide, and the industry benefits not just from research and development on the island but from the disease controls that are in place. For example, when there was a case of brown rot in the South, we were quickly able to work on measures here, likewise when phytophthora ramorum was identified in the North. Such diseases are discussed on an all-Ireland basis so that scientists can work to ensure that the industry does not suffer the worst consequences of them.

Mr McCallister: I welcome the Minister's statement. It will not have been lost on her how important the agrifood sector is to Northern Ireland. As a recipient of single farm payment, I declare an interest. Will the Minister outline the work that has been and will continue to be done to set out the vision that we need to deal with CAP reform, which is one of the biggest challenges facing the industry? What is her vision, and is she working with others in the Republic of Ireland and across the UK so that they buy in to that vision to sustain agriculture in Northern Ireland?

The Minister of Agriculture and Rural

Development: The Member is right: the issue is hugely important, and it was discussed at the meeting on 31 March. With the appointment of the new EU Commission, the debate on the future of the CAP is beginning in earnest. We considered various issues that are emerging from that debate, including the size of the CAP budget and the future basis of single farm payment. We noted that, later this year, the EU Commission is expected to publish the EU budget review and a communication on the future of CAP. Although the debate is at an early stage, we are engaging with stakeholders to develop detailed thinking. I do not want the CAP to be inadequately funded; I will seek to have it maintained at the highest possible level. The Member will be pleased to hear that I also made it clear that the single farm payment should continue post 2013. Given the importance of CAP to agriculture incomes, I expect that view to be held widely.

There is consensus between Minister Smith and me, which is shared by our counterparts in Scotland and Wales. The issue will come up when I meet the Secretary of State for Environment, Food and Rural Affairs Minister and the new commissioner next week. Generally, we find ourselves at odds with the position in

England, although the Treasury position more so than the DEFRA position, because it is very much the wish of the British Government that the agriculture budget should be reduced, as they are a net contributor to it. There will be a fight on our hands, and I will fight strongly for the benefit of the industry here. As I said, we are expanding those discussions. Minister Smith, in particular, is doing a lot of work with his counterparts in France and other EU member states in which there are like-minded individuals. There is no doubt that it will be a battle, but I am ready for it.

Mrs D Kelly: I thank the Minister for her statement. Will she make any comment about the fact that the meeting took place about 10 weeks ago? Will she detail the specific bids that her officials are making to EU programmes?

The Minister of Agriculture and Rural

Development: The Member is right to point out that there has been a significant time lapse since the meeting in March. That is very unfortunate, but the circumstances were beyond my control.

Unfortunately, the new rural development Minister, Pat Carey, was only brought into post during the reshuffle in the week in which the meeting was held, so he was unable to attend. Not a lot of detail about EU funding programmes was discussed at that meeting, but I expect to talk to him in the very near future. I will be able to come back with further detail on rural development and EU programmes at that stage.

Mr W Clarke: Go raibh maith agat, a Cheann Comhairle. I also thank the Minister for her statement. What progress is being made towards us being officially recognised as Aujeszky's disease-free? With your indulgence, a Cheann Comhairle, I ask the Minister to elaborate on the challenges that the agriculture sector faces in relation to greenhouse gas emission reduction targets.

The Minister of Agriculture and Rural

Development: Under the all-island animal health and welfare strategy, we are taking a joint approach to the eradication of Aujeszky's disease on the island of Ireland. We were recognised formally as having annex II status last July. DAFF achieved similar recognition for its eradication plan on 12 April 2010. On Monday 14 June, following discussion with the industry about how we progress to official EU recognition of freedom from Aujeszky's

disease, I announced a voluntary industry ban on vaccination against the disease. That begins a 12-month vaccine-free qualifying period that will allow us to apply in due course for EU recognition of disease-free status. The South announced its ban on vaccination against Aujeszky's disease on the same day. My staff continue to work with their counterparts in Dublin towards the objective of achieving annex I status simultaneously throughout the island. I pay tribute to the pig industry because it has worked very hard in helping us to get there. It has had its knocks over the past years, but it has been very dedicated to ensuring that we achieve freedom from Aujeszky's disease.

As regards the climate change situation, the Programme for Government contains the target for all sectors to reduce their carbon emissions by 25% by 2025. In other regions, however, the agriculture sector has been asked to achieve a reduction of around 10% on current levels by 2010. My officials have developed a suite of possible mitigation measures for consultation with the industry, including optimising manure and efficient use of fertilisers; optimising livestock management; locking in or sequestering carbon in soil, grassland and peatland; locking in or sequestering carbon by creating new woodland; sustainable management of existing woodland; and increasing renewable energy use and on-farm energy efficiency.

I suspect that that issue will have more of a focus in future NSMC sectoral meetings because retailers are making demands on the industry, and we have to be prepared to help it to achieve those targets and to ensure that there are not any restrictions on trade because of our carbon footprint or perceived carbon footprint.

Mr Kennedy: I am grateful to the Minister for her statement. With regard to animal welfare and combating animal disease, was there any discussion at the North/South Ministerial Council meeting about the ongoing criminal activity by rogue operators who are deliberately infecting herds, particularly in the south Armagh area? Will the Minister take the opportunity to condemn such activities again and to encourage anyone with any information to bring it to the PSNI?

The Minister of Agriculture and Rural

Development: Certainly: on Friday, I made clear my position on criminal activity such as brucellosis fraud and the illegal movement

of cattle that may lead to brucellosis. I have no difficulty in condemning those actions. I appreciated the Member's statement in support of that at the weekend. We have worked hard to eradicate brucellosis, and we were down to a rate of 0.036% before Christmas. However, the activities of a very small number of people have resulted and will result in further control measures while we get to grips with the disease and combat what has been done.

I am still determined to push ahead to achieve brucellosis-free status. I recognise that the timescale has changed, given what happened in Lislea before Christmas. Those in the wider farming community have been fantastic in supporting my actions. They have worked with me by doing what they can to help to reduce the spread of brucellosis. They have accepted our control measures, even though they are difficult and a pain at times, especially for those trying to work and farm at the same time. We are asking them to increase testing and to do things that put them out. Nevertheless, they have done all that without a moan or a grumble, and we need to see that ongoing co-operation. I am pleased that the vast majority of farmers are behind us on this. However, I am disappointed and angry that a very small number of self-serving individuals are prepared to sacrifice our health status on the island and, potentially, reinfect the South. I have been forthright in my condemnation of that, and I am happy to repeat that condemnation this morning.

Mr Dallat: I, too, welcome the Minister's statement, although I am disappointed by its brevity. Like my colleague, I am also disappointed that it took 10 weeks to come here. I am even more disappointed that there will be no more meetings until late summer. Will the Minister assure us that genuine work and progress has been made to sort out the horrendous problems that the agriculture industry faces because we operate in two jurisdictions?

The Minister of Agriculture and Rural

Development: I recognise that there are difficulties for the industry in operating in two jurisdictions. This is early summer, and the next meeting will take place in late summer, but I assure the Member that those meetings are not the only things that are happening. I had a meeting yesterday with the head of our North/South unit to get a report on the work that is ongoing at official level between those

meetings. I also want to see how we can develop the work of the North/South Ministerial Council to ensure that we crank it up and that we eliminate some of the challenges that our farming community faces in working across the border and help it to cope with those challenges.

The NSMC meetings are a valuable and useful vehicle, but they are not the only things that are happening: a lot of work is ongoing in between times.

North/South Ministerial Council: Inland Waterways Sectoral Format

Mr Speaker: I have received notice from the Minister of Culture, Arts and Leisure that he wishes to make a statement.

The Minister of Culture, Arts and Leisure (Mr McCausland): With your permission, Mr Speaker, I wish to make a statement in compliance with section 52 of the Northern Ireland Act 1998 regarding a meeting of the North/South Ministerial Council in inland waterways sectoral format.

The meeting was held in Armagh on 26 May 2010. The Northern Ireland Executive were represented by me as Minister of Culture, Arts and Leisure and Caitríona Ruane, Minister of Education. The Irish Government were represented by Pat Carey TD, Minister for Community, Rural and Gaeltacht Affairs. This statement has been agreed with Caitríona Ruane, and I am making it on behalf of us both.

The chief executive of Waterways Ireland, Mr John Martin, presented a report on progress, which included the provision of 186 m of additional moorings until the end of April 2010 and the provision of new publications to promote and support the use of the waterways and the sponsoring of key events on the waterways in 2010.

11.00 am

The chief executive reported that Waterways Ireland is one of 17 partners from 11 EU countries, along with Norway and Serbia, involved in an EU INTERREG IVc project entitled Waterways Forward, which was formally titled Inland Waterways of Europe. As part of that three-year project, Waterways Ireland will host a meeting of the 17 partner representatives in late 2011.

The progress report detailed the completion of the dredging of Richmond harbour to allow the reconnection of the Royal canal to the Shannon. The official opening of the Royal canal is planned for the end of September 2010.

The chief executive also reported that Waterways Ireland had recently won the coveted O2 ability award 2010 for environmental accessibility. It has also achieved the status of ability company in the categories covering environmental accessibility and customer service.

The Council discussed the main priorities for Waterways Ireland and reviewed the progress that both sponsor Departments have made towards finalising the business plan and budget for 2010.

The Council also received a progress report on the restoration work for the Clones to Upper Lough Erne section of the Ulster canal. It noted that work on the strategic environmental assessment is ongoing and is due to be completed by mid-2010, with work on the environmental impact assessment due for completion in late 2010. It also noted that a preferred route had been identified from a technical/engineering point of view.

The Council received a presentation from Waterways Ireland on the development of the Shannon-Erne waterway, and discussed the developments that have taken place since it reopened. The presentation focused on the reconstruction of the original Ballinamore-Ballyconnell canal as the Shannon-Erne waterway.

Waterways Ireland's annual report and draft accounts for 2009 were also on the agenda. It was noted that following their certification they would be laid before the Northern Ireland Assembly and both Houses of the Oireachtas.

The Council consented to a compulsory purchase order relating to acquisitions south of Lough Ennell to facilitate water supplies on the Royal canal.

The Council agreed that its next meeting in the inland waterways sectoral format will take place in the autumn of 2010.

Lord Browne: It has been apparent for some time that Northern Ireland's waterways require redevelopment to exploit their leisure and tourism potential. What impact does the Minister believe the steps outlined today will have? What further steps does he feel will be necessary if we are to fully unlock that potential?

The Minister of Culture, Arts and Leisure: The tourism potential of waterways is very important, and the existing marketing and promotion strategy was launched in 2004. There is a review process involving key stakeholders, such as the Northern Ireland Tourist Board and the Erne Charter Boat Association, and some meetings have been held. Much of the research material has been collected and collated, and

when that is completed, a working document will be finalised for discussion and a draft strategy prepared. The group is on target for that draft strategy to go out to public consultation later this year.

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

The existing strategy has five key marketing objectives: awareness creation; development of corporate identity; promoting greater use of the waterways; working in partnership with other bodies; and building a platform for sustained development. Those objectives are met through a range of marketing activities, including the publication and distribution of promotional materials, guides and charts through advertising campaigns, press familiarisation visits, and other promotional activity.

Mr Deputy Speaker: Mr Barry McElduff.

The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff): Go raibh maith agat. On a point of order, should I not have been called to speak on this matter first, as the Chairperson of the Committee for Culture, Arts and Leisure? I believe that I should.

Mr Deputy Speaker: Of course. I have just come to the Chair and it was not marked on my notes. Please accept my apologies.

The Chairperson of the Committee for Culture, Arts and Leisure: Go raibh maith agat, a LeasCheann Comhairle. On 3 June 2010, the Committee for Culture, Arts and Leisure was briefed by Waterways Ireland on its proposal to introduce by-laws on the waterways. The Committee regarded that as a positive step forward in regularising the current rules that apply on the waterways to ensure that everyone using them has a safe and enjoyable experience.

In the Minister's statement, he said that the Council discussed the main priorities for Waterways Ireland in 2010 and reviewed progress in finalising the business plan and the budget. Can the Minister indicate what those main priorities are?

The Minister also referred to the project to restore the Ulster canal from Upper Lough Erne to Clones. The Committee has kept a keen interest in that issue, and in 2008, we heard from the Blackwater Regional Partnership about the tourism and economic benefits that will result from the reopening of the canal. Can the

Minister indicate a date for completion of the overall project?

The Minister of Culture, Arts and Leisure:

The Member asked a number of questions. I shall start with the last one, which was on the progress of the Clones to Upper Lough Erne section of the Ulster canal.

Waterways Ireland has received the physical survey to allow the preliminary design process to commence, and work on the environmental impact assessment (EIA) and strategic environmental assessment (SEA) is progressing. The SEA is due to be completed by mid-2010, and the EIA is due for completion in late 2010. Possible routes and options are being reviewed, and when the preferred options are identified, the tender for a site investigation will be advertised. A meeting with DOE planners in Northern Ireland was held in December 2009. The selection of the final option is dependent on the outcome of the environmental studies and the final design estimates. That option will be developed to allow it to be forwarded for planning approval, and it is anticipated that it will be forwarded for planning approval in late 2010. Pending a successful outcome to the planning process, the land acquisition process will be commenced and the contract for the construction phase of the project should be awarded in 2011.

Another part of the question referred to by-laws. As was noted, Waterways Ireland met the Committee for Culture, Arts and Leisure on 28 May 2009 and 3 June 2010. The first phase will be the public consultation process, which is due to commence shortly and will run for 12 weeks from the date of issue. Once the consultation has been completed and the views expressed are taken on board, we will be in a better position to move forward in regard to the by-laws.

Mr Deputy Speaker: I clarify that we are discussing the inland waterways section of the meeting.

Mr McClarty: I thank the Minister for his statement. He stated that the accounts of Waterways Ireland will be laid before the House in due course. Can he assure the House that there is no cause for concern with those accounts, and can he further assure the House that the internal management issues that have plagued the body for years have been brought under control?

The Minister of Culture, Arts and Leisure:

I am unaware of any particular issues that have arisen in regard to the accounts. Considerable interest is taken in the governance of the organisation, as indeed it would be with all arm's-length bodies and cross-border bodies. We take considerable interest in those, and rightly so. Waterways Ireland is accountable to the Department of Culture, Arts and Leisure (DCAL) and the Department of Community, Rural and Gaeltacht Affairs (DCRGA) jointly and to the NSMC. Both Ministers have to be satisfied that, through the NSMC, we are discharging our oversight responsibilities in respect of Waterways Ireland. Monthly meetings are chaired alternately by senior civil servants in DCAL and DCRGA, and the chief executive officer and appropriate directors attend.

An issue that is sometimes raised is the possibility of appointing a board to Waterways Ireland, and arising from the St Andrews Agreement, a review of the effectiveness and efficiency of North/South implementation bodies is under way. If that review were to recommend that a board for Waterways Ireland be established, Ministers in the NSMC would have to consider that.

Mr McCarthy: Since we are on the subject of waterways, from which many people get their enjoyment, I am sure that the Minister and Members will join me in offering the sympathy of the House to the family of Mr Ken Dorman from Dundonald, who, unfortunately, lost his life while enjoying the waterways of Strangford Lough last Saturday morning.

The Minister's statement says:

"The Council consented to a Compulsory Purchase Order relating to acquisitions south of Lough Ennell".

Will the Minister advise us whether all interested parties explored every avenue and tried to reach agreement before the compulsory purchase order was taken?

The Minister of Culture, Arts and Leisure:

People would endorse the Member's first point, and we express sympathy with the family concerned.

To facilitate the reopening of the Royal canal, it will be necessary to extract water from Lough Ennell to provide a water supply for the passage of boats. That is what necessitates

the compulsory acquisition of land, because the inway sluice gate and weir to the south of Lough Ennell are used to facilitate the effective management and control of the water levels in the lough. That will ensure that the adequate supply of water to the Royal canal is maintained at all times.

Waterways Ireland requires the NSMC's consent to progress compulsory purchase orders. In some situations, that is necessary, and this is one such situation. I am sure that every effort was made to avoid that, but, in this case, it was clear that a compulsory purchase order was necessary. Although the Member might require more detailed information, I should point out that the lough is outside the constituency of Strangford and outside the jurisdiction of Northern Ireland.

Mr Shannon: I thank the Minister for his statement. The statement says that the chief executive of Waterways Ireland reported that that body is one of 17 partners from 11 European countries. It is always good to talk and to exchange views. Given that exchange of views and information with those European countries, does the Minister know what benefits will flow — to use a pun — to Waterways Ireland to help us here?

The Minister of Culture, Arts and Leisure:

Waterways Ireland has joined with 16 partners from 11 EU countries, as well as with Norway and Serbia, in an INTERREG project entitled Waterways Forward. That three-year project, which commenced in January 2010, is being led by the Dutch Recreational Waterways Foundation. Other EU partners include British Waterways, French Waterways and regional representatives from Italy and Spain.

Waterways Forward seeks to exchange knowledge on existing management strategies and regional policies; to develop recommendations on how to establish a better connection between the economic structures of regions adjacent to inland waterways and waterway-related businesses; to remove barriers to stimulate the multifunctional use of the waterways; to diminish the expected effects of climate change, particularly the shortage and surplus of water, on navigability; and, where governance matters are concerned, to establish policy and management structures to improve horizontal and vertical co-operation

between various policy sectors and government management levels.

As part of the work programme, Waterways Ireland will host a meeting of the 17 partner representatives in Enniskillen towards the end of the year. The overall project budget for all 17 partners is €2.8 million, which is 75% co-financed by the EU. Waterways Ireland's contribution, which includes any time that is spent on the project, is €137,000 over the three-year period from 2010 to 2012. Therefore, taking account of the 75% EU funding, the cost to Waterways Ireland will be only €34,000. DCAL's commitment of 15% is, therefore, €5,100 or £4,200 over the three-year period. That amounts to approximately £1,400 a year in a €2.8 million project. Therefore, for a very modest return, we will gain knowledge in a range of areas that will certainly improve the effectiveness of and increase the benefits that flow from our waterways.

Mr Leonard: Go raibh maith agat, a LeasCheann Comhairle. In the context of the Ulster canal, the Minister mentioned marketing measures, priorities and dates. However, delivery on the section of the overall canal project in the more northerly Ulster counties has, in effect, been put back until at least 2020. Many people are aghast at that.

Does the Minister accept that a lack of delivery shows a lack of vision? Will he reconsider whether engagement on this part of the project should commence now? I anticipate the normal references to funds and recession, but does he further accept that to do so would be an investment in tourism potential, economic growth, construction work and regeneration along all sections of the canal and beyond?

11.15 am

The Minister of Culture, Arts and Leisure: The Member raises that matter with considerable regularity on these occasions. I will simply respond by saying that it is not a question of a lack of delivery but of a lack of money. The vision is there to develop waterways right across Northern Ireland so that all areas of the Province benefit from the tourism potential and from the social and cultural benefits that flow from waterways. However, there are financial limits to what can be done at present. Nothing is being ruled out in the longer term, but the lack of money, which I highlighted already, is something that will be with us for a considerable

time. As I indicated previously, if the Member wishes to encourage another Minister to release lots of money to free it up for my Department, I will be more than happy to spend it.

Mr K Robinson: I thank the Minister for his statement to the Assembly. I note that the meeting of the 17 partner representatives from EU countries is due to take place in late 2011. Can you indicate where the meeting is likely to be held? Is there an opportunity to bring it to Enniskillen?

Although I am very impressed with the amount of work that Waterways Ireland has done, is the Minister content with the amount of work that will be carried out shortly north of the border, particularly in light of the volcanic ash cloud and the advent of the “staycation” phenomenon, where more people are holidaying at home? Now may be an opportunity to develop our tourism potential and to increase the impact that Waterways Ireland has on this side of the border.

The Minister of Culture, Arts and Leisure:

The policy of getting maximum value from the maximum number of questions is spreading. I am not sure of the location of the event, but I am sure that the meeting will involve a visit to Waterways Ireland’s headquarters in Enniskillen. I would be very surprised if that were not the case, but I will write to the Member with the details of the event that is being held towards the end of the year.

For the investment that we put into Waterways Ireland, we get back considerably more than we put in. Northern Ireland profits from Waterways Ireland. I am all in favour of co-operation with our neighbours in the Republic, as long as we benefit.

The Member asked about the impact on tourism and about the fact that more people are spending their holidays at home. The figures that we were given for Lough Erne in particular indicate a substantial increase in the number of boats on the Lough, so it is clear that there is growth in the sector. The Member may have been making a case for the need for us to be aware of opportunities that should be exploited for the benefit of the local economy rather than have people from here holiday in Great Britain, the Irish Republic, or wherever.

North/South Ministerial Council: Language Sectoral Format

Mr Deputy Speaker: I have received notice from the Minister of Culture, Arts and Leisure that he wishes to make a statement.

The Minister of Culture, Arts and Leisure

(Mr McCausland): In compliance with section 52 of the Northern Ireland Act 1998, I wish to make the following report on the tenth North/South Ministerial Council meeting in language sectoral format. It was the sixth meeting to be held since the restoration of the Northern Ireland Executive and Assembly, and the first meeting to be held in 2010. The report has been endorsed by the Minister of Education, who was the accompanying Minister.

The meeting was held in the new NSMC joint secretariat offices in Armagh on 26 May 2010. In this, my third North/South Ministerial Council meeting, I represented the Northern Ireland Executive as Minister of Culture, Arts and Leisure, along with Caitríona Ruane MLA, Minister of Education. The Irish Government were represented by Pat Carey TD, Minister for Community, Rural and Gaeltacht Affairs, who chaired the meeting. The meeting dealt with issues relating to the language body and its two constituent agencies: Tha Boord o Ulstèr-Scotch, the Ulster-Scots Agency; and Foras na Gaeilge, the Irish language agency.

I will now present a summary of the issues discussed by the Council on 26 May. The Council received progress reports from Foras na Gaeilge and the Ulster-Scots Agency on developments to date in 2010. Ministers noted the ongoing collaboration between the agencies, including the organisation of a lecture series entitled ‘aspects of our shared heritage’ in a number of local councils and the arrangements in hand to offer the series more widely and to add a new lecture on the Flight of the Earls and the Plantation. The agencies also collaborated on the screening of a programme about the hamley tongue on the Irish language television station, TG4, on 20 January 2010, which portrayed the Ulster-Scots language in a balanced and fair way that will enhance awareness and understanding of Ulster Scots among the Irish-speaking community.

Ministers also noted progress by the agencies that included the introduction by Tha Boord o Ulstèr-Scotch of a new community workers

scheme, in order to improve capacity in community groups, and the appointment of administrative workers on a part-time basis in eight community and voluntary organisations; the commencement of an independent evaluation of organisations that receive core funding from Tha Boord o Ulstèr-Scotch; and the publication of a new Irish-language weekly newspaper, Gaelscéal, in addition to other educational material.

The Council discussed the main priorities for the two agencies in 2010 and the progress in finalising the North/South language body's business plans and budgets.

The Council noted the improvement in corporate governance and accountability in the Ulster-Scots Agency since December 2009. It agreed that the designation of the interim chief executive would be extended until the end of December 2010 and noted the recruitment process for appointing a substantive chief executive to the Ulster-Scots Agency.

With regard to Foras na Gaeilge staffing and decentralisation, Ministers noted recent developments by the Irish language agency in recruitment, specifically that five offers of posts have been made for Gweedore and four offers of posts have been made for Dublin. The Council approved the appointment, subject to the approval of the Finance Ministers, of additional contract staff for the Irish language agency in respect of the new English-Irish dictionary project, with the cost to be met by the reallocation of funding from within approved budgets.

The Council approved the appointment of Michael McLoone to the board of the Ulster-Scots Agency and the extension of the terms of appointment of John Hunter and Tony Crooks to that board.

The Council noted proposals from Foras na Gaeilge that future funding to the Irish language sector would be provided on the basis of a number of discrete schemes. It was agreed in principle that those proposals are within the parameters of the NSMC decision of December 2009. Ministers decided that officials from the sponsor Departments should work with Foras na Gaeilge to agree, by the end of June 2010, the detail of those proposals and the timescale for their implementation. In the context of such agreement being reached by the end of June, Ministers agreed that interim

funding may be provided to existing funded organisations to the end of December 2010. The question of further interim funding after the end of 2010 will be considered at the next NSMC meeting in language sectoral format, and it will be based on the progress made in implementing the agreed proposals. There was consultation with the Irish language sector in the course of undertaking the review, and there will be continued consultation during the implementation process.

The Council received presentations from both agencies of the North/South language body. Foras na Gaeilge gave a presentation on the use of modern technology and other translation developments, which will provide significant savings to all users and significant increases in consistency and standard of translation.

The Ulster-Scots Agency gave a presentation on its ongoing work in the Ulster-Scots community, which includes significant developments on the community workers scheme.

The Council noted that it is proposed that the language body's accounts for 2006 be laid before the Assembly and the Parliament in Dublin at the earliest possible date. The Council also noted that progress is being made with regard to the annual reports and accounts for 2007-09. It requested a further progress report at the next NSMC meeting in language sectoral format. The Council agreed to hold its next meeting in that format in autumn 2010.

The Chairperson of the Committee for Culture, Arts and Leisure (Mr McElduff): Go raibh maith agat, a LeasCheann Comhairle. First, to what extent have concerns expressed by the seven core-funded groups in the North about restructuring the funding of the 19 core-funded organisations throughout the island been taken on board by the North/South Ministerial Council? I seek assurance from the Minister that jobs and services in the Irish-language sector in the North will not be lost or undermined.

Secondly, the Minister mentioned an independent evaluation of the organisations that receive core funding from the Ulster-Scots Agency. What are the terms of reference and the timescale of that evaluation?

Thirdly, can the Minister explain why there is continued delay on his part in bringing forward a strategy to promote and enhance the Irish

language in the North as he is mandated to do by the St Andrews Agreement and the Hillsborough Castle Agreement?

The Minister of Culture, Arts and Leisure: I look forward to getting to the third point. However, I will deal with the first two in order.

The first question was about the seven core-funded Irish-language organisations that are based in Northern Ireland. There has been widespread consultation with core-funded organisations that are based in Northern Ireland and those that are based south of the border in Éire. Quite a number of comprehensive consultation meetings have been held. It is not proposed to administer two separate portfolios in Northern Ireland and the Republic of Ireland. Maybe the Member opposite would like to adopt a partitionist approach — to divide the body up and have two different portfolios. If he wishes to be partitionist, I welcome that.

Mr Storey: He is partitionist.

Mr Deputy Speaker: Order. I have witnessed shouting across the Floor. I will not tolerate it. Make your remarks through the Chair, nowhere else.

The Minister of Culture, Arts and Leisure: Organisations that are based in Northern Ireland will have to compete for funding with organisations that are based in Éire. As regards special consideration that might be given, as the implementation plan is developed, Foras na Gaeilge and its two sponsor Departments will give appropriate, due and full consideration to the organisations that are based in Northern Ireland. Interim funding for those core-funded organisations has been agreed until the end of 2010. I do not believe that additional protection is required.

The second question related to the value-for-money work that is being undertaken by the Ulster-Scots Agency. That work is under way. I do not have details of it to hand. I am happy to write to the Member to set that out for him.

Finally, with regard to the Member's question on the delay in bringing forward the strategy for the Irish language and the Ulster-Scots language and culture, that matter was not discussed at the meeting of the North/South Ministerial Council because it is purely a Northern Ireland matter. It is not a matter for the Irish Republic, Éire.

The Member wishes to know why there have been delays. The strategy has two key elements, which are the same as for any minority language anywhere in Europe. As the Member will be well aware, they are education and broadcasting.

I await a resolution of the education situation, and I require clarification on broadcasting so that we can move ahead on those matters. Once I receive a resolution from the Department of Education, we will be in a much better position to progress issues, which I have always been keen to do. There has been no delay on my part; the delay has been caused by matters that are outside my control.

11.30 am

Lord Browne: I welcome the Minister's statement. Will he explain what has caused the delay in publishing the North/South Language Body's annual reports and accounts?

The Minister of Culture, Arts and Leisure: The accounts for 2000 and 2001 — right back to the establishment of the North/South Language Body — were qualified by the Northern Ireland Audit Office. There was a delay in signing off the body's consolidated accounts, and that eventually happened in 2004. As a result of the delay, the 2000 reports and accounts were not published until 2005. Subsequent annual reports and accounts were also delayed, because the Northern Ireland Audit Office must audit accounts chronologically. The body's 2001 report was published in June 2006; the reports for 2002 and 2003 were published in May 2007; the 2004 report was published in February 2009; and the 2005 report was published in February 2010.

At the NSMC meeting on 26 May 2010, the Council requested a further progress report for the next NSMC meeting in language sectoral format. At the 26 May meeting, Ministers were advised that the consolidated 2006 draft accounts are expected to be cleared in June 2010 and will be laid in the respective Houses as soon as is practicable. Ministers also noted the progress that is being made on the annual reports and accounts for 2007 to 2009.

Mr McClarty: I thank the Minister for his statement and congratulate him on his pronunciation of the Irish Gaelic, which he spoke almost like a native. Obviously, his time spent with Minister Ruane has been very constructive.

The Minister mentioned the ongoing progress in improving the governance of the Ulster-Scots Agency. Is he now confident that the taxpayer is receiving value for money from the Irish language bodies that are funded by his Department? What ongoing assessment does his Department make of the value that society derives from those bodies?

The Minister of Culture, Arts and Leisure:

Support for the Irish language body comes largely from the Irish Republic — Éire — and the contribution from Northern Ireland is considerably smaller. The value and benefits that the Irish language and Ulster-Scots agencies bring to society have to do with the value of culture. What value do we place on our traditional cultures and on cultural diversity? I strongly believe that if we are to get the best value, whatever the language or cultural tradition, it must be done in the context of a shared and better future. That is why one of the key elements of the strategy that I will bring forward in the near future, once those other matters have been resolved, is the vision of a shared and better future.

For example, there are issues about co-operation and collaboration between the two parts of the cross-border language body that could be worked on and further enhanced. There are issues about creating better respect for, and recognition of, cultural diversity. If we are to get value, that must be at the heart of the matter. It is generally recognised that there is value in promoting cultural traditions, which is partly what makes Northern Ireland distinctive and contributes to our richness. If that is the case, the promotion of cultural traditions should be encouraged. Is the work of value? Is it of merit? I believe that it is, and I am sure the Member does as well.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as na freagraí a thug sé go dtí seo. Ba mhaith liom an cheist seo a chur air anois: arbh fhéidir leis an Aire — ós eisean atá freagrach as an Ghaeilge — a fháil amach ar son an Tionóil cad é mar a dhéanfar an £8 milliún atá ar fáil don teanga a dháileadh? Cé a dhéanfas an t-airgead sin a dháileadh? Cá huair a dháilfear é? Agus cad iad na critéir a úsáidfear lena dháileadh?

I thank the Minister for his statement. During the meeting, was there any mention of the £8

million that is available for the Irish language in Northern Ireland? Can he ascertain on behalf of the House how and by whom that £8 million will be dispersed, when it will become available to community groups and what criteria will be used in its dispersal?

The Minister of Culture, Arts and Leisure:

The money to which the Member refers is, I presume, the money that was handed over by the Government at Westminster. That money does not come through my Department; therefore, I have had no involvement in that.

Mr McCarthy: I thank the Minister for his statement. He referred to the introduction by Tha Boord o Ulstèr-Scotch of a new community workers scheme. Perhaps the Minister would like to elaborate on that. He also stated that the Council noted the improvement in corporate governance and accountability in the agency. I have been in the company of an individual who did some work for the Ulster-Scots Agency and was having difficulty getting payment for that. I hope that the improvement in corporate governance and accountability has not led to that individual being left without remuneration for the work that was carried out.

The Minister of Culture, Arts and Leisure:

The Member will, I am sure, agree that it is absolutely essential for any public body handling public money to have standards of governance that are as high as they can possibly be. I note that the Member nods in agreement with that; we are of one mind on that matter. Regarding the particular issue that has been brought to his attention, I suggest that that should be followed up in the normal way. If he wishes to write to me to raise the matter or raise the matter with the agency he can do so.

The Member also asked about the revised financial assistance scheme, which was introduced some time ago. Primarily, the scheme provides financial support for music and dance tuition and other forms of training to the Ulster-Scots community. We also reported that funding is available under the community workers scheme, and eight awards have been made to groups across Northern Ireland through that scheme. They have benefitted from it because it has enabled them to have some administrative support to enable them to take their programmes up to a higher level.

One of the key issues for me, which was highlighted by my predecessor Gregory

Campbell, is that of capacity building. We need to build up the community infrastructure, and that needs to be done incrementally. The scheme was a stage in that process. I said that the groups that received funding were based in Northern Ireland; I should have pointed out that Derry and Raphoe Action extends across the border.

Miss McIlveen: I thank the Minister for his statement. Have either he or his Department given any direction to the Ulster-Scots Agency on how it should proceed strategically?

The Minister of Culture, Arts and Leisure: It is important that an organisation has good governance and a clear strategy. Therefore, on receipt of the Ulster-Scots Agency's draft business plan for 2010, I commented on how it might improve its plans and priorities. I asked the agency to consider four main issues in developing further its 2010 business plan.

First, the primary focus of the Ulster-Scots Agency should be the high-level promotion of Ulster-Scots culture, heritage and language to local and international audiences. Secondly, the agency should have a target in its business plan to develop high-level strategies to ensure that its work is carried out strategically and that funding decisions are made in a clear, transparent and efficient manner. Thirdly, the agency should have high-level explicit targets in its business plan for the development of the Ulster-Scots community in respect of infrastructure and capacity. Fourthly, the agency has a key role to play in the cultural marketing of all things Ulster Scots. That will require proactively building practical working relationships with other public sector organisations, such as the Arts Council of Northern Ireland, NI Screen, and Craft NI. The high-level objective around that should be built into the business plan.

I would like to see the agency putting specific strategies in place to enhance and develop Ulster-Scots projects and activities and the appropriate funding being allocated to advance the themes. I believe that that is appropriate in areas such as fostering east-west relations with our neighbours and friends in Scotland. I am determined to ensure that the Ulster-Scots Agency is fit for purpose, that it delivers value for money, that it takes a strategic approach and that it reflects the needs of the community that it serves. The agency has given a commitment to review its publication strategy, or at least to

create one, and I am keen for that work to be taken forward.

Mr Leonard: Go raibh maith agat, a LeasCheann Comhairle. First, does the Minister accept that the lack of an Irish-language strategy is a serious issue and that the NSMC machinery has thought seriously about that, given that one of its major bodies is worried about it? Does he also accept that the last time that he was asked about the issue he said that it was only an education problem, whereas he said today that it is an education and broadcasting problem and that he needs more information? Those changing and evolving stories about why there is not an Irish-language strategy seep into the confidence of the community concerned, which honestly thinks that all the excuses for the lack of a strategy are simply a ruse and have more to do with a party position than a ministerial responsibility.

Secondly, as regards the specific issues raised at the meeting, will the Minister confirm to the Assembly the specific reasons for the lack of progress on some of the body's annual reports and accounts, given that we are still looking to its 2006 accounts in 2010? Will he give us information about where the problem lies specifically?

The Minister of Culture, Arts and Leisure: The first issue that the Member raised was not dealt with at the NSMC meeting, which I indicated earlier, and, in answer to a colleague, the Chairperson of the Committee for Culture, Arts and Leisure, I explained that there were reasons for that. One of those reasons was the fact that the strategy falls within the remit of the Assembly under education. I am keen to bring forward a strategy to the Assembly and the Executive that covers the Irish language and Ulster-Scots language and culture. Both of those will come together and be forwarded to the Assembly and brought to the Executive at the same time. I indicated that that strategy has been delayed because we needed to see some progress and commitment in the education system to the cultural rights of children from the Ulster-Scots community.

Rights are for everybody, and it is wrong that one cultural community in Northern Ireland should be denied its cultural rights. I am sure that the Member does not wish to see anyone being denied his or her cultural rights. We must ensure that there is progress in the field

of education, and that is an area on which I have been working. However, progress been somewhat slow. Nevertheless, I will continue to ensure that we get to the point where the cultural rights of the children from the Ulster-Scots community are accommodated and implemented in the education system. Members will be aware that the strategy is a cross-departmental one that requires buy-in, commitment and resources from a number of Departments.

11.45 am

I have previously dealt with the delay in bringing forward annual reports. There was a long delay at the beginning of the process, back when the North/South Language Body was established. However, we are now catching up and resolving those matters. That is slightly more complex than might otherwise be the case, because there are two parts to the body. Therefore, the accounts for Foras na Gaeilge and for the Ulster-Scots Agency have to be brought together.

Let me reassure Mr McClarty, who has now left the Chamber, that my pronunciation is very much assisted by the fact that people very kindly give me a phonetic explanation of how to pronounce some of the terms involved. I am very grateful to the people who do that.

Mr Shannon: I thank the Minister for his statement. He referred to the programme about 'The Hamely Tongue' that was on TG4 on 20 January 2010. However, I am concerned that TG4 had no presentation or promotion of the Ulster-Scots language before 20 January 2010 and there have been no Ulster-Scots programmes on TG4 since. I, and many other Ulster-Scots enthusiasts, of which there are many thousands, wish to see Ulster Scots promoted on TG4 and down South. Therefore, will the Minister tell the Assembly what steps he is taking to ensure that Ulster Scots finds the right balance and is promoted, and that the moneys are spent? Will Ulster Scots be promoted for its enthusiasts in the Republic of Ireland and Northern Ireland?

The Minister of Culture, Arts and Leisure:

Some of the funding for TG4 programmes comes from the Irish-language broadcast fund and some of it comes from funding that is available from the Government south of the border. I am aware of the benefits of the TG4 programme, and I commend TG4 for commissioning, producing and broadcasting

it. My comments on the matter reflect the Member's own concerns and touch on the broadcasting issue that was raised earlier. We need to see progress by public service broadcasters on the delivery of Ulster-Scots broadcasting in Northern Ireland and the rest of the United Kingdom. At least there has been a programme on TG4.

Mr K Robinson: I am sorry that the Minister touched on that point before I could. The TG4 programme was filmed in my constituency in the area around Cairncastle. I was delighted to see that programme on TG4. As some of my colleagues know, I am an avid TG4 viewer. I missed my cowboy picture that night; however, I saw the Ulster-Scots programme. The programme highlighted for me the fact that Ulster Scots is so far behind the development of the Irish language. Does the Minister envisage that some of the issues that he has discussed and brought to the Assembly will help Ulster Scots to catch up with the Irish language?

The Minister made a point about broadcasting. Following on from Jim Shannon's question, what steps have been taken to ensure that the BBC and UTV, which appear to have endless resources to move to other parts of the Province, do something for the Ulster-Scots community?

The Minister of Culture, Arts and Leisure: I repeatedly met the BBC on the matter. Ulster-Scots organisations, including the Ulster-Scots Community Network — previously the Ulster-Scots Heritage Council — and the Ulster-Scots Language Society, along with individuals from the Ulster-Scots community, have strongly and repeatedly lobbied the BBC on the issue of broadcasting. Mark Thompson, the former chairperson of the Ulster-Scots Agency, has also repeatedly lobbied the BBC. However, to date, progress has been extremely limited. If my memory is faulty, I apologise, but I recall only two programmes about the Ulster-Scots language in the past decade. That is simply unacceptable and untenable, and it breaches the principles of equality and diversity that lie at the heart of a shared future. We have recognised diversity; let us have the equality. There are people in the Chamber who talk a great deal about equality. Sometimes, however, when it gets to the point of delivering equality, whether that relates to broadcasting for the Ulster-Scots community or to education issues, more work needs to be done.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht an ráitis sin. Baineann an cheist atá agam don Aire leis an phlé a bhí aige i dtaobh an fhóiraim agus i dtaobh Foras na Gaeilge lena chomh-Aire ó dheas.

I thank the Minister for his statement. My question relates to the Minister's discussion with his counterpart, Minister Carey, on the future of core funding for the Irish-language organisations that were mentioned earlier. Will the Minister elaborate on that discussion and tell us whether he underlined the different contexts in which some of those organisations work?

The Minister of Culture, Arts and Leisure: The approach is to move away from the extensive number of organisations for which core funding is almost ongoing towards ensuring that the organisations address the key priorities that Foras na Gaeilge identified; hence the identification of certain themes. Groups will then have the opportunity to tender for work in a particular sector.

Others are more familiar with the Irish-language world than I, although I am becoming much better acquainted with it. My impression, however, is that there has been duplication in the past, and, without identifying the exact location in the Republic, I will cite a simple example. Three organisations were located in the same place, and all were there to promote the Irish language. They occupied separate buildings and duplicated each other in a number of ways. Yet the point was made that people had nowhere to sit down, socialise and talk to people in Irish. That highlighted the need for a more strategic approach to identify the themes and to determine how the needs within those themes can be met.

As I said earlier, we must adopt a highly strategic approach to the emerging and developing Ulster-Scots community and to the existing Irish-language community. That is particularly true now that resources are coming under increasing pressure. Such an approach will benefit the Irish-language community in the long run.

Executive Committee Business

Budget (No. 3) Bill: Suspension of Standing Orders

The Minister of Finance and Personnel (Mr S Wilson): I beg to move

That Standing Orders 31(d), 37, 39(1) and 42(5) be suspended in respect of the passage of the Budget (No. 3) Bill.

The Chairperson of the Committee for Finance and Personnel (Ms J McCann): Go raibh

maith agat, a LeasCheann Comhairle. At its meeting on 2 June 2010, the Committee heard evidence from senior Department of Finance and Personnel (DFP) officials on the Budget (No. 3) Bill. In addition to the normal request for accelerated passage, DFP sought the Committee's support in suspending several Standing Orders. The suspension of Standing Orders 31(d), 37 and 39(1) dispenses with the need for Further Consideration Stage, and the suspension of Standing Order 42(5) dispenses with the 10-day minimum requirement for completing all Assembly Stages.

The Committee did not consider the request lightly. In this mandate, there has been only one example of Standing Orders associated with the passage of a Bill being suspended. That was in March 2010 and was in connection with the Budget (No. 2) Bill, which provided legislative authority for the allocation of resources to the new Department of Justice. When moving the motion to suspend Standing Orders at that time, the Minister of Finance and Personnel outlined what he considered to be the exceptional circumstances that resulted in the need for a more restrictive timetable to enact the Bill.

That approach was line with the Committee on Procedures' recommendations in 2002, which came about as a result of the only formal review of the Assembly's legislative process. The review recommended that, when the Executive needed to introduce emergency legislation, the Standing Order that requires a minimum of 10 days for a Bill to pass all its required stages should be suspended. At that time, the view of the Committee on Procedures was that only emergency Bills should pass in less than 10 days.

After an evidence session on 2 June 2010, the Committee for Finance and Personnel agreed to consider the matter further at its meeting of 9 June. At that meeting, the Committee

received advice from the Clerk Assistant on the procedural considerations around the Department's proposal for the suspension of Standing Orders. It also took evidence from DFP officials, during which Committee members noted the Department's argument that the suspension of Standing Orders is to ensure that the opening position of 2010-11 be approved by the Assembly as quickly as possible and before the June monitoring round, which will amend the opening position. Therefore, Committee members sought to establish whether the suspension of Standing Orders was necessary to ensure that the Bill progress through the Assembly before the summer recess and that it receive Royal Assent by 31 July 2010. Committee members also queried how the current circumstances differ from previous occasions and, particularly, why the process was running slightly behind schedule compared with previous years.

The Committee is aware of the potential consequences for Departments' spending and public services should the Bill not progress through the Assembly before the summer recess and receive Royal Assent by 31 July 2010. In that context and after careful consideration, the Committee agreed to support DFP's request to dispense with Further Consideration Stage by suspending Standing Orders 31(d), 37 and 39(1). It also agreed to the request to suspend Standing Order 42(5) so that the Bill can pass all its legislative stages in less than 10 days. However, I emphasise that the Committee's support for the suspension of the said Standing Orders in this instance is conditional on its not being regarded as setting a precedent for applying such measures to future Budget Bills.

The Committee is conducting an inquiry into the Assembly's role in scrutinising the Executive's Budget and expenditure. The plenary process that is associated with the Budget and Estimates forms part of the inquiry's considerations, and I do not wish for the outcome of any aspect of that work to be pre-empted. That said, on behalf of the Committee, I support the motion.

The Minister of Finance and Personnel: I thank the Chairperson for her remarks. I also thank the Committee for agreeing to the suspension of Standing Orders to enable the Bill to pass more quickly.

I want to make a number of points to provide assurances. I know that the Committee has been provided with assurances, but they bear repetition in the House. We are at the end of what has been a long process for this Budget Bill. We recently had extensive discussions about the Budget. The Committees discussed it and, on 20 April 2010, the revised programme of expenditure for 2010-11 was debated in and approved by the House. The Supply resolutions were, of course, debated for about four hours yesterday, during which the contents of the Budget (No. 3) Bill were also reflected. Therefore, extensive discussions about the Budget (No. 3) Bill have taken place in the House and in Committees.

Secondly, the passage of Budget Bills is recognised as something unique. That Standing Order 42 makes provision for the exclusion of the Committee Stage and for accelerated passage for Budget Bills indicates that they merit special consideration.

Thirdly, there is limited scope at this stage for amendments to be made to the Bill. Indeed, it is my understanding that the only amendments that could be made at this stage are those to provisions on borrowing powers, and I suspect that it is unlikely that any amendments along those lines will be proposed.

12.00 noon

For all those reasons, the request for accelerated passage is not unreasonable. There has been extensive debate, the Assembly recognises the uniqueness of Budget Bills, and the possibility of amendment is fairly limited. One other point to make is that suspending Standing Orders in this way will not in any way limit the Assembly's ability to debate the Budget (No.3) Bill, because there is no time limit on the debate. Therefore, the suspension of Standing Orders and the reduction of this stage to eight days should not impair Members' ability to give their views on the Budget (No.3) Bill.

As the Committee Chairperson mentioned, were there to be any delay in passing this legislation, we would find ourselves in a situation where the time for getting Royal Assent to the Budget (No.3) Bill would be tight. That would have implications for Departments. The Bill would also be overtaken by the June monitoring round, so changes would be made to the opening position before the Bill had even received final approval from the Assembly. I think that that

would be discourteous to the Assembly. The Committee Chairperson mentioned that we have inherited our timetable from direct rule and that it has operated over decades. There has been some delay this year, and we all know that the special considerations that had to be taken into account caused the delay in getting the draft Budget and the whole process started.

I hope that, as we engage with the Committee in examining the Budget process, we will be able to work out a method of dealing with Budget Bills, perhaps without the vain repetition that is sometimes made. We need to look at that. Members spoke about it in yesterday's debate, and they may do so again today. As we look at the Budget process, I hope that the need for accelerated passage and the suspension of Standing Orders becomes less frequent in future.

I thank the Committee for its support and understanding. I hope that the explanations that I have given to the Committee and now to the House will enable Members to vote for the suspension of Standing Orders for this Bill.

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

Question put and agreed to.

Resolved (with cross-community support):

That Standing Orders 31(d), 37, 39(1) and 42(5) be suspended in respect of the passage of the Budget (No. 3) Bill.

Budget (No. 3) Bill: Second Stage

The Minister of Finance and Personnel

(Mr S Wilson): I beg to move

That the Second Stage of the Budget (No. 3) Bill [NIA 26/09] be agreed.

I will confine my remarks to a few main points and the general principles of the Bill. The debate follows the Assembly's approval yesterday of the Supply resolutions for the expenditure plans of Departments and other public bodies, as outlined in the 2010-11 Main Estimates and the approval of two Excess Votes for 2008-09.

It is worth restating that the 2010-11 Main Estimates and, therefore, the Bill reflect the Executive's revised 2010-11 spending plans approved by the Assembly on 20 April 2010, as well as the demand-led annually managed expenditure (AME).

Following on from the Vote on Account on the Budget Bill of 2010, the Budget (No. 3) Bill provides the balance of cash and resources to complete the requirements of Departments and public bodies for the opening plans for 2010-11. As pointed out yesterday, the Bill does not make provision for the new Department of Justice, the Office of the First Minister and deputy First Minister or the Public Prosecution Service. Full-year provision for those Departments was made in the Budget (No. 2) Act (Northern Ireland) 2010, which was passed by this Chamber prior to the Easter recess.

As Members are well aware, accelerated passage is needed for logistical reasons and to ensure that Royal Assent is achieved prior to the summer recess. In addition, the legal authority that the Bill confers on Departments and other public bodies to spend the cash and use the resources will ensure a seamless continuation of public services for the remainder of 2010-11. I am glad that the Bill can be given accelerated passage because the Committee for Finance and Personnel has confirmed that, in line with Standing Order 42, it is satisfied that there has been appropriate consultation with it on the public expenditure proposals in the Bill. On several occasions during the formation of the Executive's revised 2010-11 spending plans and in recent weeks, the Committee took evidence on the Main Estimates, the Statement of Excesses and the Bill. Once again, I am grateful to the Committee for its assistance.

The purpose of the Bill is to give full legislative effect to the 2010-11 Main Estimates and the 2008-09 Excess Votes approved through Supply resolutions yesterday. Copies of the Main Estimates volume, the Statement of Excesses, the Budget (No. 3) Bill and the explanatory and financial memorandum have been made available to Members.

For the benefit of Members and in accordance with the nature of Second Stage debates as envisaged under Standing Order 32, I will briefly summarise the main features of the Bill. The purpose of the Bill is to authorise the issue of a further £7,019,163,000 from the Northern Ireland Consolidated Fund and the future use of resources totalling £7,569,483,000 by the Departments and certain other bodies listed in schedules 1 and 2 to the Bill. Those amounts are in addition to the Vote on Account that the Assembly passed in March. The sums to be issued from the Consolidated Fund are to be appropriated by each Department or public body for services as detailed in column 1 of schedule 1 to the Bill, while the resources are to be used for the purposes specified in column 1 of schedule 2 to the Bill. In addition, the Bill sets the limit on the use of accruing resources, both operating and non-operating, for 2010-11, and column 1 of schedule 2 specifies the purposes for which they may be used.

After the Bill receives Royal Assent, the Department of Finance and Personnel will, under section 8 of the Government Resources and Accounts Act (Northern Ireland) 2001, lay a minute in the Assembly that specifies the accruing resources within the limits set in the Bill and that directs their use.

Clause 2 authorises the temporary borrowing by the Department of Finance and Personnel of £3,509,581,000, which is approximately half the sum authorised by clause 1 for issue out of the Consolidated Fund. That limit prudently allows the Department of Finance and Personnel to manage the cash throughout 2010-11 efficiently and effectively. However, I stress that it does not provide for any additional cash to be paid out of the Consolidated Fund or convey any additional spending power. The daily management of the cash is an important function of DFP to ensure the daily supply of cash to Departments that enables services to be delivered, while ensuring the minimum drawdown of the Northern Ireland block grant.

Clause 5 makes good the excess of £16,272,049.74 from the Consolidated Fund for the year ended 31 March 2009 and appropriates it for services by the Department for Employment and Learning and the Department of the Environment, as detailed in column 1 of schedule 3. In its eleventh report of this session, the Public Accounts Committee has recommended, on the basis of its examination of the reasons for the excesses, that the Assembly provide the necessary amounts by means of an Excess Vote. Clause 6 removes from the statute book the Budget (Northern Ireland) Order 2007 and the Budget Act (Northern Ireland) 2007, which are no longer operative.

As I stated earlier, in addition to the two Excess Votes, the Budget (No. 3) Bill reflects the additional cash and resources required at this stage of the financial process to enable the delivery of Departments' detailed spending plans, as set out in the 2010-11 Main Estimates, which were approved yesterday. As discussed in yesterday's debate, this opening position for 2010-11 has already been undermined by the Chancellor's announcement on 24 May. Difficult monitoring rounds lie ahead in deciding how to manage the reduction in our block grant and dealing with emerging pressures during the remainder of the financial year. At the same time, the Executive and the Assembly need to develop plans for the next Budget period, 2011-14. An extremely busy and challenging few months lie ahead. On that note, I will not take up any more valuable debating time on the substance of the Budget (No. 3) Bill, but I will be happy to deal with any points of principle or detail that Members wish to raise.

The Chairperson of the Committee for Finance and Personnel (Ms J McCann): Go raibh maith agat, a LeasCheann Comhairle. I will first speak on behalf of the Committee, but then I will make some comments on some of the debates that have been ongoing, particularly yesterday.

At its 2 June meeting, the Committee for Finance and Personnel took evidence from senior DFP officials on the Budget (No. 3) Bill, the general principles of which are being debated today. The Committee took further evidence from departmental officials on 9 June, but that session primarily focused on matters of process. As outlined, the Bill provides for the balance of cash and resources required to reflect departmental spending plans in the

2010-11 Main Estimates, which, in turn, are based on the Executive's revised 2010-11 spending plans, which were approved by the Assembly on 20 April.

The Bill does not include provision for the Department of Justice, the Office of the First Minister and deputy First Minister or the Public Prosecution Service, as the Main Estimates for those Departments have been approved as part of the process for devolving policing and justice.

The Budget (No. 3) Bill also includes provision for excess cash requirements by the Department for Employment and Learning and the Department of the Environment for 2008-09 that were not anticipated in the 2008-09 spring Supplementary Estimates. The Committee noted that this matter had been considered by the Comptroller and Auditor General and by the Public Accounts Committee, which recommended that the necessary sums be provided by Excess Votes in the Assembly. The relevant Statutory Committees have been informed.

The Committee is aware of the potential consequences for departmental spending, should the Bill not progress through the Assembly before the summer recess and receive Royal Assent in July. In that context, the Committee agreed that the Bill could proceed by accelerated passage, on the basis of being satisfied that it had been consulted appropriately on the Bill's public expenditure proposals, in accordance with Standing Order 42(2). On 11 June, I wrote to the Speaker to confirm that.

12.15 pm

The Committee is mindful of the concerns raised by other Statutory Committees about the lack of engagement by their respective Departments on the review of departmental spending plans for 2010-11. Therefore, before approving accelerated passage for the Bill, the Committee sought assurances from the Minister that steps will be taken to ensure that consultation and transparency are improved for future Budget processes. I am aware that the Minister shares the Committee's frustration with the varying degrees of engagement and consultation between Departments and their respective Committees. Therefore, I welcome the Minister's call to his Executive colleagues to engage early and meaningfully with their Committees and his call during Question Time

yesterday for Ministers to work collaboratively with their Committee when bringing forward proposals during the Budget 2010 process.

The Committee will soon publish its report on the second part of its inquiry into the Assembly's role in scrutinising the Executive's Budget and expenditure. The report is intended to be a positive and useful contribution to the discussion on the Budget process. I reiterate the Committee's long-standing appeal for a formalised Budget process that details the timing of various events in the Budget cycle. The pressures on public spending, which are likely to increase following the British Chancellor's Budget statement next week, add weight to the need for a formalised Budget process that is transparent, allows for full public consultation and fully respects the House's role and processes in Budget and financial scrutiny. Strategic decisions can be made only if the Executive adopt a medium- to long-term approach, and that can only be done effectively when proper processes are in place.

With respect to the more immediate issue that is before us, on behalf of the Committee, I support the general principles of the Bill.

I turn now to cover some issues that were brought up in the debate yesterday. I am conscious that I have a view that we would be in a better position if we had more fiscal powers. However, I do not want to get into that subject today. I also have a view about an all-island approach to the economic situation here. In yesterday's debate, the Minister asked quite a lot for Members who were calling for new spending to tell him where the money would come from. I want to touch on a few ways in which the Minister and the Executive could use public spending more strategically.

I have already spoken here about public procurement, but I want to touch on it again. Public procurement accounts for one quarter of the Executive's total spend each year. When that is combined with local government spend, we are talking about upwards of £3 million a year. That level of expenditure is an important lever that could be used more strategically as a tool to support long-term social and economic well-being, particularly in a time of economic recession when public expenditure is even more constrained. We need to really drive that and use public procurement in that way. The Executive and the Assembly can create a public

procurement environment that assists smaller enterprises in our communities in realising their full potential. That includes the social economy sector, because it could maximise the economic and social impact of public procurement.

I also want to talk about the social values of procurement, and I know that that subject has been brought up here in recent weeks. If we put that in public procurement contracts, particularly in construction, employment opportunities can be created for the long-term unemployed and apprenticeships can be created. I am mindful that a lot of young people are leaving school. Skills and education are important, but a percentage of those young people will leave school with no formal qualifications and go into hands-on, practical work. We need to look after them by creating apprenticeships. It would be much more meaningful if it was put in the contracts in a social way, and targets should be set for that.

We have talked a lot about poverty and about the different strategies that have been brought together to alleviate it. In the Welfare Reform Bill debate yesterday, I noticed that child poverty was mentioned quite a lot, especially the increase of severe child poverty in our society. We need to target the money in a more strategic way so that it goes to families who need it, particularly low-income families with children who live in poverty. Look at fuel poverty: we need to have a staged process of social tariffs for the elderly and for low-income families with children who suffer from poverty. We need to look at the way in which we pay the winter fuel payment. Does everybody need it? Can we not have a more focused view and give it to the people who need it? We need to look at the ways in which we spend our money because there are better ways to do it. We need to have a more targeted approach.

To finish, I want to touch on the likes of banking and lending. Again, we have talked about that here. Smaller businesses are being squeezed by banks. They are not lending them money, and they are looking for their money back. The banks are putting people out of business and work. There is a real opportunity for the Executive in respect of the credit unions. We have talked about this, and I know that legislation is going through Westminster. However, it does not have the part that is needed, whereby credit unions could reinvest in communities and social economy enterprises, such as housing

associations, which can build social housing for people. We could make a difference to people's lives. We need to look at how we are spending our money and adopt a more targeted approach. We need to target the people who need it. I am just touching on headlines, but I wanted to bring that in because it was brought up at the debate yesterday. I am sure that other Members will think of other ways to help.

We need to create employment opportunities, we need to regenerate communities right across the North, and we particularly need to target families who are in poverty and people who live in areas of deprivation and disadvantage.

Mr McQuillan: I welcome the opportunity to speak on the Bill as a member of the Finance and Personnel Committee and as a Member for East Londonderry. The Bill will see the transfer of the remaining moneys until the end of the financial year, which is March 2011, to the Departments and associated agencies. Although tedious, the Bill is obviously necessary, as it grants the Minister of Finance and Personnel the authority to do that. If we do not approve the Bill, Departments and all other agencies will not be able to function and will grind to a halt.

This side of the general election, things are a little clearer. The Tory-Liberal Democrat rainbow coalition Government will be one of cuts, sacrifice and depression. Obviously, they are not a Government who have come to power with a great wave of support behind them. They have lacked the flag flying and cheering crowds that New Labour had when it came to power in 1997. The Government will be very unpopular, and I, for one, do not agree entirely with their strategy. There will probably be people jeering and protesting on the streets before long.

We in Northern Ireland are now expected to take our medicine and take our share of the burden. That seems most unfair given the fact that everyone will have to suffer the burden of debt and increases in taxes and the cost of living because of the mismanagement and greed of the bankers in the City, who gambled away their money only to be bailed out by the taxpaying public. Despite the mess that they made, they still get bonuses while the ordinary person will suffer. We have been given the option of deferring any cuts until next year, but we should start to make the savings now, as we are unsure of what Westminster will expect of us next year.

The next few years offer much uncertainty, but we must look to the future. The focus for the remainder of this financial year must be on rebuilding the economy, creating jobs and preparing the younger generations and those out of work for the future. My main focus is on education and training, as well as on assisting businesses and encouraging investment. It is important, therefore, for the Department for Employment and Learning, the Department of Education and the Department of Enterprise, Trade and Investment to work together to prepare a workforce for the future.

We also need to capitalise on tourism. I represent one of the most beautiful parts of Northern Ireland, and tourism has been vital to its development. The area has hundreds of bed and breakfasts, several hotels and many self-catering cottages and apartments. I want my constituency and Northern Ireland as a whole to get the most out of tourism. It offers long-term benefits and payback on investment, because tourists spend money and contribute to the economy. I support the Bill.

Mr Deputy Speaker: The Business Committee has agreed to meet immediately upon the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm, when the first Member to speak will be Mr David McNarry.

The sitting was suspended at 12.26 pm.

On resuming (Mr Speaker in the Chair) —

2.00 pm

Assembly Business

Resignation of Mr Ian Paisley Jnr

Mr Speaker: I advise the House that I have received a letter from Mr Ian Paisley Jnr, notifying me that he will resign as a Member of the Assembly with effect from Monday 21 June 2010. I have notified the Chief Electoral Officer, in accordance with section 35 of the Northern Ireland Act 1998.

Executive Committee Business

Budget (No. 3) Bill: Second Stage

Debate resumed on motion:

That the Second Stage of the Budget (No. 3) Bill [NIA 26/09] be agreed. — [The Minister of Finance and Personnel (Mr S Wilson).]

Mr McNarry: Having received such news, I am not sure whether I should congratulate the Member for North Antrim on his decision to resign, but I hope that I will see him in the corridor and have a word with him. It is not often that one gets an opportunity to say something in these circumstances, but I have always found Ian Jnr to be someone whom I could talk to and someone who would listen most of the time. I wish him well. He will be a loss to the House, and one waits to see who his successor will be.

When speaking on yesterday's Supply resolution motions, the Minister said:

"Ordinary people in the street recognise that any reduction in the amount of money coming in every week requires them to make certain decisions, such as whether they stop going out for meals. People who want to go on holiday may decide not to buy a new car or something for the house. That elementary concept seems continually to escape Members. Sometimes, they simply want to list their favourite things on which money should be spent, even adding those to what we spend on at present. If we were to go down that route, our only choice would be to raise the taxes that are available to us in Northern Ireland." — [Official Report, Vol 53, No 1, p51, col 1].

In a profound way, the Minister's comments yesterday set the tone not only for this debate but, in a fundamental way, I hope, for all our thought lines as we enter the most difficult economic times that many of us will ever experience.

I respectfully contend that sharing and understanding the impact that decisions made in London will have on ordinary people here is not beyond any Member. However, we must also consider the home-made impact and the made-in-Stormont errors on spending, and it is surely not beyond the wit of any Member to recognise that we cannot afford to grow the litany of spending errors as we have been doing. It is not that we could have afforded them in the first place, but if we are to tighten our economic belt, we must cut out the errors and mistakes.

Our Budget this year will be considered against the backdrop of a fast-moving political situation in Westminster, with the United Kingdom Budget, which is the first of the new coalition Government, just six days away. Only yesterday morning, the new Office for Budget Responsibility said that the previous Chancellor, Alistair Darling, made an over-optimistic economic growth forecast of 3% for 2011. That office has scaled the growth prediction down to 2.6%, which translates into billions of pounds of potential further cuts. The statement from that office will surely set the tone for next Tuesday's Budget, and, put simply, it means that there is a larger hole in the public finances than was previously thought. To what extent is the Minister aware of the figures that the Treasury is crunching at the moment? Has he been in touch with the Treasury about the matter, given that it arose only yesterday? How bad does he think things look?

This Minister in particular will appreciate that I could not allow yesterday's press reports about his recent Executive paper on the cost to other public services of postponing water charges to pass me by. Those stories reportedly included a table with calculations based on the assumption that full water charges would be available to the local Administration from 2011-12. It was also reported that his party leader, the First Minister, demanded that the document be withdrawn and redrafted. Will he confirm the accuracy of those press reports? For the sake of the House, will he also confirm whether Sinn Féin shared the First Minister's view and also rejected the paper?

I now turn to what lies ahead. The Finance Minister may now realise the scale of the problem that we are dealing with, but what worries me is that he may well be a lone voice in the upper reaches of the DUP/Sinn Féin partnership. Does he believe that his fellow DUP and Sinn Féin Ministers really have a grasp of the seriousness of the financial situation that we are in? The situation is too serious for anyone to be playing their usual game of delaying situations.

The Minister of Finance and Personnel

(Mr S Wilson): The Member always provokes me into intervening. He talked of the grasp that members of the Executive have of the budgetary considerations that we will have to face. Is the Member aware of and does he support the calls from his own party to exempt 50% of the Budget available to us in Northern Ireland from

any of the savings and cuts that will have to be found in the future? Does he understand the impact that that is likely to have, especially on Departments that are designed to grow the economy, particularly the private sector, which will be important in getting us out of the present problems?

Mr McNarry: I thank the Minister for his intervention. I am sure that I will deal with what he said about exempting 50% of the block grant from cuts.

To clarify: I did not query whether members of the Executive have a grasp of the seriousness of the situation. I was quite specific and asked whether or not his fellow DUP and Sinn Féin Ministers have a grasp of the seriousness of the situation. I said that because it would be very serious if anyone was playing their usual game of delaying situations. The way in which the decision on RPA was arrived at late last night illustrates how continual delays can compound a situation.

Is the Minister going to do the bidding of the First Minister and the Regional Development Minister — as was mentioned in the press reports that I referred to — or, like the rest of us, is he waiting for responsible action on water charges to flow down to a public who want to know whether they should ration their budgets, as he suggested earlier on? Indeed, are we thinking — surely not — that the public may be thinking that they need to ration their water usage?

When I last spoke on the Budget, on 15 February, I did so in anticipation of major public sector spending cuts. The first tranche of those cuts has arrived, and Northern Ireland's share is some £128 million. That is on top of the £393 million of locally generated cuts that the Finance Minister is already imposing on all the Northern Ireland Departments, which are due to the black hole that he denied existed for a year and a half. That gives a running total of some £521 million of cuts for the current year. That is before the main body of cuts to our block grant arrives as part of the pain that the Prime Minister and others have said we will have to share with the rest of the United Kingdom. I mention that because, at the time of the last Budget vote, I asked the Minister to look at establishing a new method of managing and prioritising all government programmes in Northern Ireland, across all Departments. I hope that more

frequent in-year monitoring rounds might be possible, given the increasing sophistication of financial management information systems. That would enable a more robust, flexible and speedier response to emerging situations than has previously been possible.

It remains my view that we may have to move towards a more sophisticated common overall priority system, based on a common scale for all government spending programmes. That would place every government programme across all Departments on a common weighted scale. Pre-agreed ratings would be applied for key pre-agreed substantive elements of all programmes, with relative weights for politically pre-prioritised factors, such as healthcare, job creation and social need, which are intrinsic to those programmes.

The Minister asked for some ideas. I think that I have been giving him food for thought, and I shall now put some ideas in his direction. The Assembly will not —

The Minister of Finance and Personnel: Will the Member give way?

Mr McNarry: Yes.

The Minister of Finance and Personnel: I need clarification, because I am genuinely intrigued by what the Member means by attaching weightings to particular aspects of the Budget. How does that differ from our policy of setting priorities in the Programme for Government, which are then reflected in the budget allocations that the Assembly makes? For example, our top priority is growing the economy, our second priority is health and so on. How does the Member's idea of introducing weightings differ from that?

Mr McNarry: I am glad that I have caught the Minister's attention. When I was talking about the black hole, his facial expression seemed to be one of confusion rather than laughter. I am rather used to both those expressions on the Minister's face. Nevertheless, they are still difficult to read.

The Minister of Finance and Personnel: It was derision about the black hole.

Mr McNarry: That is your view, but I am still right on it, Minister.

I will address the Minister's question on clarification. It is important that I develop my

argument, and I say this to help the Minister. When discussing relative rates and factors that need to be prioritised, the Assembly will not and should not tolerate a priority that would reduce the money available to, for example, health services simply because that is what we need to do. I am talking about the type of corporate behaviour that the Chairperson of the Committee for Finance and Personnel, Jennifer McCann, mentioned in reference to the Minister's comments yesterday. Such behaviour should take place in the Executive if, in deference to Mr Farry, it really is a five-party coalition.

Those weightings could either be on a numerical scale or on a system of banding so that discussions on spending cuts could be taken and be seen to be taken on a fair and equitable priority basis across all Departments. That system would prevent the political nightmare scenario that can emerge under the current system and which must be devilish for the Minister. The current system relies on departmental cuts as opposed to overall cuts that are imposed suddenly in a blaze of publicity in a headline-grabbing announcement by the Minister. That mechanism is, at best, destabilising to the entire system.

The system that I propose would avoid a situation arising that the public do not understand, in which, for example, a football club might get a new ground while a hospital ward anywhere in the country might be closed simply because separate Departments happen to administer those areas in such a way. In such a scheme, the Health Minister would be able to convince ministerial colleagues that health is a spending priority and of the merits of sustaining spending. It would be a more professional and more corporate way to handle the new climate of cuts that we face as a regional Administration. The emphasis on that point is that we face the cuts as a regional Administration.

I will give way to Ms Ní Chuilín, and I see that the Minister wants in again.

2.15 pm

Ms Ní Chuilín: I thank the Member for giving way and appreciate that he needed to make his point before doing so. He has partly answered my question. If the Member is suggesting that we take a corporate approach to spend here, does that mean that, for example, the Department of Health, Social Services and Public Safety might take money from the

Department for Employment and Learning rather than the Department for Employment and Learning cutting its own spend and, in turn, returning the surplus to the Executive to be spent on health? I am not on the Committee for Finance and Personnel, but my understanding of the kernel of the Member's argument is that we should direct money to where the objective need is rather than allow Departments to, for example, put in 20 inescapable bids.

Mr McNarry: I thank the Member for picking up on that. If she allows me to develop my point, I hope that it will answer that question.

The Minister of Finance and Personnel: I thank the Member for giving way again. I know that the Member wants to produce some fresh ideas, and I always welcome fresh ideas and new approaches to allocating the Budget better. However, I am at something of a loss to understand his point. He used the term "weighting" instead of "priority", and he outlined how he believes those weightings should be used. However, if he considers last year's Budget arrangements when we made the reallocations — they were not cuts; I want to emphasise that point — he will see that that is exactly what happened. For example, because of the priority or — I use the Member's terminology — the weighting that was attached to it, the Health Department had the lowest reduction of all. The fact that OFMDFM and DCAL had the highest reductions shows that I was not being partisan with the Budget allocations. Both Departments, which have lower priorities or weightings, received a 5% reduction in current spending, whereas the Health Department was subject to a 2.1% reduction. Therefore, DFP and the Executive already corporately use the kind of system that the Member describes when looking at how Budget changes might be made.

Mr McNarry: I heard what the Minister said yesterday and what the Chairman said earlier about developing a corporate mentality in here. I know that the Minister and other Members may think that I am focusing on health because my party holds the health portfolio. That is not the reason. I am doing so because I believe that health is the priority and the House also recognises it as a priority. I do not want to get involved in the departmental changeover through the party system or through the fiefdoms that we have, and I do not want Members to focus on Departments that their party is in charge of. That happens too often and is part

of the difficulties that beset the Executive's performance. What I am saying is "Let us have the corporate identity that I am talking about, but let us cement it". That might become clearer as I move on.

It is helpful that we are discussing this issue under a Budget motion. Such a scheme would mean that there would be no delays. That is crucial. There would be no delays to the cuts that are deemed necessary, because all spending programmes would be on a scheduled, prioritised list. When the axe needs to be wielded, it would be immediately clear where it needs to fall first. That needs to be clear to everyone. There would be no delays, such as those that are occurring at present because the Finance Minister is refraining from action — he cannot deny that — until he discovers the division between capital investment and current expenditure from the Treasury.

I will also throw some questions back at the Minister, because he has been asking me questions. I would like to raise the issue of the real state of in-year monitoring. Some comments that the Minister made recently seem to contradict what he said earlier in the year to the effect that in-year monitoring had less and less money in it because of the increasing efficiency of departmental spending. Departmental officials highlighted the inadequacy of the ad hoc system of unplanned underspends as a proper, defensible or efficient means of redistribution among Departments. Yet the Minister's initial reaction to the spending cuts announced by the new Government was to say on 24 May to the BBC:

"We knew it was coming down the line and when departments surrender money through the year as they inevitably do, we can maybe use some of that to offset these cuts that have been imposed on us."

I would like the Minister to tell us how that sits with his earlier statement that in-year monitoring was producing less and less money because of greater departmental efficiency.

As a member of the Finance Committee, I think that it does a very good job in scrutinising budgets. However, the Scottish Parliament last year set up a financial scrutiny unit in its research and support services to enhance its Parliament's ability to examine the fine detail of government spending proposals. As a member of our Finance Committee, I would strongly welcome the availability here of such sound

independent analysis, especially in the current tight budgeting environment. I am sure that the financial scrutiny unit will come up in the House in later discussions, and I hope that a proposal or motion will come out of it. I hope that the Finance Committee will be the driver for that; however, I am flagging it up now so that the Minister will consider it. He should ask for details of that unit if he has not already done so.

I will finish by reflecting on the headlines in today's 'Belfast Telegraph' that the free ride is over. Mike Smyth correctly acknowledges the annual spending gap of £7.3 billion between the public services that Northern Ireland consumes and the taxes paid. What does that mean for us? A significant gap will remain, because that is the benefit to us of being part of the United Kingdom. We must always respect that spending, and we must always act responsibly towards it. However, as we know, things will become more difficult, which means that we must mature as an institution in order to hold the mature debate that the Minister would like.

We must be prepared to take tough decisions on water and even support the Minister if he tells us what happened between him, the First Minister and the Minister for Regional Development in relation to what he wanted to do on water and what they would not let him do, because he has the advantage of us all: he can say that something went on in the Executive, but he knows that the rest of us are not privy to that information because it is confidential. He may tell his party what goes on at Executive meetings, but I assure him that our Ministers do not betray that confidence with us.

In tightening up those things, we must not lose sight of our original priority, which was to grow the economy. Therefore, we must make Northern Ireland a viable place, through growing our private sector. In saying that, I note that reducing corporation tax has also been making the headlines this morning as a kick-start to that revival, and I humbly welcome the fact that others are finally getting on board with the Ulster Unionist Party's core messages of fiscal responsibility and real policies to grow the private sector.

As politicians, we need to start working together to ensure that Northern Ireland comes out of this period in a stronger position. However, the events of yesterday and the collapse of local government reform will not give the public much

hope. I challenge the Minister to outline today the process that the Executive intend to follow to deal with the inevitable difficult decisions that are coming down the line, because that is what the House needs to hear.

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle. The Member who spoke previously referred to today's 'Belfast Telegraph' headlines. However, yesterday's 'Belfast Telegraph' headlines reflected what I had to say here yesterday regarding the £300 million backlog in school maintenance. That is an indication that there is deep concern in the community about the issue. It is an issue that I have highlighted time and again, not only on the Floor of the House but at the Education Committee.

Yesterday, the Minister of Finance and Personnel told us that, since 2006-07, which was a year of direct rule, spending on capital schemes had increased by around 28% and that 25 schemes totalling around £700 million had been completed by then. That is good; I welcome that investment. However, I notice from the figures on capital spend that the Education Committee received from the Department that the projected spend for 2010-11 tells a far less pleasing story. It is a story of a year-on-year reduction of 33.2%. Given that £100 million is needed for essential health and safety work in schools and that there are 600 applications in the pipeline to the value of £45 million for minor works, the £10 million bid by the Minister in June monitoring will not make much of a dent in the overall requirement.

The Minister of Finance and Personnel: The Member is correct that there has been a reduction in the capital budgets. I think that the reasons for that, namely the fall in capital receipts on which some of the capital spend was predicated, have been well rehearsed. Does the Member recognise that building costs have dropped substantially? In fact, many capital projects are coming in at 20% less than the 2007-08 and 2008-09 prices. Therefore, in real terms and on the ability to deliver projects, the gap is not as large as the Member has described.

Mr D Bradley: I thank the Minister for his intervention, and I sincerely hope that what he says is true. There is still quite a gap. Primary schools are probably worse off than the post-primary phase, because the majority of investment over the past 10 to 15 years has

been in post-primary schools and the grammar school sector in particular. I think that we are seeing further slippage in the Executive's investment delivery plan. That cannot be satisfactory to the Executive, considering that the economy is one of their priorities, as the Minister said, and capital schemes impact positively on the economy, especially on the building sector.

2.30 pm

As I said, there is deep concern in the community, and not just among school groups that await newbuilds. Indeed, the Education and Training Inspectorate commented adversely in several reports on conditions that teachers and pupils in some schools endure. Furthermore, the Health and Safety Executive expressed concern over schools that have been inspected and found to be below acceptable standards. Therefore, urgent work needs to be done.

Earlier in 2010, consultation took place on the way forward for special educational needs and inclusion. I must say that that was one of the most controversial consultations that the Department of Education ever conducted. In fact, it was so controversial that the deadline for submissions to the consultation had to be shifted at least twice in order to ensure that all interested parties had time to respond.

Among all the advocacy groups that represent children with special educational needs, it was difficult to find even one that supported the introduction of the proposals. I note that, even though the consultation has finished, responses to it have not been analysed yet, nor have they been shared with the Committee for Education. Despite that, the Minister proposes to spend £25 million on capacity building at a time when teaching posts are in danger; literacy and numeracy teams are having to be dismantled; and special teaching assistants' posts are in question.

We are told that £8.5 million is to be spent in each of the three years 2010-11, 2011-12 and 2012-13 as a result of the findings of the review of special educational needs and inclusion. As I said, that process of review and consultation has not finished. At this stage, even though the Department of Education has allocated considerable resources, it cannot tell the Assembly in detail how it proposes to spend that money. On the one hand, the Department says that the money is being spent as a result

of the review's findings. On the other hand, it is unclear and vague about developments that might emerge from the review.

I ask whether there is enough clarity in the Department's thinking to warrant spending such a large resource on something that is shrouded in controversy and about which the Department itself is so unsure. Surely there is a strong case to be made for waiting until the consultation phase is properly completed. The Department should then assess on that basis what is needed, how much it will cost and how money should be spent.

If the Minister does not do that, what is the point of consultation when the intention is to ignore responses and to push ahead with original proposals, regardless of what parents, teachers and professionals say? Surprisingly, the Department of Education, in a note to the Committee, states that future resource allocation to special needs can be made only after full analysis of consultation responses and development of lower-level policies, including any legislative change that may be required. Surely the proposed £25 million resource should be subject to at least the same caveat that any future spend is subject to. Under the current circumstances, it would be much more sensible, given my scenario about the huge backlog in school maintenance, to delay the £25 million spend on capacity building and redirect it towards the schools estate, minor works and capital build, where it is needed at present.

It has been difficult to assess the Department of Education's budget. On the one hand, officials quite often tell Members one thing, and, on the other hand, the Minister appears in the House and tells us something different. That is confusing not only for Assembly Members and Committee members, but for people in schools who are waiting for news about newbuilds. Perhaps the work that is being undertaken by the Committee for Finance and Personnel in its effort to improve the Budget scrutiny process will bring about an improvement in that situation. I live in hope.

Dr Farry: Today's debate will inevitably be overshadowed by events elsewhere in Northern Ireland and in London. Nevertheless, the subject of the debate is critical to the future of Northern Ireland.

I want to make a number of points, and I will endeavour to avoid repeating anything that was said yesterday in this rolling debate. We must first

acknowledge the public expenditure context in which we are operating. This Budget reflects the £370 million in cuts or efficiencies that the Executive had to make. I fully accept that that is partly the outcome of events having knocked our budgetary assumptions off course. That is perfectly understandable, but I reiterate that, even making allowances for that, from our perspective, there were already financial distortions in the Northern Ireland Budget. Indeed, some decisions that the Executive took in their early days compounded rather than addressed those distortions. I am a member of a party that is now a member of the coalition, so I have to restrain my criticisms of the Executive and make my comments in a much more constructive context. I hope that I have always tried to do that.

We are faced with looming Treasury cuts in this financial year and in the coming years between 2011 and 2014. This year's Budget will lay the ground for the way in which we tackle even greater challenges that will follow in those coming years. It is worth noting that there has been a rapid switch in government policy across Europe from fiscal stimulus to address the downturn towards austerity. Although there always was a range of views in the UK domestic debate, more people have moved towards paying the debt end of the spectrum than had been the case before the problems in Greece and the other so-called PIGS countries in the euro zone.

That said, there is a sense in some quarters, and particularly among some economists, that the pendulum is swinging too far and too rapidly in the other direction. Northern Ireland's heavy dependence on the public sector leaves us open to the dangers of a double-dip recession. Much of the outworkings of those debates will take place at a national and European level, and, in some respects, Northern Ireland will be the subject of decisions that are taken elsewhere. Nevertheless, we should still be mindful, with the limited tools at our disposal, of the need to have counter-cyclical policies to ensure that we are able to manage the last days of the recession and protect ourselves as best as possible from the local risk of a double-dip recession. In doing so, we should not lose sight of the importance of trying to rebalance our economy. In using those scarce resources, there is always a tension between, on the one hand, simply trying to manage demand in the short term and, on the other hand, managing how we invest, restructure and modernise our economy at the supply end of the spectrum.

I welcome the comments that were made a few months ago by the Finance Minister in his speech to, I think, an audience in Dundalk, when he set out some of those views. I have been promoting such an approach in this Chamber for some time, and I welcome the thrust of what the Minister had to say at that time.

In relation to public expenditure choices locally, yesterday I spoke about the importance of having to bite the bullet in raising additional revenue. The Minister, quite rightly, challenged me by asking whether that was the only perspective that the Alliance Party had to offer. It is certainly not, and I promised to try to give a slightly more rounded view on what we can do in Northern Ireland. The first point that I will make is that every Government in our situation would have to consider a range of both revenue-raising and cost-cutting measures. What should divide Governments is the balance that they adopt between those two approaches. The concern that I have had for some time is that in Northern Ireland we have tended to put all our eggs in the one basket of cutbacks and expenditure, rather than seeking to move on a broader front.

I welcome the thrust of what the Finance Minister has been saying, particularly in recent months, and his beginning to recognise that we need to look at both those aspects. Clearly there is a challenge to drive out inefficiencies in our own Budget. There is also a challenge to ensure that we bring public opinion with us. We have to rise to those challenges sooner rather than later; within the current financial year if possible and, if not, certainly when we are laying the groundwork for next year's Budget.

In relation to the public expenditure issues facing us, I will mention what we have traditionally highlighted as the key distortion in our public expenditure: the cost of division. I will just note that; people will be glad to know that I will not go into any more detail on it. I just remind the Minister and other Members that it is an outstanding issue that we have to address. We certainly do not expect massive savings to be generated in the short term, but it is an issue on which we have to make a start and plan to realise those savings in the long run.

I also recognise that there are distortions in public expenditure that arise from having a border on the island of Ireland. While respecting our constitutional situation, we could be doing more on the North/South structures to see where there

is potential for shared services and the resulting savings from those. I reiterate that my party is more than happy to enter into discussions with other parties to explore those areas.

I also want to reflect on what Mervyn Storey was saying yesterday about the challenge of other parties signing up to reforms in the structures, not just in relation to the Assembly and Departments at a central level, but in relation to the wider public sector. The Alliance Party is certainly up for that challenge, and we have been very consistent in supporting more efficient and reformed government over the past decade. Indeed, our 2004 paper 'Agenda for Democracy' set out that position in some detail.

I want to stress the need for a little bit of caution in relation to how far that agenda can go and the perspective that it may be a bottomless pit or in some way cover all the pressures that we are facing. It is something that we should be doing, but it is important that we do not lose sight of the fact that we have to do more than simply review and rationalise the structures of government. In some respects, the real benefit of that is not so much financial savings, important as they may be, but a leaner, more efficient, customer-focused government that produces more effective results and reduces the cost pressures facing businesses and citizens in our society alike.

We also have to recognise that it is very easy to call for a cull of quangos; however, some of them do provide important services and, at times, it is more efficient and better for those to be delivered at arm's length from government, rather than being sucked into central or local government. I am sure the Minister will have something to say about that later; I see him scribbling away in anticipation.

The line between front line and back office services is often blurred, and, as a result, a lot of services fall between the cracks. It is easy to say, "Let us protect front line services and cut administration and bureaucracy." It is important that we run lean, efficient services. However, the notion that we can provide front line services without some degree of management is somewhat naive.

2.45 pm

My final point about the public sector reform agenda is worth bearing in mind. Engaging in reform will involve transition costs that we

must bear in the short term before we can realise the bigger benefits. I do not want to go into a wider discussion about the review of public administration (RPA) now, because that is a debate for another time in the Chamber. However, that is one feature of the debate on the present situation.

It is important that we appreciate exactly what we mean when we talk about efficiency savings and cuts. To me, efficiency savings are about productivity gain and getting greater output from the same input or maintaining the same output with less input. Cutting back, doing less or increasing fees or costs of a service is not an efficiency; that is simply doing something differently, less often or at greater cost or bringing in more money to cover costs. We need to be mindful of that kind of qualification.

The Executive have a real opportunity to make efficiency savings by shifting the balance of resources more towards investment in early intervention and prevention of problems. For example, if a health and social care trust makes the call that a child must be taken into care, the state has a statutory duty to provide for that child, the cost of which is substantial — approximately £80,000 a year. Yet, there is no statutory duty to invest in initiatives such as Home-Start and prevention. However, if the balance of resources were shifted to such areas, fewer children would go into care in the first place. Therefore, if we front-load the investment of resources, we could reduce the cost pressures faced by Departments and, in so doing, ease their budgetary pressures.

In a similar vein, we need to recognise the problems that arise from Departments having a silo mentality and to explore opportunities for greater co-ordination between Departments. If we do so, we may find more rounded outcomes that are, in theory, less expensive. We need to give more attention to that area in order to find savings.

In addressing these theoretical themes, for want of a better term, I wish to compare the profile of expenditure in Northern Ireland with that of other jurisdictions, particularly neighbouring ones. I am a strong defender of devolution, and I recognise that devolution is about local people, through local representatives, making choices on priorities for public expenditure. Nevertheless, in so doing, we should not lose sight of what is happening elsewhere and of

best practice in those places. The Treasury's Public Expenditure Statistical Analyses tables set out the differences in expenditure per capita across the four countries of the United Kingdom and provide us with the opportunity to see different patterns. When we look at those tables, we must ask ourselves whether or not the distortions and differences shown are justifiable given the particular circumstances in Northern Ireland. If they are not justifiable, that would point to the need to find more savings in certain areas.

From memory, I think that we are spending less per capita than elsewhere on areas such as transport and environmental protection. That is evident from our infrastructure and our attitude to the environment. However, in areas such as education, we are spending proportionately more than we should be spending. The anecdotal evidence on the ground shows that cuts in education are causing real problems and are biting at a local level. That begs the question; where are we going wrong with education provision to have put it in such a tight financial situation? The answer may lie in the overall provision of school buildings and facilities. We need to be bold with respect to rationalisation and do it on a cross-sectoral, rather than piecemeal, basis as is happening at the moment.

Northern Ireland has much higher health needs than other parts of the UK, which justifies the historically high level of expenditure here. However, the challenge is to address those differentials and health inequalities so that we reduce the cost pressures facing the Health Service, while always recognising that changing demographics will have a counterbalancing effect and create increased cost pressures as people live longer.

Looking to the future, I think we must try to remember the importance of protecting our public services. Also, we should not lose sight of the Assembly's primary responsibility to grow and modernise our economy. On the latter point, it is important that we ensure that ample resources are left available for investment in economic transformation. As I said earlier, it is not just about investing in the demand-led side through cutting costs for businesses; it is also about investing in the supply side. Therefore, we need to leave sufficient resources available to invest in things such as skills and innovation.

If I were to make a plug for what I believe to be the priority for money, that would be it.

There is also the pressure to reduce corporation tax, and I am not sure whether that is going to happen, but I certainly hope that it will.

In that event, financial provision will have to be made. If we view corporation tax as being something important for making a step change in our economy, we may have to make some tough decisions in the short term to free up resources and cover the lost revenue under the terms of the Azores ruling. On the other hand, I am conscious of the evolving situation around European Union state aid rules. From that, we may no longer be able to invest at the same level as we have in the past on items such as selective financial assistance. Therefore, some resources may be freed up, and we may wish to re-prioritise and use those for economic development investment.

I turn now to the health budget, which is timely, as the Health Minister is joining us. It is my and my party's opinion that we cannot justify ring-fencing the health budget in Northern Ireland. That said, it is open to the Executive to make their own decisions as to the priorities for the protection of front line services. We should not be talking about simply top-slicing Departments' budgets, which is what is happening in practice. We should give some consideration to what is more important and what is less important. Most Members will regard protecting the health budget as something that is more important.

The danger in ring-fencing the health budget is twofold. First, in practice, it would double the costs of, and the savings required from, all Departments, including the economic levers that I mentioned. Secondly, if an organisation is given an indication that it is in a standstill situation, the incentives to look to reform and restructure are often lost. Although there are real problems with front line health services, we are still hearing anecdotal stories about bureaucracy and administration problems in the Health Service. Therefore, there is still the sense that more could be done on those issues, rather than simply cutting back on front line services.

Part of the reform process touches on early intervention and prevention, a point that I made earlier. If proper incentives are created for Departments, it would facilitate that type of shift in resources, rather than circling the wagons around what have traditionally been viewed as

core services and finding savings by cutting back on services that are wrongly viewed as add-ons, particularly community services that can make a real difference through improving people's lives.

This is a critical debate and, in some respects, only a precursor to the fundamental decisions that the Assembly and Executive will have to make over the coming months and years. I was somewhat critical of David McNarry yesterday, but I found his comments today more constructive. At least he hinted that even if the Finance Minister is not prepared to be bold and make tough decisions on raising revenue, the Ulster Unionist Party may be prepared to back such an approach. I encourage him to go a step further by leading and championing the tough decisions that must be taken, rather than simply being reactive. Nevertheless, the glass is now more half full than half empty. In that respect, I welcome Mr McNarry's comments, and I look forward to hearing the Minister's winding-up speech.

Mr Speaker: I suggest that the House take its ease as we move on to questions to the Health Minister. We will return to the debate after Question Time, when the next Member to speak will be Miss Michelle McIlveen.

The debate stood suspended.

3.00 pm

Oral Answers to Questions

Health, Social Services and Public Safety

Mr Speaker: Questions 1, 3, 5, 6 and 9 have been withdrawn.

Lifeline

2. **Mr McKay** asked the Minister of Health, Social Services and Public Safety to outline any evaluation carried out in relation to the Lifeline project. (AQO 1426/10)

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): A review of the north and west Belfast pilot telephone helpline has been carried out, and learning from that review has helped to inform the ongoing development of the Lifeline service. The Public Health Agency is undertaking an extensive evaluation of Lifeline. That evaluation will cover uptake and accessibility of the service levels, public and professional awareness of the service, impact on service users and value for money. Interim findings indicate a high level of public support for the provision of the service. They also show that just over half the Lifeline callers are female and that more than half of all callers are over 25. The full findings of the evaluation will be available in early 2011.

Mr McKay: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer. Many people present themselves to support organisations. I am thinking particularly of the Níamh Louise Foundation and the Public Initiative for the Prevention of Suicide and Self-Harm (PIPS). When people present themselves, those organisations are not obligated under their contracts to deal with them unless they have been referred by Lifeline. Therefore, people have to contact Lifeline before they can contact one of those organisations. Does the Minister agree that that is an anomaly that must be urgently addressed?

The Minister of Health, Social Services and Public Safety: I have said many times that voluntary and community groups play a vital role

in that essential interface between community and statutory services.

Lifeline began in January 2008 and, to date, has received 180,000 calls, which is far in excess of anything that we anticipated. The age, location, gender and issues of callers exceeded our expectations. By extension, outcomes of interventions also exceeded expectations. For example, 33,000 wrap-around support service sessions have been provided to clients as a result of those calls. Voluntary and community groups, including, for example, PIPS, which is changing its name to Lighthouse, have played an important role in this process.

I am not aware of anomalies. I do not believe that everything that we do is absolutely perfect. Part of the evaluation will look at such issues, and groups will be able to make those points.

Mr Bell: An important matter is at stake. The Lifeline service refers people to CHILL — Counselling, Help and Information in Lifestyle and Living. Given the tragedy in Newtownards, will the Minister assure us that he will continue to support the excellent work that his Department is doing to provide counselling services to vulnerable young people, particularly those who are at risk of solvent abuse?

The Minister of Health, Social Services and Public Safety: I am happy to give that assurance to Mr Bell. He made an important point, particularly about the tragic circumstances surrounding the recent death of Darlene Bell in Newtownards.

A key part of the Investing for Health strategy, which was the subject of question 1, which was withdrawn, is our drug and alcohol addiction services. They address wider issues, such as solvent abuse, particularly among young people. This society is facing a serious issue, which the Health Department or social services cannot solve by themselves. It is a cross-departmental issue and one on which I continually work with other Departments in an attempt to make improvements and to decrease the numbers of people affected. Drug and alcohol abuse can result in the tragedies that we are seeing among young people. Vulnerable young people can also fall victim to solvent abuse, which can also lead to tragedies, as was witnessed recently in Newtownards.

Mr Gardiner: I commend the Minister for his work in this area. Does he agree that more

funding is required to help out this service? I wish to place on record our appreciation to all those who have helped, but funding is required.

The Minister of Health, Social Services and Public Safety: The resource plays a key part in Lifeline. I invest £3.5 million per annum in it, and a further £3.2 million in specific suicide prevention measures. I am always looking at ways to extend our work and to get a better penetration of the relevant peer groups. There has been a very good response to Lifeline, but it is only one of a wide range of measures that we undertake, no one of which will, on its own, solve our problem. Statistics for 2006-09 show a drop in the numbers of suicides, but we have a long, long way to go. I am by no means complacent, nor is the service.

Out-of-Hours GP Service: Limavady

4. **Mr G Robinson** asked the Minister of Health, Social Services and Public Safety whether he will examine other services in which to reduce expenditure in order to retain the out-of-hours GP service in Limavady. (AQO 1428/10)

The Minister of Health, Social Services and Public Safety: I do not propose to examine ways of reducing other areas of primary medical services expenditure, as out-of-hours services will continue to be provided from the Limavady out-of-hours centre. As I have previously advised the Member, and emphasise once again, out-of-hours services will continue to be provided in Limavady. Patients will continue to have access to the out-of-hours service and will be able to see a GP if appropriate.

Mr G Robinson: Why is the Minister allowing this vital front line service to be cut? It is the equivalent of a 40% cut. At present, five doctors operate it; after 1 July, that will be reduced to three doctors. If that is not a cut, I do not know what a cut is.

The Minister of Health, Social Services and Public Safety: There is a history of questions and answers with Mr Robinson. I thought that I had gone a long way to explaining the situation.

This is certainly a change in the service. At Limavady, we are getting two calls per night in the red-eye shift. From 12.00 midnight until 8.00 am, two calls per night require a doctor consultation. We will provide three GPs on call and three on duty. Three GPs will be active and three will be on backup. In addition to that, we

will put in a triage nurse to receive those calls. These measures will also produce substantial efficiencies and savings; we anticipate savings of £600,000 per annum. It is costing us £1,000 per night to maintain a doctor to have a consultation with about two patients, and that cannot be justified. We pay around £5,000 per month to one GP in the area to maintain the service.

It is an expensive service, but the point is that it will not be withdrawn. We will merely change the location of the GP. That is all that will happen. There will be three GPs on duty, three on call and a triage nurse to receive the calls. The service will continue, and I am confident that it can be maintained at its current standard.

Mr Leonard: Go raibh maith agat, a Cheann Comhairle. Does the Minister accept that the figure that he has cited for the shift beginning at midnight takes no account of the usual workload between the hours of 11.00 pm and midnight? Will he confirm that the nurses have not been trained to the appropriate standards for the commencement of the diminished service? Does he further accept that the public will see this as a cut, not as a reconfiguration? Will he confirm why he will not meet a delegation from Limavady that I have asked him to meet, on the basis that it can just go along and see a person who has already addressed a public meeting? Does the Minister accept that there is major disappointment that he will not open his doors so that members of the public can express their concerns about what they see as definite cuts?

The Minister of Health, Social Services and Public Safety: I am concerned about the level of scaremongering in that part of the world. There has been scaremongering on rapid response vehicles (RRV), the so-called shutting down of the Causeway Hospital and, more recently, out-of-hours services. I hear that the latest scare is about untrained nurses. The behaviour of some Members in that respect is, quite frankly, disgraceful. People must look at the situation rationally. The out-of-hours service is not being withdrawn from Limavady. That service is being maintained, and it is adequate.

People who want to talk to those who put the service in place should start with the trust. There are legitimate concerns about what is happening, but those should be raised with the trust. I repeat that the service is being maintained, and the only difference is that the

GP will come from a different location. There will still be enough GPs to handle the two calls a night to the out-of-hours service, and savings of about £600,000 will be made. The Member supported that when he voted for efficiencies. The particular efficiencies at Limavady will not harm the service.

I wish that Members who were scaremongers about RRVs and the Causeway Hospital would stop their scaremongering about the out-of-hours service. Who hears anything now about RRVs or the Causeway Hospital?

Mr Dallat: I listened carefully to the Minister, and I assure him that I am not in the business of scaremongering. The Minister said that trust was important. Does he agree that not having a consultation process on the change to the service was a bad mistake? Does he accept that Limavady is an area that tends to lose services? Some years ago, it lost its accident and emergency service, and now its out-of-hours doctor service seems to have gone.

There is a general need for reassurance that the service that is in place will work. We were told that when a patient is at a crucial stage and in danger of losing his or her life, a doctor could move from Strabane to Limavady.

I speak positively, because I appreciate the work that the Minister has done for the Health Department. On most occasions, he has delivered what I asked of him.

The Minister of Health, Social Services and Public Safety: The trust does consult, but, in this instance, it is not changing the service, only the way in which it is delivered. The service remains the same, in that an out-of-hours GP service is provided between midnight and 8.00 am. The out-of-hours service does not deal with people who are in life-threatening situations. That type of emergency is a matter for A&E and the Ambulance Service.

I am not aware of when the A&E department disappeared from Limavady, but accident and emergency services have been rationalised to the benefit of the population. As Members know, it is not simply a matter of what is contained in the accident and emergency department, but the services that exist behind it. A proper A&E department requires paediatrics, acute surgery and an intensive care unit. An A&E department without supporting services behind it would be catastrophic.

Mr Speaker: Questions 5 and 6 have been withdrawn.

NHS Dental Services

7. **Mrs D Kelly** asked the Minister of Health, Social Services and Public Safety for his assessment of the equality of access for patients to Health Service dental treatment. (AQO 1431/10)

The Minister of Health, Social Services and Public Safety: I am content that there is equality of access for all groups of Health Service dental patients across Northern Ireland. I have approved the recruitment of 38 additional Health Service dentists in areas where access was problematic. The initiative has been successful and has greatly improved access to Health Service dentistry. Furthermore, the community dental service provides care and treatment for patients who have special needs and are unable to access dental services in the high street. My officials are negotiating a new contract with the British Dental Association Northern Ireland that will further improve access to services. That contract will be piloted next year.

Mrs D Kelly: I thank the Minister for his response. Will the Minister assure the House that the new commissioning arrangements for 2010-11 will not have any adverse impact on dental services? As a former healthcare worker, I know that dentists and dental hygienists used to be able to enter residential homes and statutory day-care centres to provide services to people in care. It was a good idea to have a dental clinic in an outreach centre. Has the Minister any thoughts on the provision of that service, which, I understand, is no longer available?

3.15 pm

The Minister of Health, Social Services and Public Safety: On the latter point, we have a community dental service to provide care for patients with special needs, such as a learning or physical disability, including those in nursing homes. A dental contract negotiation is under way, and I regret that I have been unable to see that brought to fruition.

Members will be aware that dentists are private individuals who can set up shop and take on business wherever they wish. I hope that, in future, as part of a contract, we will commission

dental services where we want them; in other words, where there is need, so that we place dentists much more accurately and carefully, rather than leave their location to market forces. It is vital that we are able to commission dental services in a particular area, and that is one way in which I have looked at how we tender for dental services. In Northern Ireland, some 50,000 patients in a number of hot spots are outside National Health Service dentistry. I have tendered for and contracted a dental provider to provide services specifically in those areas.

Mr Shannon: I thank the Minister for his response. Children are key when it comes to equality of access for patients. The Minister and other Members will probably agree with me that it is vital that dental treatment is available and easily accessible to children at school. Will the Minister assure me that that dental treatment is available to children inside and outside school?

The Minister of Health, Social Services and Public Safety: Of course children are an important focus of dental services, as they are for all health and social care. As for children's dental services, I am negotiating a new dental contract with the British Dental Association. I have put a tender in place with Oasis Dental Care to deal with the hot spots and those 50,000 patients who are outside Health Service provision. As part of that, we registered 273,000 under-18s with dentists. I will continue to look carefully at how we deliver treatment and prevention, which, for children, will be a key part of the new contract. It is important that the emphasis is on prevention rather than treatment because Northern Ireland children have the worst dental hygiene in the UK.

Mr McCarthy: In response to the Minister's answer to Dolores Kelly's question, does the Minister wish to express concern about Dundonald? There were two dental practices within about 200 metres of each other, but, suddenly, a third dental practice was permitted to open between them, which could adversely affect the village's existing dental practices.

The Minister of Health, Social Services and Public Safety: Dundonald was identified as one of the hot spots. Some 18 months or two years ago, the same questioner might have stood in the House to complain that patients in Dundonald were unable to access a dentist. I am glad to say that they are now able to do so, but I will keep the situation there under

control. A new contract with the British Dental Association, which we are negotiating at the minute, is a key way to deal with such issues.

Health Budget 2010-11

8. **Mr McCallister** asked the Minister of Health, Social Services and Public Safety for his assessment of the decision to reduce his Department's budget for 2010-11 by £113m. (AQO 1432/10)

The Minister of Health, Social Services and Public Safety: In spite of having to deliver Northern Ireland-made cuts, I have striven to ensure continued healthcare provision. However, that has simply not been possible in all areas. Crucially, I am not able to sustain the previous standards for waiting times, nor will I be able to introduce all my plans for new services and treatments. The important thing now is that the Health Service is not subjected to further cuts, which would cause pain and distress to the most vulnerable groups in our society.

Mr McCallister: I am grateful to the Minister for his response. Does the Minister agree that it is time that the Executive carried out a needs analysis of the Departments? Given that demand for health services has risen by more than 20% in the past couple of years, does he accept that it is time that we looked at ring-fencing health spending?

Mr Speaker: I remind Members that if they want the possibility of being called to ask a supplementary question, they must rise in their place each time the Minister finishes speaking.

The Minister of Health, Social Services and Public Safety: I agree with the thrust of Mr McCallister's question and the points that he raised. The fact is that demand has risen. The fact is that many of the Members who voted to impose £700 million of efficiencies on the Health Service also voted recently for a Budget that includes £128 million of Health Service cuts. How anybody imagines that the Health Service can stretch itself and deal with increasing demand — Health being the only Department that must do so — escapes logic. I hear Members who voted for cuts complaining about those cuts; they would do well to address that contradiction. To put it another way: we have cradle-to-grave healthcare that is free at the point of delivery, but we also have a state monopoly, so if the state is not prepared to

deliver the service, where should patients go to get it? They cannot get it anywhere else, so they suffer pain and distress. In many areas, that is the situation that people are in.

Mr Givan: The Minister will be aware of the I CAN centre in Ballynahinch. There is some confusion about which Department is ultimately responsible for funding that service. Will the Minister confirm whether it is the Department of Health, Social Services and Public Safety in conjunction with the Department of Education? Furthermore, will he ensure that, through the trust, his Department provides that service?

The Minister of Health, Social Services and Public Safety: To go off topic a little: yes, the Health Department undertook to provide a speech and language therapist at the I CAN centre, and it will continue to do so. The Department of Education is required to provide the premises, teacher and classroom assistant, and that is where the difficulty lies. As I understand it, the Department of Education is unable or unwilling to do that. For two years in a row, the local trust stepped in to provide support and to maintain the service. It is not in a position to do that now. Nevertheless, the speech and language therapist, provided by the Health Department, continues to be available at the I CAN centre. However, as part of the package, we require the premises, teacher and classroom assistant.

Mr McDevitt: I am sure that the Minister will acknowledge that the SDLP did not vote for the cuts. Given that we are all looking to achieve efficiencies in the system, will he confirm that tens of millions of pounds of bonuses will not be paid to consultants this or next year?

The Minister of Health, Social Services and Public Safety: I can confirm that no bonuses will be paid to consultants. We do not pay consultants' bonuses.

Mr Speaker: Question 9 has been withdrawn.

Gastroenterology

10. **Dr Farry** asked the Minister of Health, Social Services and Public Safety for his assessment of the current number of gastroenterologist consultants in the Health Service and the hours of service they provide. (AQO 1434/10)

The Minister of Health, Social Services and Public Safety: Across the five trusts, 30

consultants — adult and paediatric — are working in the gastroenterology service. I am aware of one gastroenterology general internal medicine vacancy in the Western Health and Social Care Trust. There is also a vacancy in paediatric gastroenterology in Belfast. Both posts are being recruited for actively. Of the people who are waiting for gastroenterology procedures, 93% have been waiting for less than the target inpatient waiting time of 13 weeks, and all outpatients for the service have been waiting for less than the target outpatient waiting time of nine weeks.

Staffing levels in individual specialties are the responsibility of trusts, based on the needs of the population that they serve. My Department carries out regional workforce planning to help to ensure that there are sufficient, suitably qualified staff to meet the needs of the population overall. Recent workforce forecasts indicate that there are sufficient numbers in junior doctor grades to meet the demand for consultants across the workforce as a whole over the next five to 10 years. Those forecasts will be reviewed regularly and, where necessary, corrective action will be taken.

Dr Farry: I thank the Minister for his answer. He will be aware of the public concern about the gap in provision in Belfast, which, as he outlined, is now being filled. However, there is also concern about a lack of service provision in the Royal Belfast Hospital for Sick Children. In light of the Minister's comments on workforce planning, to what extent is his Department making general assessments of gaps in consultant provision in Northern Ireland? The general impression from the public is that there are gaps in the provision of service in key specialties.

The Minister of Health, Social Services and Public Safety: A paediatric gastroenterologist has left the Royal Belfast Hospital for Sick Children, which is recruiting to fill that post. In the meantime, it has locum and other support. Therefore, in fact, the gap has been filled. Mr Farry is fond of talking about gaps. In his previous address to the House, I noted that he said that he would not be prepared to ring-fence the health budget. However, he is prepared to ring-fence the policing and justice budget, so, as far as he is concerned, prisoners come before patients.

As far as specialties are concerned —
[Interruption.]

Mr Speaker: Order. Members should allow the Minister to continue.

The Minister of Health, Social Services and Public Safety: We have a number of highly specialised low-volume areas that are very difficult to sustain because we cannot operate large teams. This means that we end up with single-handed services, which makes them vulnerable. Therefore, we rely on other tertiary centres in the rest of the UK and in the Irish Republic. The service operates as a network, which is the only way in which it can work.

is rising all the time, so we are seeing real improvements. Indeed, I talked to an A&E night sister at the recent nurse of the year awards who assured me again that the scaremongering that we read in the papers is not the case. Antrim A&E is coping very well. However, it requires major investment in the fabric of the building, but that is out of my hands; it is a matter for the House. Perhaps Dominic Bradley would be kind enough to assure me that he will support investment.

Mid-Ulster Hospital: Accident and Emergency Unit

11. **Mr D Bradley** asked the Minister of Health, Social Services and Public Safety if his Department plans to extend the opening hours at the accident and emergency unit at the Mid-Ulster Hospital. (AQO 1435/10)

The Minister of Health, Social Services and Public Safety: From Monday 24 May 2010, the accident and emergency units at the Mid-Ulster Hospital and Whiteabbey Hospital became nurse-led minor injury units, operating from nine to five, Monday to Friday. I have, however, asked the Northern Health and Social Care Trust, in conjunction with the Health and Social Care Board, to consider the feasibility of extending the opening hours of those minor injury services. In the coming weeks, I will be advised of the outcome of the board and the trust's assessment.

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle. Will the Minister assure us that the extended hours will apply until the new A&E facility that has been promised for Antrim Area Hospital is in operation?

The Minister of Health, Social Services and Public Safety: I have asked the board to look at the possibility of extending the hours. That is the situation as it stands. The hours will remain at that point until I have the report, the feasibility and the expense.

Antrim Area Hospital's A&E unit is coping very well, despite scaremongering. By consolidating the A&E staff at Antrim and introducing new beds, and generally extending the service, it is coping very well. By 5 June, there were no waits in excess of 12 hours, and the four-hour performance target time was 82%. That

3.30 pm

Executive Committee Business

Budget (No. 3) Bill: Second Stage

Debate resumed on motion:

That the Second Stage of the Budget (No. 3) Bill [NIA 26/09] be agreed. — [The Minister of Finance and Personnel (Mr S Wilson).]

The Deputy Chairperson of the Committee for Regional Development (Miss McIlveen): In the absence of the Chairperson, it is left to me to bring out the begging bowl on behalf of regional development and to use this opportunity to underline the importance of providing adequate resources for regional development in Northern Ireland. We must take cognisance of the economic pressures under which the Assembly needs to operate in the current climate, and we must also be aware that pockets are not quite as deep as they used to be. Previously, we complained about those pockets not even being deep enough.

Sometimes, it is all too easy to be parochial in our approaches to matters affected by the Budget. On the other hand, it is important to express the impact that reduced allocations can have on the often vital services being delivered by Departments, particularly in regional development. I am saying that to set in context the views of the Committee in relation to the debate.

The infrastructure investment programmes and transport services provided under the auspices of regional development underpin all aspects of life in Northern Ireland, be they social, economic or environmental. The people of Northern Ireland need and deserve the very best that we can provide in public infrastructure and services. High-quality, efficient and integrated roads and public-transport networks are essential to bring people to work, education and training, and social services across the Province. To connect Northern Ireland with the rest of the world, we need sustainable and economically viable ports and airports to bring tourists and businesses into Northern Ireland and to enhance our ability to compete in the global economy. The everyday quality of everyone's life here depends on our having reliable, efficient, high-quality and value-for-money water and waste-water services, and the quality of the built and lived environment

depends on sound and sustainable regional development policy.

The Committee for Regional Development continues to express its concern that the Department is facing more than £65 million in resource and capital pressures in the current year. That funding is required to meet the demands for the concessionary fares scheme, to maintain the street lighting stock, to support bus and rail services and to continue to provide transport services to older people and those with disabilities. The Committee was disappointed that funding for important and inescapable projects, such as those I have mentioned, is being sought through the in-year monitoring process.

Structural maintenance is a constant theme for the Committee, which has presented its concerns about funding levels for structural road maintenance at all available opportunities. Members are dismayed that roads structure maintenance remains significantly underfunded. Leaving aside the road safety issues that I am sure the Assembly supports, the Department indicates that, in purely value-for-money terms, it costs four to five times as much to carry out reactive maintenance as opposed to proactive treatments.

As Members will be aware, the Snaith review, a recent independent review of structural maintenance, found that around £108 million a year was needed to maintain the structural integrity of the entire network at good practice resurfacing frequencies. Structural maintenance for 2009-2010 was around £85 million, which is £23 million below recommended levels. The allocation for this year of circa £70 million is, again, below the recommended level. This year's shortfall of £41 million is in addition to the existing £700 million-plus backlog in structural maintenance. Underfunding for structural maintenance cannot continue, and the quality of our road network underpins Northern Ireland's competitive position and our quality of life. The impact of the prolonged periods of severe winter weather this year has yet to be finally quantified. However, it is clear that the condition of our roads has deteriorated seriously in recent months.

As we are aware, the Executive's top priority is the economy. It is the Committee's view that prioritising the economy means prioritising road structural maintenance. Spending on

public infrastructure, such as roads and public transport, has been shown internationally to support and to stimulate growth across the economy as a whole. Such investment is never more cost effective than during a period of economic downturn. The Committee would support continued infrastructure investment to ensure that Northern Ireland is in the best possible place to take advantage of the recovery when it comes. For that reason, the Regional Development Committee is calling for additional in-year funding to at least meet the £108 million recommended in the Snaith review, together with allocations to address the backlog.

Those are just some of the difficult financial issues faced by the Department for Regional Development (DRD), even before securing future funding for vital improvements in areas such as bus- and rail-based public transport and improvements in the roads network. DRD can and will spend its allocations, and it managed its capital and resource allocations well last year. Provisional outturn figures that DFP published last week indicate that DRD has a capital underspend approaching 0% and a resource underspend of 1%.

Mr Gallagher: At the outset, I want to comment briefly on some of the points that were made about water charges. I know that the Minister of Finance and Personnel has been faced with something of a dilemma in that area, particularly since 1 April, when Conor Murphy, the Sinn Féin Minister for Regional Development, moved from a situation in which the subsidy has run out, which everybody knew would happen, to one in which money has to be taken from other Departments' budgets to fund the water service. Indeed, as far back as the previous Assembly election, some of us suggested in our manifestos that the DUP and Sinn Féin were tying themselves in knots by claiming that they would have nothing to do with water charges. However, the Finance Minister now has that dilemma to contend with.

I will move on to the education sector and the problems that it has as a result of the way the bundles are handled. I am sorry; I meant to say the budgets, but I suppose that bundles of money are being handed out to the different education and library boards. Under the current arrangements, money is allocated to the schools at the front line and only passes through the boards. The same happens with our youth services, but, thankfully, those front

line services are being protected. However, the problem is that the rest of the education budget goes into what are called central or managed services in the boards. We know that there are pressures in all areas, and, until we get through this exercise, it is a pity the boards will not have clarity on the savings that they must make this year. However, that has not prevented them acting.

The resource budgets for special education, including those for children with severe learning disabilities, come not from the normal schools budget but from the centralised or managed part of the budget. That is a pretty awkward and unfortunate arrangement, especially this year, as the boards cannot cut front line services and must go to the centralised or managed services. Special education is one of the areas that has been hit.

One example of that is the recent decision to cut the provision of summer schemes on special school premises from two weeks to one week. There has been an outcry in the western board area about that decision, and I am sure that the same thing is happening and has been picked up on in other areas. The board used to provide the transport so that the children, particularly those in rural areas, could attend those schemes. However, the entire transport service has now been cut. That means that one week of the special scheme has gone and that the transport for the second week has disappeared. The result is that parents must take their children to the summer schemes. This is carers' week, and we know that children with severe learning disabilities are largely cared for at home and that that is where the burden of that work falls. Those summer schemes provide an opportunity for respite and for parents in difficult circumstances to do other things with, for example, other family members. However, they now find themselves unable to do that. That must be looked at, and Finance Ministers, as we know, can sometimes round up money at the last minute. I am hoping that it is no different this year and that, given that we are talking about children with severe learning disabilities, some money can be found to at this late stage to save those summer schemes.

I want to comment briefly on the balance of resources, which was mentioned by one or two Members, including Stephen Farry. That is an important issue, and, if I can switch to the health sector, I will use health centres as an example. We know that the emphasis now is on

developing primary care services and providing a much greater range of them. The benefit of that to the economy is a reduction in the pressures on hospitals, particularly acute hospitals. So, there are savings to be made by developing primary care services.

Unfortunately, that often requires new premises. There have been 42 or 45 centres identified for primary and community care infrastructure — in other words, newbuilds. I understand that only half a dozen of those have moved forward. If we are looking at things like the balance of resources, we should be looking at doing more to develop primary care services, which would lead to an overall saving in the hard-pressed health budget.

Ms Ní Chuilín: Go raibh maith agat, a Cheann Comhairle. I apologise to the Minister and to other Members for not being in for the whole debate this morning. I was here for a good part of it, and it was fairly interesting.

The Minister of Health made a quip to Stephen Farry at the end of Question Time about the budget for the Justice Department being ring-fenced. That was part of the arrangements for devolution. It was very clear to me that the Health Minister, who has responsibility for the healthcare of prisoners, has made it clear that there is a pecking order when it comes to delivering healthcare to prisoners. That is on the record and is something that we will be keeping an eye on.

Tommy Gallagher made some points about the Budget. I heard him take an intervention. Is he suggesting that the Minister of Finance, Sammy Wilson, should go back to the position that Mr Gallagher's party colleague Mark Durkan had on the reinvestment and reform initiative (RRI), the rates reform, the Durkan tax on water? It seems to me that that is being thrown out. I am prepared to take an intervention from Tommy if he wants to expand on what he said, because I am quite interested in it.

Mr Gallagher: There is not much point in going back if we are trying to find solutions. I can outline the SDLP's current position on water charges, which can be summed up in four words: no new water charges.

Ms Ní Chuilín: I am glad. I have a lot of time for Tommy, which is why I gave him the opportunity to clarify that. It had sounded like he, along with David McNarry, was asking us to pay twice for

water. At least Tommy was given the opportunity to clarify that.

I am on the Social Development Committee along with Simon Hamilton. I am sure that he will cover some, if not all, of the points that he raised in yesterday's debate in more detail today. Sitting on a scrutiny Committee, one of the things that has jumped out at me has been stuff on the formalised Budget process. In his comments today and at later stages, perhaps the Minister can outline how that will be rolled out.

We do get presentations from officials. We all, including the Minister, have sat at the other end of the table and tried to draw something down and get to the bottom of it. Like many other people here, I consider myself to be tuned in as much as I can be. However, some of the language just goes completely over our heads. Some of the stuff that David McNarry was talking about earlier went over his own head, never mind anyone else's. The point is that, as people are becoming more interested in democracy, they are asking questions that sometimes seem very technical. I am not afraid to say "I do not know" or "I will go and find out for you". However, when I write the question down and ask officials, I get an answer that means less and is more confusing.

The Minister of Finance and Personnel (Mr S Wilson): It is deliberate.

Ms Ní Chuilín: You are right; it is deliberate. I have arrived at the position that the use of that language is deliberate and is an art form. It is vital that every available opportunity to understand the democratic processes here, including the scrutiny of budgets, is taken.

3.45 pm

David McNarry spoke about end-of-year monitoring. It is good if less money is available at the end of the year, because it means that the Departments are spending money properly. If less money is to be surrendered, that seems to be a good thing. I am not from the "no surrender" camp, but I understand the logic that if less money is given back, more money has been spent. My concern is still about the spending that happens, because I am not convinced that value for money is being achieved.

I do not expect the Minister to remember, but something that stuck in my mind was a paper

entitled 'Perspective on Social Housing' (POSH). It had a glossy photograph of a housing estate in east Belfast that looked great, but over £1 million had been spent on a handful of houses. I do not begrudge people from East Belfast or any other constituency having a new home; that is a good thing. However, my query is on whether that is good value for money, and I am not convinced that it is.

Under the previous Minister for Social Development, Margaret Ritchie, many houses were bought off the shelf to meet targets. It was good that the targets were met, but the processes that were used to meet the targets suggest that something is not right. Not only were houses bought off the shelf to meet targets, more public money was put into houses to bring them up to a public standard. It does not sit right. My colleague Fra McCann has raised that issue consistently.

Particularly in this place, a lot of clichés are thrown out about the Budget. Sometimes, I can understand where they are coming from and, at other times, they are purely political. However, something needs to be taken out of the statement that we cannot cut our way out of a recession, and I understand that huge challenges will come to us all. We all have to be made accountable for those, and Ministers, in particular, will bear the brunt of that.

I agree with some of the comments of my colleague Jennifer McCann on procurement and social clauses. When Members such as me talk about social clauses, Members on the other side of the House think, "Here we go again, socialist rhetoric." In fact, it makes economic sense.

The Minister of Finance and Personnel: The Member is being a bit unfair, both to herself and to the House on the issue of social clauses. All of us wish to see some social value coming from public procurement, and, indeed, that is now formalised in the procurement process. Frequently, I go out and look at public procurement projects to see what is happening on the ground and to get a flavour of where money is being spent. Especially on larger projects, I always ask whether the project employs anyone who had been long-term unemployed or has taken on young apprentices. Under procurement policy, there is a requirement to do that. I do not regard that as a particularly socialist policy. It is a good

investment, because the more economically inactive people we get back into the workforce and the more people we get skilled up for the future, the better it is for the economy. If public money can help to do that, it is a good thing.

Ms Ní Chuilín: I thank the Minister for that. I will be really honest, because it is not fair to make a throwaway remark about the other side of the House. When I talked about the other side of the House, I was talking about Members such as David McNarry, and I was referring to his body language. Fair play to David, because Sinn Féin has economic spokespeople on the Committee for Finance and Personnel who are really tuned into the subject. I am tuned into it because I have an interest in social development, while other Members talk about budgetary issues all day every day. I can tune in and out with a bit of flexibility. One thing I picked up on is that, when my colleague Jennifer McCann speaks, you can almost see some Members react physically.

I accept the Minister's point, which is the same point that I was going to expand on: social clauses make economic sense. They generally target the long-term unemployed. That is not to be unsympathetic to people who have recently been made unemployed as a result of the economic downturn. Given that their skills have been updated recently and that they may have better CVs, they will be better placed in the labour market than the long-term unemployed. I have great concerns about some aspects of public procurement.

Jennifer spoke about apprenticeships, particularly for young people, and the Minister mentioned them, too. Some of my colleagues on the Committee for Employment and Learning, have debated motions in the House on children and young people who are not in education, training or employment. This is a good opportunity for them.

I will speak about social housing from a social development perspective. Massive regeneration will potentially happen on my doorstep, and I thought that recent events concerning the Royal Exchange were disappointing and sad. Fra McCann knows the issue inside out and back again, but it struck me that Belfast missed an opportunity to secure value for money and improve the sequencing of such issues. I am sure that people from rural constituencies or smaller towns think that that is no big shakes,

because Belfast gets everything. However, there needs to be better scrutiny of how money is spent during the Budget process, of how Departments roll out projects and of the sequencing of big urban regeneration projects.

I mentioned value for money. David McNarry, who is no longer in the Chamber, spoke about corporate mentality. I asked him to take an intervention, which he allowed. To be frank, I may need to be on the Committee for Finance and Personnel to understand some of the language, but I still do not understand Mr McNarry's perspective. I am not being flippant when I say that. Through the Programme for Government, we agreed that the Budget should be spent in certain ways. Regardless of the presentational differences that I have with the Minister, the Department of Health has been historically underfunded, and it receives more than its fair share of the Budget. I support the argument that that is probably still not enough.

I formerly sat on the Health Committee, and I now sit on the Committee for Social Development and the Committee for Justice. We may need to consider other examples to see what we can do better. I accept that we have much to learn from other devolved institutions. We could pick out some models from them to use here. However, I am concerned about the pressing need to meet targets. In the process of meeting those targets, more money than has been allocated is being spent. Some big challenges need to be faced in the monitoring rounds.

I will finish by asking the Minister to expand, if possible, on what the formal Budget process entails. I am being totally up front when I say that, before the Westminster election, I was asked more questions about the Budget process than ever before. That is positive. I do not mean questions from lobbyists or big trade unions but from people whose schemes have collapsed or from the media. Although people in the media may not know the language, they see the headlines that classroom numbers are being reduced and ask questions. They may not be able to navigate the process, but they want to know, given all the cuts and the fact that money is not being spent, what we are doing with all the money. I would welcome an answer to that question. The next election is around the corner, and I know that we will be asked to explain ourselves. That is no bad thing.

Mr Speaker: Before I call Mr Givan to speak, I remind the House that, as this will be the first occasion on which he has spoken in a debate in the House, it is convention that a maiden speech be made without interruption.

Mr Givan: I make my maiden speech during very difficult financial times for the economy in the United Kingdom, and particularly for Northern Ireland. As we look to the future, there will be difficult decisions to make. Sometimes, the best way to look at how we make those decisions and what priority we give to them is to look at what we have done in the past. Therefore, I will reflect briefly on some of what the Executive and the Assembly have been able to deliver for the people.

The Executive can be rightly proud of their achievements. The extension of free transport to 60-year-olds is a benefit that we brought in. Everybody is now entitled to free prescriptions, and I must declare an interest as someone who has a mild form of asthma and who uses an inhaler. I am now entitled to free prescriptions, and I am pleased about that. We have been able to freeze the regional rate, and we have capped the level of rating on industrial and commercial premises. We capped domestic rates. We ensured that people who were asset rich but cash poor were protected from excessive rates on their houses when the new valuation system was brought in. Water charging has been deferred for a number of years, and, this year, we introduced the small business rates relief scheme.

As the Finance Minister has indicated, the good days are over, and, in all likelihood, some of the measures that were taken over the years might not have been taken now. Nevertheless, a lot of credit needs to be given to the Executive. To listen to some programmes, one would, at times, think that the Executive have done nothing for the people. However, the record shows that that is not the case.

Tough decisions will have to be made as we move into the future. Ministers are already grappling with making 3% efficiency savings, and we know the difficulties that that has brought. In a previous role, I worked for the Minister of the Environment, and he did not have just 3% efficiency savings to grapple with; he had a 10% reduction in his baseline because of the deficit in planning income from receipts. Therefore, he has had difficulty beyond the 3% efficiency

savings that other Ministers have had to find. Nevertheless, some Ministers will complain, while others will get on with doing the job and trying to live within their means.

Each Minister is given an envelope of funding. They make the case for what that envelope should be, but, ultimately, when the Finance Minister and the Executive approve the Budget spend for Departments, Ministers are responsible for delivering that to specific areas of funding. The Finance Minister is not a dictator. He does not dictate to Ministers that funding must be spent in specific ways. Ministers of those Departments are responsible for ensuring that they carry out their roles.

I agree with other Members' comments that front line services are key and should be protected. However, it is important that inefficiency is driven out. I noted Mr Farry's comments about how, at times, the line between front line services and backroom services can be blurred and that it is difficult to distinguish between them. However, the exercise that took place in the Department of the Environment (DOE) has identified a large amount of waste, and there are processes in place to try to tackle that. Therefore, I do not believe that the line is blurred. I believe that if there is a willingness and a determination by the Minister and civil servants in those Departments to drill down and drive out inefficiency, it can be done.

We talked about the deferral of water charges. Ultimately, it will be difficult to continue to defer water charges, but I do not believe that their deferral should be taken as a soft option. It is difficult to continue to defer water charges, but Members have commented that the pressures that those difficulties place on Departments can act as a catalyst to ensure that they drive out inefficiency. Nevertheless, the year-on-year deferral makes it difficult for Departments to plan properly, because they are often hit late in the cycle with a need to find additional cuts to allow the deferral of water charges to continue. Therefore, that is an issue that we will grapple with, and I am sure that it will be difficult to come to a resolution on it.

There will be many issues that I will want to work on as an MLA for Lagan Valley. One issue is investment in schools, and we have had very considerable capital schemes in the Lagan Valley constituency.

However, other schools are crying out for work to be done. The maintenance backlog has been mentioned in the local press of late, and I know that it is an issue in my area. Work also needs to be done on healthcare provision, road infrastructure, city centre investment and many other areas, and I will endeavour to do that.

4.00 pm

In the education and health sectors, people who have special needs require help. As an MLA for Lagan Valley, my priority will be those who have special health and education needs. I sat on the South Eastern Education and Library Board and was one of the members who voted against the budget that led to us being suspended from that board. One reason why we did that was because it was proposed that if the board was to live within budget, the identification of special needs in children at nursery school was to be removed. There is no statutory obligation on education boards to identify children's special needs at nursery school; that does not need to be done until the child begins primary school and enters P1. It was proposed that work on the earlier identification of special needs would be removed from the budget. We felt that we could not sustain that decision. Indeed, all the political parties on the board shared that opinion, but, ultimately, we were suspended.

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

During questions to the Health Minister, I mentioned the I CAN centre in Ballynahinch. That facility caters for children in my constituency and in other constituencies who have speech and language difficulties. If we do not ensure that the most care is given to those who are most in need — those who have not been blessed with the good health with which I have been blessed, and for which I am grateful — it will stand against them. I am committed to doing that work in Lagan Valley and to trying to build on the work that, as an MLA, former Member Jeffrey Donaldson carried out on behalf of those people.

I will take a few moments to comment on Jeffrey Donaldson. He is one of the hardest-working politicians whom I have come across. I know that our Finance Minister has a similar reputation. Jeffrey will always do what he can to assist anyone, regardless of whether the person is a party colleague or a member of the public, and irrespective of what time of the day or night he or she contacts him. The people of Lagan

Valley endorsed him overwhelmingly at every election. Beyond the party vote, he has a huge personal vote in Lagan Valley, which is testimony to his hard work on bread-and-butter issues on behalf of those people. I am privileged to attempt to step into his shoes and to carry on the work that he has done for the people.

Mr Hamilton: It is a pleasure to follow my old friend Mr Givan. I know that Members would not know it to look at him, but he and I are old friends, although I am more of an old-timer now. From our friendship over many years, I know that he has the skills, ability and attributes to be an excellent Member of the House. That is more than evident from the contribution that he has made in his maiden speech.

The debate has shown what could be described as an “evolution” of debates on Budgets in the House. When I first entered the House three years ago, debates on budgetary matters could be best characterised by Members on all sides reading lengthy wish lists. I did it, other Members here did it, and colleagues who are not here did it.

The Minister of Finance and Personnel: Some still do it.

Mr Hamilton: Some still do it. Yes, the Minister is absolutely right. It would appear that evolution is a slow process for some. At times, all parties and all sides of the House were guilty of rhyming off lengthy lists of what they wanted for their constituencies and pet projects and for the Departments that the Committees of which they were members were scrutinising. The lists also contained issues that affected the Ministers from their parties and those issues that were more pertinent and relevant to them.

Thankfully, as the Minister highlighted, that activity has not completely disappeared, but it would seem to have lessened in some respects. There was an interim period during which Members seemed to complain regularly about the Budget, saying that there was not enough money and that there had been cock-ups, messes, foul-ups, and all sorts of things. That characterised Budget debates for a considerable period. However, I detect a healthy development. Members are now a little more circumspect in their comments. They recognise our real financial and budgetary difficulties. That harsh reality has forced Members to be a wee bit more sensible in their contributions. We

do not tend to hear the lengthy wish lists that characterised Budget debates in the past.

Indeed, even Mr McNarry did two things that I thought I would never see in a Budget debate. The first thing that he did was to give way. He rarely does that. The second thing that he did was to try to put forward many constructive proposals. At least, their intention was to be constructive. If it is not unfair to pick out one person, Mr McNarry characterises the growing level of maturity that exists in the Chamber.

In many respects, Members are all in the same boat. I do not believe that anybody thinks otherwise. We now sit in an Assembly that has a five-party mandatory-coalition Executive, which represent well in excess of 80% of Northern Ireland's people with regard to the votes cast. I am afraid that we simply cannot get away with bailing out and blaming others any more, even though some Members might have liked to do that in the past.

That harsh reality has been impressed upon us by the public spending scenario that we face. Everyone knows the difficulties that are in our midst. Mr Givan and other Members have pointed that out. We face £128 million of in-year cuts to our Budget. It is difficult enough to face reductions in the Budget when one has time to plan for them. To contend with cuts of £128 million in the middle of the financial year is desperately difficult.

The whole of the United Kingdom has a deficit of £167 billion, and it has been estimated that public sector debt is likely to grow to around 75% of the UK's entire GDP. There is real and genuine concern that our economy could fall into the same trap that others have fallen into — not necessarily because of anything that we have done but because of the domino effect of what has happened to Greece. It has affected Spain, and other countries, such as Portugal, Ireland and Italy are on the fringes of that. That domino effect could easily hit our economy as well. Therefore, we are all acutely aware of the public spending scenario that we are in. During the next number of days, we face an emergency Budget at Westminster that will have a bearing and an impact on next year's Budget. It could well make the £128 million of cuts seem easy-peasy in comparison.

As the Minister highlighted previously, the good times have gone. The days of sitting here and waiting for public spending increase after

increase to arrive will not happen any more. The complaining that we did two or three years ago during the middle of those good times will be nothing compared to what is to come during the next number of years. I mentioned the complaints of certain Members in the House who, at times, bemoaned the Budget's inefficiency, inadequacy and inability to deliver enough on this and that. We will look back on the 2008-2011 Budget as representing halcyon days in Northern Ireland.

If people thought that that was bad — when, year in, year out, there were record levels of investment in public sector infrastructure in Northern Ireland to build new roads, hospitals, healthcare facilities, colleges, and so on, which we have seen in all our constituencies — what will they think when that investment stops? Although it will not stop entirely, it will not grow at the same rate that it did in the past. They will not complain about the 2008-2011 Budget then.

There are years of pain ahead of us, but we do have to face those years. We can see this as a crisis, complain about how awful it is going to be, and run about like headless chickens, or we can see it as an opportunity. I hope that the growing level of maturity that is being exhibited in the House turns Members' attention to using this time as an opportunity. I know that it is very difficult to look at the situation as an opportunity, when we are facing the level of cuts that are being proposed and are in the middle of a difficult public spending scenario, but I believe that there is an opportunity for us to do so.

When an abundance of resources is available, as was the case, comparatively speaking, we do not always look at how those resources are being spent. I agree with the Members who said earlier that we were ploughing money in, but I am not entirely convinced — in fact, I know for certain — that we were not always getting the most efficient performance in Departments, nor were we always getting value for money. I do not want to rake up old ground and pick old sores about the health budget, but that is a prime example of a situation in which record increases in investment were achieved, year-in, year-out, yet report after report highlighted the lack of productivity in the Health Service in Northern Ireland. We know that simply ploughing money in did not produce the levels of output that were expected.

In the private sector, no company will ever look at the product that it makes unless it faces competition, profits go down, or it goes into a loss or faces a downturn. It must be the same in the public sector: we must take the crisis of cuts in public spending as an opportunity to do things differently than we did in the past. That attitudinal change, which was not really there in the past, may well be enforced on us.

There is also a need and an increasing desire in the Finance Committee, of which I am a member, to have that change continue into the Budget process. Changing the Budget process will not change the amount of money going in, but it is incumbent on this House to have as rigid and robust a budgetary process as we possibly can. Given the constraints in which we are going to find ourselves, and increasing public demands, we can no longer always accept what Departments put forward. As individual Members, and on behalf of the constituents whom we represent and who benefit from the services that are provided by Departments, we need to get our teeth into the Budget lines that are coming forward and the bids that are being made by Departments. The Minister of Finance and Personnel must lead that change. We must have a Budget process that draws in stakeholders from the outside much earlier and that empowers individuals and Committees to scrutinise better the work of Departments and their budgets.

The Assembly must resource Committees better so that they have the skills and ability to do that work. We cannot simply accept departmental budgets as being the gospel truth. We must test them to ensure that they hit the priorities that have been set by the Executive. We must ensure that they deliver results for people and that they achieve the aims that we all share.

We can talk about the difficulties that we have with public spending and the cuts that we are facing, but we need to sharpen our pencils and become much better at scrutinising budgets than we have been up to now. In the past, I have read out long lists of achievements that we have made, of which we should be rightly proud, whether they are to do with record levels of investment in infrastructure or helping vulnerable people to obtain lone pensioner allowance, which has helped thousands of pensioners in my constituency to save hundreds of thousands of pounds on their rates bills. However, better financial management by the

Executive has gone unheralded even though it is one of their biggest achievements, led as it was by the Finance Minister and his predecessors.

When devolution was restored in 2007, we inherited a scenario in which there was chronic underspending, year in, year out. It was a habitual problem. In 2005-06, the underspend amounted to approximately £375 million. In 2006-07, it amounted to £255.5 million. In two years alone, Departments had nearly £700,000 in their budgets that they had the power to spend but were unable to spend. That has changed drastically over the past number of years, to the point where, in 2008-09 — the last financial year but one — there was only £50 million in underspend. Between 2006-07, which was the last full year of direct rule, and 2008-09, £200 million more was spent on public services in Northern Ireland. We can see devolution making a real difference and impact, with more money being spent, rather than wasted and sent back to the Exchequer for us to bid for again in the hope that we might get it back to spend in our Budget. There has been much improvement in financial management, and we should acknowledge and support that.

4.15 pm

Finally, I want to pick up on some points that were made by other Members. There was mention of an article in today's 'Belfast Telegraph', which appears on the front page, and there is a two-page article inside the paper. I know that there are elements of the media who were enthusiastic supporters of restoring devolution, to the point of damning us all for being pathetic failures for not getting this place up and running again. As soon as the Assembly was restored, they set about trying to knock the place down again. The perverted view of certain elements of the media never ceases to amaze me.

That newspaper article is consistent with a theme that that publication has been pressing for some time. On the front page, and on two pages inside, there are all sorts of doom-laden predictions about the economy in Northern Ireland. There is a reference to a report by a leading economist in a First Trust Bank publication, which states that our subsidised standard of living must end. It refers to Northern Ireland as a "free rider", and states that we are living way beyond our means. All those sorts of inflammatory comments might be interesting in newspapers,

and might even sell a few, although I am not sure about that, but they belie the truth.

I am quite sick of hearing from the same people, whether they are economists, bankers or journalists, all of whom knock the public sector and everybody up here. No matter what party or perspective we come from, we are all here to try our best to make Northern Ireland a better place for the people whom we represent, and I am sick, sore and tired of us, this place and the public sector in general being knocked by certain people in the media, when they are very much dependent on the public sector for their employment. Economists at banks that are now totally or majority owned by the public sector and funded by the public purse are continually criticising the Governments here in Northern Ireland and elsewhere for the decisions that they make, when those banks, because of their bad decisions, have had to be bailed out by the public sector and the public purse.

During the recent Westminster election campaign, a letter arrived in my pigeonhole from three local newspapers that referred to how dependent they were on the public sector in Northern Ireland for advertisements, how important the public sector was to them and how they could not do without the public sector. However, they publish stories knocking Northern Ireland and our public sector. It is high time that they looked at themselves and their own behaviour before criticising others in Northern Ireland.

The reality is that there is a £7.3 billion funding gap in Northern Ireland. Nobody hides that fact; it is no secret. We are dependent on a subvention from the United Kingdom Government. We know that: it is the truth, it is a fact. We cannot hide it, and nobody is trying to. No one in this place denies that that is the case.

The article in today's 'Belfast Telegraph' implies that we are somehow special, that we are some sort of different case altogether, and that we are a basket case alone among the regions of the United Kingdom. However, the fact, as any sensible person knows, is that every region outside of London and the south-east of England is dependent on subvention from those areas. We are not different. We are like Scotland, Wales, the north-east, the north-west, the west Midlands, the east Midlands and other parts of England. We are exactly the same in

that respect, although it gives me no pleasure to say it. I wish that Northern Ireland were less dependent, but we are no different from other regions in the United Kingdom.

It is exactly the same across the border. Are parts of the west or south-west of Ireland not dependent on the Dublin economy? Similarly, the east of Germany is dependent on the west of Germany for sustaining it. It happens the world over. Certain publications do Northern Ireland a disservice when they churn out such claptrap on a weekly, if not daily, basis

I hope that, in time, Northern Ireland can make a greater contribution and that we are not as dependent. That has been my entire focus over the past number of years. The Executive's priority is about closing productivity gaps and giving the economy a kick-start, and that is what we have been trying to do. Thank goodness that there is devolution in Northern Ireland and that we have the ability to address and be sympathetic to the concerns of people here during these difficult times.

In conclusion, I welcome today's more mature debate in the Assembly on the issue. The style of this Budget debate has differed from those that we have had in the Chamber in the past; no doubt that has been brought on by the harsh realities that we face. We must look at the services, projects and schemes that the public sector provides and some of the sacred cows that we have with a much more critical eye than we were prepared to in the past, when there were record amounts of funding coming into Northern Ireland. It is incumbent on us to treat the situation that we will face in the next number of years not as a crisis but as an opportunity to fine-tune the Government and the Executive to make the country as efficient and effective as possible.

Mr B Wilson: I begin by referring to an issue that I raised yesterday: the cost of local government reform. I declare an interest as a member of North Down Borough Council. I welcome last night's decision to defer the reform of local government. It has been clear for many months that the original drivers for RPA cannot be achieved. The main driver for reform was savings to the ratepayer, and as those savings cannot be guaranteed, it would have been a case of throwing good money after bad. In the present economic state, it would be irresponsible to spend £118 million that we do

not have in the Budget to fund those changes. I do not intend to repeat the points that I made yesterday. However, I emphasise that it is essential that we review all the priorities, policies and decisions that were made during the good times.

It is important that we see the Budget in the context of the present state of the Northern Ireland economy, which is fragile and needs tender nurturing. A recent Ulster Bank report indicated that in the second quarter of 2010, economic growth of 0.4% was achieved and the projected growth for the whole year is less than 1%. That indicates that economic recovery is extremely weak and must be treated with care. That was prior to the euro zone crisis, the Greek bail out and Mr Cameron's latest cuts prediction.

In addition, the growth in the economy has been limited to the service sector, with manufacturing and construction continuing to decline. A major factor in the growth in the retail sector has been the influx of shoppers from the Republic to take advantage of the weak pound. However, in recent months, there has been a significant decline in the value of the euro, and as a result, traffic from the Republic is beginning to dry up. If that continues, we might fall back into recession. That is the present economic climate.

Economic activity is extremely low. There is plenty of spare capacity in the economy. Within the private sector, the service sector is producing 11% below its 2007 peak. In addition, manufacturing is down by 15% from its peak, and engineering is down by one third. That has been reflected in the level of unemployment, which has risen for 26 consecutive months. The rate of job loss has also been much more severe here than in the rest of the United Kingdom. Although unemployment fell last month, that is likely to be a blip, especially when the public sector cuts begin to hit. The Ulster Bank reports that the level of unemployment may not peak until 2012. Therefore, that is the economic climate in which we are presenting this Budget. Another worrying feature is house prices. The Royal Institution of Chartered Surveyors survey for March 2010 showed that house prices had fallen for the thirty-second consecutive month. That is very worrying.

We must ask ourselves how the Budget will impact on those economic problems. What

will it do to generate economic activity? How will it reduce the unacceptably high levels of unemployment?

We must also consider the new political context in which we are working, and, in particular, the cuts that were recently set out by Mr Cameron. Mr Cameron frightens me. In comments made just before the election, he singled out the Northern Ireland economy for cuts. I am fearful of the damage that Mr Cameron's policies will do and that they will undermine our fragile economic recovery. His record on the economy is consistent, in that he has been consistently wrong on all major economic decisions made over the past 20 years. It would appear that Mr Cameron hopes to maintain that record by getting it wrong again and destroying our recovery and slashing public services before Northern Ireland gets out of recession.

Mr Cameron's record goes back to 1992, when he was economic adviser to Norman Lamont and Britain was forced to leave the European exchange-rate mechanism. Since then, Mr Cameron's right wing economic views have led him to oppose the minimum wage and the decision to give independence to the Bank of England. We are fortunate that Mr Cameron was not in charge during the past few years, because his policies of refusing to help the banks and of cutting capital investment during a recession are similar to those that were adopted following the 1929 Wall Street crash, which turned into the Great Depression of the 1930s. It concerns me that the impact of applying such policies to the Northern Ireland economy would be extremely serious.

Mr Cameron's recent response to the Budget is, therefore, disingenuous in the extreme. We have been faced with the worst global financial crisis, and the Government had no alternative but to stimulate the economy. Without those measures, unemployment could have been as high as 5 million. There was no alternative, just as cutting public expenditure now is a measure for taking us back into recession and increasing the hardship felt by millions of ordinary people throughout the United Kingdom.

Mr Beggs: Does the Member accept that there is a balance to be struck and that, in fact, if one keeps borrowing and borrowing and borrowing — similar to an extended credit card — one gets into trouble? Does he accept that Greece

and Spain have shown particular difficulties because of that attitude?

Mr B Wilson: Yes, I accept that. However, I am referring to the timing of cuts. The situation is that, at present, before our economy has moved out of recession, we are being asked to make further cuts.

The Minister of Finance and Personnel: I am always interested in the economic policies of the Green Party, which, if followed, would destroy half the businesses in Northern Ireland. When it comes to macroeconomics, the party is as well off as it would be with microeconomics and how individual business decisions are dealt with.

Does the Member accept that if we continue at current borrowing levels, there will be an impact on the economy and our recovery anyhow, insofar as debt interest — not repaying debt — will, by next year, amount to £75 billion? That is bound to have an impact here, and the danger is that there could be a knock-on effect on interest rates that would also impact on businesses. If we keep on spending in the way in which the Member is talking about, how do we get round the problem of servicing the debt without eating into the money that is available for vital services?

4.30 pm

Mr B Wilson: I accept everything that the Minister said. At present, the Northern Ireland economy is not capable of taking further cuts. There will be severe cuts in the longer term, but those will have to be phased in. It is important to get out of recession first. We are in extreme danger of ending up with a double-dip recession. The Tory, and now Liberal Democrat, economic policies are driven by the need to make immediate cuts in public expenditure, regardless of the impact on public services and ignoring the risk of a double-dip recession. Proportionately, Northern Ireland has a larger public sector than other parts of the United Kingdom, and that will, inevitably, lead to a disproportionate reduction in services.

Cuts in public expenditure are essential, but not at this stage. The introduction of further cuts now, given the earlier Budget cuts, would lead to a significant increase in hardship, particularly as Northern Ireland, unlike the rest of the United Kingdom, has barely emerged from recession. The economic recovery must be sustained, not choked at birth.

The actions of the Lib Dems are particularly disappointing. Nick Clegg went into the election with a manifesto pledge to delay spending cuts until the time was right. He immediately caved in to Tory demands, tore up his manifesto and became a cheerleader for instant cuts.

Mr Deputy Speaker: I remind the Member that the debate is on the Budget here in Northern Ireland, not on what happens at Westminster.

Mr B Wilson: Yes, sorry. Thank you, Mr Deputy Speaker. I am trying to put the debate in the context of the pressures coming from Westminster. Further cuts are being demanded, and that is the issue on which I appeal to the Minister. Mr Cameron said that we could defer further cuts until next year, and I appeal to the Minister to follow the example of his Scottish counterpart by doing so. The Scottish Government plan to defer £332 million of cuts, and their Finance Secretary, John Swinney, said that he would defer the savings until next year:

"in order that we can entrench economic recovery."

He added:

"At a time when economic recovery is extremely fragile, the spending cuts outlined by the Treasury risk undermining recovery and damaging our comprehensive work to support the Scottish economy."

The Government in Scotland are saying that they cannot impose those cuts now. The Northern Ireland economy is much weaker and more vulnerable than that of Scotland, and we have already suffered cuts and made significant efficiency savings. Enough is enough: we must follow the Scottish example and defer further cuts until next year.

It is not sensible to tear up budgets that have already been allocated, and therefore, despite the reservations that I expressed yesterday, I support the Bill. We must re-examine our priorities and reconsider our previous decisions. We must ensure that scarce resources are allocated in the most efficient and effective manner. Their allocation must be focused on encouraging enterprise and expanding the private sector. In the short term, it is inevitable that the public sector will be reduced, but that will create an opportunity to develop new business, particularly in the green economy.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I appreciate the

opportunity to discuss the crisis and severe pressures in the budgetary position. As a member of the Environment Committee, I will touch on how those pressures relate to specific issues, how the Budget impacts on that Department and, more important, how it impacts on the public.

The SDLP did not vote for the current Budget when it was drawn up alongside the Programme for Government in 2007. We had significant concerns then about the implications of indiscriminate efficiency savings being imposed on Departments and, consequently, on front line services. The year 2007 followed a decade of uninterrupted economic growth in the North, which we hoped would continue. The year-on-year increases in public expenditure and the booming land and property market resulted in bumper capital receipts. Therefore, the economic analysis on which the Budget was based — in hindsight, it was utterly defective — made assumptions of steady economic growth. Indeed, many Departments were confident of continued growth at unprecedented levels and expanded their staff numbers and expenditure. For example, current problems in the Planning Service resulted from the presumption that those levels of growth would continue ad infinitum. There were numerous wasteful projects and ridiculous wastes of additional public money.

In recent days, I highlighted the hundreds of millions of pounds that have been spent. Further questions will be asked about the review of public administration, which has cost £113.5 million to date. We had Workplace 2010, the failure to establish the Education and Skills Authority and the failure to progress the Maze stadium. The Planning Service expended a huge amount of money on the Electronic Planning Information for Citizens (e-PIC) project, which continues to accrue additional expenditure. All those projects have cost us very dear.

Well over a year ago, in 'New Priorities in Difficult Times', the SDLP highlighted the black hole in the Budget finances. Crucially, we also highlighted the areas in which funds could be raised. The Assembly is now struggling with the additional cuts to our Budget of £128 million or more, with much more to come. The SDLP never claimed that our document was the finished article, but it was worthy of stimulating a serious debate, and no one else brought forward ideas for economic development.

When that document was published, it received grudging respect and, indeed, some positive comments from other parties in the Assembly, even including the current First Minister. The implementation of those proposals to assist the Budget is better late than never, and I welcome reports from my colleague Alex Attwood that the Executive are now considering some of our proposals. For example, we put forward ideas such as tackling senior civil servants' pay, the pay of senior staff in quangos and the role of certain quangos. Ridiculously high bonuses were paid to civil servants, even on foot of poor performance. That is a serious situation and an awful indictment of the Assembly's scrutiny of the Civil Service. We now all know that an inflated number of 39 senior civil servants who received high bonuses were based in DFP

Another prime example that we highlighted was the role that the Belfast Harbour Commissioners could play in assisting infrastructure projects. Yesterday in the House, the Finance Minister confirmed that:

"There is a mechanism by which the cash reserves of the Belfast port can be accessed to fund infrastructure projects." — [Official Report, Vol 53, No 1, p33, col 1.]

It is imperative that we build on some of those ideas. We must re-examine ways to invest more resources into areas that will sustain and grow employment during the recession and will position our economy to enable it to capitalise when the recovery comes. We must also show some leadership in bringing about that recovery. We must find ways for the Budget to help to create jobs, especially in the construction industry, which, given the constituency that I represent, I highlight continually.

There must be an in-depth examination to find Budget savings in the public sector, with a particular focus on senior salaries and perks. At the same time, we must protect front line services for vulnerable communities and people. In the past couple of weeks, I witnessed how cuts have impacted on vulnerable people through the closure of the accident and emergency unit of the Mid-Ulster Hospital. That, coupled with a service that is under stress at Antrim Area Hospital, highlighted some of the incredible positions that we now find ourselves in. I am angry about how that situation was managed, and the Executive must have much better budgetary planning to ensure that the public do not face continued shocks. However,

I am aware that the Health Minister said that the closure was not entirely due to budgetary pressures, which is an issue that is being further explored locally.

In the Department of the Environment, we had the RPA debacle. The strategic approach in the Department seems to be almost in meltdown as people make a sort of risk reaction to cuts instead of managing them through a strategic approach. We also have the current cuts to Planning Service and difficulties within the NIEA, at a time when tackling environmental crime is supposed to be a priority for government. The actions that I have outlined are but some of those needed by DOE, but they are important and necessary for all Departments.

It is important that, in our Budget planning, we make changes. Until now, the Executive have failed to take decisive action on the Budget and the economic downturn. For example, we have seen the cross-sector advisory forum turned into a talking shop. It produced a wish list containing some good proposals, but I have no confidence that the Executive will implement them. DETI has commissioned an independent review of economic policy that the Executive have, likewise, failed to consider and implement in our current economic climate.

I highlight one more proposal from the SDLP that requires implementation: an oversight committee to look at the Budget. We have seen the mess that the Executive have made over budgetary issues in the last three years. To protect our front line services and target what limited funds there are to assist vulnerable people, we must ensure that future Budgets are properly scrutinised. We must never again see such a waste of public funds as I have witnessed both in the Assembly and as a member of the Public Accounts Committee. What has passed for public service in this place at times beggars belief. The public themselves must no longer have decisions foisted upon them that may not be based on the Budget. Often we ask ourselves on what logic such decisions are based: witness the closure of the accident and emergency department of the Mid-Ulster Hospital. It may be a local or parochial issue, but it is one that I feel deeply about, given my connection with the area. I live there, and I have seen close family friends being dealt with at that hospital.

Thank you, Mr Deputy Speaker and Minister, for your time.

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

It has been a long enough session today, and I apologise for being unable to speak in the debate yesterday. Had I had that opportunity, I would have left today out of the equation.

The Finance Minister has to sit through all of this, listen to it and try to make comment. Our new MLA said that the Finance Minister was not a dictator. The Minister is a likeable sort of guy; it is hard to see how he could be a dictator. There may be the makings of dictators in other Members of the Assembly, but that has not been checked out yet.

I will try to cover some areas that others would not. At this late stage in the debate, a lot has been said, so we may go over old ground no matter what happens. As Assembly Members, we are much more mature than we were a few years ago, and by now we should have seen through all the issues and into the hidden areas.

Carál Ní Chuilín asked where all the money had gone. That sort of comment tells me that there are others who wonder, as I do, where the savings will be made. We have talked at length over the last four years about savings. Every Budget was about the savings that we could make, but I have yet to see what, if any, savings have been made. That is the crux of the matter. If we cannot make savings in the Departments, we will instead have to make cuts for the future years.

Mike Smyth spoke about borrowing for the future at local council level, like taking out a mortgage, to help local enterprise. That might not be such a bad thing, because some local councils have not borrowed to the same extent as the Assembly may have done. However, that is for another day's thinking, and it may well be worth looking at.

We can look at deflationary or inflationary models. Argentina spent 10 years cutting all expenditure back to zero but found that that was not going to work. It had to go the other way and spend, to raise the standard of living to a more acceptable level than the previous policy delivered.

We must learn from those policies. However, different Governments do different things. Given the new Government in Westminster, it is clear that people in the UK, as the saying goes, voted

for cuts. That is good stuff, but it will affect us. As my colleague said, it affects our Budget, whether we like it or not. We are not separate from that.

4.45 pm

During the debate on the Supply resolutions yesterday, the Minister and others mentioned the challenges and pressures that face existing priorities. We may think that there can sometimes be a lack of information when Committees are trying to scrutinise departmental budgets. Perhaps there is, and the Minister may even think that. He has to listen to what the experts tell him, whether he likes it or not. As Carál Ní Chuilín said, that is an art form, and convincing people can also be an art form. There is no one better at that than those who are skilled in that art. At the end of the day, we can be convinced that we are going in the right direction when we may not be.

David McNarry mentioned a figure of £7.3 billion, and he highlighted the fact that we do not take out anything like what we pay in tax to the Exchequer. He said that we get an easy ride. If all that were removed, which would probably be acceptable to me, it would be easier for us to move to a united Ireland if we did not depend on the easy ride or the pocket money that comes from the block grant, which is what we are getting at the minute.

That funding came from a background of sustaining the unsustainable, which is this entity. The North or the Six Counties was considered unsustainable, which, in its own right, it probably was. Therefore, it had to be bolstered by a tremendous amount of money. We have been in conflict for the past whatever number of years, and we did not get the kind of returns or inward investment that ROI or areas such as Scotland, Wales or England got. That was our dilemma. Therefore, it was not for nothing that that extra money was put in.

People should look at where that money was spent and where it is being spent. Each Department has a certain amount of money, and, if we were to go back through the years, we would see that the cake can be cut only in so many ways. The first division in most Departments is in wages, salaries and bonuses. Whatever little corner is left then goes on roads, stone, tendering or whatever else. It is the same with council budgets. Perhaps that needs to be

reviewed. People may not be happy with that, but we are talking about jobs.

Cavan, which is the opposite county to my constituency of Fermanagh, was mentioned to me recently as an example of that situation. The Fire Service there employs 10 people to our 33. We can either sustain jobs or throw people out of them. That is a difficult situation that would not go down well with anyone. However, we may have to consider such matters in the future.

Regardless of whether it is in the North or the South, youth unemployment severely affects the whole island. Compared with the figures for a short time ago, youth unemployment in the Republic has increased by around 100,000. Here, around one in three of our young people is unemployed. That number is disproportionate, bearing in mind the size of the population. We must realise the effect that that has on young people.

Young people now have far higher expectations than we had. What is the future, cost and value for money of the education that they receive if, afterwards, they are told to clear off and find a job somewhere else? Our young people do not have the same opportunities to go to the US or elsewhere that we did when there were previous downturns in the economy.

The recent downturn and the bursting of the bubble have dashed the hopes of many young people. They are not too happy about the recently announced intention to increase student fees. A considerable increase of at least £1,000 and up to £3,000 a term was mentioned. I am not sure that that is the right direction to go in if we are to help students or encourage families from lower-income backgrounds to support their kids to continue in education, which is essential for most of them. That is an issue that must be considered.

Training programmes may ease the impact of unemployment on young people. Unemployment has led many young people into difficult circumstances, including criminal activity, which has its own massive cost. We all know that the cost of keeping someone in prison is an awful lot higher than the cost of keeping them in a job outside. However, the impact of youth joblessness extends to families and communities. Indeed, the entire nation suffers, to the extent that young people have taken their own lives because of the situation in which they found

themselves. That is something that we need to consider when we make cuts at that level.

It has been mentioned that we are over-governed and that councils and other bodies cost money. Minister Poots has often said that there are inefficiencies at council level. Well, he did not exactly point out the detail of those inefficiencies. We need to know what he means, what we can do about it and how we can put that right. Councils lend ad hoc support to many projects, sometimes without giving much thought to their overall budget, but they lend support because it is popular to do so. Perhaps we cannot afford to do those things in the future — I do not know.

Almost all Departments here run up tremendous costs in meeting rules and regulations, including the cost of meeting European rules as well as regulations that cover health and safety at work. Costs are even involved in tendering. Submitting a tender these days is a massively different story from what it was even 10 years ago because of the health and safety regulations that have to be met here. Yet, those who provide goods and services from outside Europe do not have to contend with a lot of that. Therefore, they can compete much more easily than we can. That is something that we cannot do anything about.

My colleagues from the Committee for Enterprise, Trade and Investment and I visited Europe recently. It has been suggested that perhaps more Assembly Members and Ministers should go to Brussels to keep a better eye on what Europe is doing before the regulations and rules that affect us are made, rather than work away here quietly and ignore what Europe is doing, in many instances, behind our backs. Sometimes what is done there is positive; nevertheless, some very costly rules and regulations are created. Take, for example, the issue of roads and the lowering of footpaths, which is necessary but incurs a massive extra cost. That cost was not there a few years ago, and it is not always seen.

There are various measures in the Budget to reduce the incidence of family poverty. Young people's lifestyles are much more expensive nowadays. We can cut those measures on the same basis as we did a number of years ago, but there is a perceived need to keep young people in a particular lifestyle. They have a lot more ways of spending money than they did in

the past. Therefore, families are under massive pressure to try to help their young people with housing and other interests, including education. That is an extra cost for families, some of whom are living on very low budgets or benefits. For example, an individual in the South receives €200 in unemployment benefit compared with £60 here. That difference is not always realised, and there is a similar disparity for a family with two children. Whatever we may say about its economy, it is, at least, a good thing that the South looked after some of those areas quite well. It must now meet the cost of that, but at least it is doing a good thing. We are not doing that. For those on low incomes here, poverty is much worse now than it was 10 or even five years ago because money simply does not go as far as it used to.

The Committee for Enterprise, Trade and Investment addressed fuel prices and the costs and policies associated with renewables. During our review, we tried to determine how we might become less dependent on fossil fuels, the cost of which drains every Department. No matter what, each Department has to come up with money to meet fuel costs, which bear no relation to those of five or 10 years ago. The costs of running services and of capital projects, such as road schemes, are phenomenally higher than they were, and that is not always taken into account. Nevertheless, the problem exists, and it is difficult to deal with because we have become almost entirely dependent on fuel.

People have the same problem in their homes. Relatively low fuel costs a number of years ago meant that the Housing Executive moved to being almost entirely dependent on oil. Perhaps that was a bad policy, but it had little choice in the matter. People are under tremendous pressure from fuel costs, so we must tackle the problem. I have already explained who is charging too much, but I am afraid that that information is falling on deaf ears.

The debate about harmonising corporation tax rates North and South has moved forward quite a bit, and it would be good if we could move towards that. If we could become less dependent on the block grant, perhaps we would be able to consider something like that. On the other side of the coin, the difficulties associated with state aid make the benefits of harmonisation debatable. Nevertheless, compared with the situation a few years ago, at least people are now prepared to talk about it.

As for the Health Department budget, everyone believes that it is essential to continue to plough money into front line services. It is an important Department, but maybe there is a need to scrutinise the minutiae of what is done. The Minister is told about spending at a very high level. Take, for example, the cost of mistakes in hospitals. People break limbs while in hospital. Somewhere in the South, someone said that more people suffer injuries and fractures in hospitals than on the roads. I am not sure what the long-term costs of payouts for that would be. Another cost is the considerable amount of money that was put aside to deal with swine flu, which ended up being a major overspend. Given that there was no pandemic, perhaps what happened had more to do with the agendas of large corporations and drug companies. Nevertheless, it cost us and everyone else plenty.

In the long term, we could save considerable sums in the Budget by adopting an all-island approach. As other Members said, we could make considerable changes, particularly in border areas, in respect of health, tourism and transport. In some instances, as a result of infighting over budgets, tourism bodies in neighbouring areas work against each other's interests. Therefore, we must think about introducing cross-border or all-island tendering; there may be merit in that. I would support doing anything that would produce savings in those areas. For example, perhaps something could be done about the way in which bodies on each side of the border carry out health visits. As many as seven or eight people a week, or even a day, visit the homes of ill people, and people, North and South, have to travel great distances, all of whom claim mileage allowances and so forth.

A great deal of money is being wasted, and that wastage has not been looked at over a very long period, even though it has been staring us in the face.

5.00 pm

I raised the issue of top-heavy Departments. There has been £800 million allocated to policing and justice. That seems to be a necessity, yet many other much more important areas will simply have to endure the cuts. We need to look at all that.

I have talked about how dividing up the cake will pan out. The Department for Regional

Development has done some very good infrastructural work in the west. Although Tommy Gallagher condemns absolutely everything that is done, the Department does much good work. However, a great deal of money could be saved if all areas worked together a little bit more and took a long-term view of roads. We will seriously pay for the current underspend in maintaining our roads infrastructure. Whatever about the South of Ireland's structural funds, I commend it for doing a tremendous job with its roads almost right across the board. We will incur serious costs in the short term through not maintaining our road network.

We are being fined £60 million by Europe because the Department of Agriculture and Rural Development overpaid, I think, £2 million to farmers under the single farm payment scheme. Some farmers must have been overpaid. I declare an interest as a farmer. However, I find that it is very difficult to get a pound over and above. How did that overpayment happen? Where was the appeals process when £2 million was overpaid? Indeed, where was the appeals process when Europe fined us? It is a serious loss. The High Hedges Bill is passing through the House, but this is about wide hedges. Europe should make up its mind and decide whether it wants farmers to create a sustained environment or for them to do the opposite. They are doing both at the minute, and Europe is fining them for both. That is absolutely ridiculous. The costs involved are completely mad.

I must mention what the Minister of Agriculture and Rural Development said today about the brucellosis infection being reintroduced purposely in farm animals so that farmers can claim moneys. There should be no winners from that. Certainly, no payments should be made, and I hope that nobody profits from such criminal activity.

Some Members: Hear, hear.

Mr McHugh: The issue of water metering, or the tap tax, also came up. I will not say very much about it, but we have spent a long time saying that we will not introduce water charges. Water meters are to be introduced in the South. Farmers pay a considerable amount as it is because of metering, but it would be a much better system than simply slapping a broad, extra tax on people for something for which they pay already.

I will bring my remarks to a close. I have no way of knowing whether I have been speaking for an hour, because the clock has remained —

Mr Kennedy: It seems like an hour. *[Laughter.]*

Mr McHugh: At least the Chamber had to see me only once this week. Go raibh maith agat.

The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells):

I am grateful for the opportunity to speak in this debate. On a minor procedural matter, I appreciated the fact that the honourable Member for South Belfast Mr McDevitt and several other Members, rather than walk in front of him, sat at the Door and waited until Mr McHugh had finished speaking.

I also noticed that Mr McGlone, the Member for Mid Ulster, sought to go out through the Division Lobby rather than walk across him. That is good news. Members are beginning to learn that it is most off-putting to have someone parade past during the middle of their speech.

Over the past two or three weeks, the Committee has had a number of meetings with the Minister and his senior officials to discuss the Budget. It has also had a long session with the chief executives of the Health and Social Care Board and the Public Health Agency. The Committee has used those meetings to drill down into the budget for health and social care. Our role was to scrutinise and to see whether the most vulnerable in our society were protected and to ensure that the impact on front line services was minimised.

It is no secret that the Minister is not happy with the budget that he has been allocated. He believes that health deserves more funding. His speeches and correspondence to the Committee are littered with figures on growing demands and comparisons with the English system. However, the reality is that the Minister has been asked to make an additional saving of £105 million in revenue in the revised spending plans. That reality is reflected in this Bill. The delivery of health and social care in Northern Ireland within the budget allocated is a complex and extremely difficult task, and no one can deny that.

I should like to comment on the job done by health and social care workers. As individuals, we have heard from nurses and doctors, lab technicians and other essential front line staff

that they are rushed off their feet, and we recognise their hard work and the quality of what they do on behalf of patients and those in need. However, it must be accepted that the majority of the budget in the Department of Health, Social Services and Public Safety is spent on salaries; I believe that it is about 70%. Therefore, there is no way in which staff cannot be affected by the savings. Nevertheless, the Minister has said that there will be no compulsory redundancies, and I as Chairman, and the Committee generally, welcome the fact that no one will be forced to leave their job as a result of the savings. However, the budget has to be cut and the Minister, like every other Minister, must live within his means.

In the opinion of the Committee, the Minister has made some difficult choices. He could have gone for the nuclear option: he could have gone for hospital closures, had wards shut down, or removed a particular service. Instead, he has brought forward a programme that is more balanced. Someone has described it as salami-slicing: taking a little here and there off a huge range of services. We have not been able to get more localised details to find out just how it will affect individual trusts. We have not, as yet, received the operational plans for each of the five trusts. In fact, I understand that they have not even been finished. One of the great complexities and frustrations of being on the Health Committee is that it was announced that savings had been made in February, but we did not receive the final details until three and a half months later.

We are now well into the new financial year 2010-11, and trusts have to hit a moving target in the sense that they are spending money but they did not have a finalised budget for the current tax year.

Mr Shannon: The trust in the area that I represent seems to be aware of some efficiency savings. Ward closures have been mooted, and there will be some meetings tomorrow about that. The trust also seems to be aware of other cutbacks. Therefore, there is some talk about it in my area. However, there are a lot of concerns about cutbacks and whom they will affect. Some of those cutbacks seem to be touching front line services, which concerns me.

The Chairperson of the Committee for Health, Social Services and Public Safety: Part of Mr McCallister's and my constituency falls into

the same trust. Indeed, there will be a highly charged public meeting in Downpatrick on 23 June to discuss these very issues. The chief executive of the trust has argued that they are not cutbacks as such: they are a rationalisation and improvement of services. He says that he can deliver the same service in Downe Hospital with the closure of an entire ward. If that is an indication of what is happening when rationalisation is going on, I shudder to think what will happen when we impose large, real-term cuts.

The details of the various discussions on how the cuts and savings will be made were outlined by me and other Health Committee members during yesterday's debate, so I do not intend to repeat that. Instead, I will outline that the Minister is relying on balancing the books through a number of strategic choices, which have been examined in detail by the Committee. The big savings are expected in a number of areas, one of which is workforce control, whereby a 2% cut in trust payroll will save up to £40 million in 2010-11. That will cause great concern to the community and to those who work in the health and social care sector. The Committee is particularly concerned about the freeze in recruitment and the impact that that will have on staff. A vacant post will not be filled until it has been examined and scrutinised in some detail. That will take time, and, in the interim period, other staff members will be put under severe pressure in trying to cover for the missing post. That change will lead to safety issues and a potential impact on waiting lists.

Another major area of savings and cuts will come through the non-introduction of new services. Current services will be protected, but there will be some impact on waiting lists, and new services will be reduced, delayed or not introduced at all. I am particularly concerned about anti-TNF drugs, and Members who have been visited by constituents complaining of rheumatoid arthritis will know the enormous benefits of those drugs.

About three years ago, I met a young lady while canvassing in the village of Clough in South Down — one of the few areas that still votes for me — who was in severe pain as a result of rheumatoid arthritis and was campaigning for the introduction of anti-TNF drugs for her fellow sufferers. That young lady was about 28 when I first met her and, when I met her again a few weeks ago, I did not recognise her: she

was a totally transformed person because of the benefits of anti-TNF drugs. They had totally revolutionised her life, she was no longer in severe pain, she was able to return to full-time employment and was making a valuable contribution to society. The term “wonder drug” is sometimes overused, but anti-TNF drugs are almost exactly that, because they have a profound impact on the quality of life of those in Northern Ireland who suffer from that awful disease. Therefore, the Committee is concerned that the commissioning plan proposes to reduce the availability of those drugs and increase the waiting list for those life-changing drugs to nine months, rather than reducing it, as was previously planned.

Some members of the Committee met representatives from Arthritis UK at a function in the Long Gallery recently, a charity for which the issue of anti-TNF drugs is a burning issue. They were disappointed that a wonder drug that offered so much hope to people who suffer from that condition had been developed, but it now looks as if sufferers will have to wait a long time to avail themselves of it.

The final savings are expected through the making of additional efficiencies in family health services, with a particular emphasis on the use of generic drugs. I am sure that Members know that generic drugs are products that have gone out of patent, and the company that originally produced them is no longer entitled to charge a large amount to recover its huge expenditure in researching and developing the drug. One drug that I looked at recently had a branded version costing £26 and a generic version costing 90p, and clearly there is huge potential to save money in the Health Service in Northern Ireland by moving towards those drugs, without affecting front line care.

However, there is a problem in that the GPs have the right to prescribe either a generic or branded version of a drug to patients; it is entirely their call. Indeed, there are some GPs who think that their patients like to have a certain branded product prescribed to them, and when the patient goes to the pharmacy, the pharmacist has no ability to alter that prescription and cannot tell the patient that they can have the same product, with the same impact, at one tenth of the cost. The Department is quite rightly making significant strides on generic drugs, but if it could bring the generic prescription level up to between 60%

and 65%, an enormous saving would be made to the budget, with no difference in patient care. The Committee sees that as a way of achieving savings without affecting the most vulnerable.

The commissioning plan contains ambitious targets to increase the use of generic drugs to 64% of the total. That is already a PSA target, but the emphasis must be on speeding up the increase, especially in GP practices. We urge the Minister to crack the whip with GPs to ensure that they always go for the most cost-effective option.

5.15 pm

Northern Ireland spends £224 per capita on medicines. In Wales, the corresponding figure is £194, so we are clearly spending too much in certain areas. There is room for improvement. According to the information that was given to the Committee, there is room for an additional £46 million of savings in that field alone.

That is significant, because, as I said yesterday, adding that figure to the possible £11.7 million of savings that could be made from eliminating consultants' bonuses could save almost £60 million. Would anybody notice any change in front line services if that happened? Those are the types of savings, cuts and efficiencies that we have to find in the Health Service budget: those that have no impact on the patient or the person who is waiting for treatment at a GP surgery.

I have outlined the main elements of the revenue savings in the new revised expenditure plan from the Department. Before I finish, I want to point out that we are still waiting to see detailed operational plans and, despite asking on a number of occasions, we do not know exactly what has been allocated to each trust. Moreover, we do not know anything yet about the capital budget for this financial year.

Every Department has revenue and capital elements of its budget. Capital is vital, because many infrastructure projects are urgently required. We brought officials who are in charge of the capital budget before the Committee during a recent evidence session in the Downshire Hospital, and they did not have a clue where we are going.

For example, the new women and children's hospital in the Royal complex has been earmarked to be built at a cost of £360

million. Given the noises from the Department, the chances of that project going ahead are practically non-existent. However, we need to have that issue dealt with and get alternatives implemented to improve maternity care in the Royal complex.

We have received lobbying material and numerous requests for meetings from groups in the west Tyrone/Omagh area. There is a great deal of controversy over the fact that County Tyrone has been left without any form of acute service cover. Looking at the map and realising that there is nothing between Altnagelvin and Craigavon and between Craigavon and Enniskillen, one can see that the people of Tyrone have much to complain about. They are stranded in the west of the Province, miles away from a hospital with acute cover.

I have listened to people from that area with great interest. The other day, we met a west Tyrone lobby group led by Father Mullan from Drumquin. I got a very nice letter from Father Mullan afterwards, thanking me for the reception that the Committee had provided the group. I never thought that I would get a letter from a priest, so it was very nice to get that. He leads a group that has a very just cause; he said that Tyrone is the Cinderella of acute care in Northern Ireland, and I agree with him. That group demands a new hospital for Omagh in line with what has been provided in Downpatrick.

Downpatrick has a marvellous new facility, but the essential services are going out of it as quickly as one could imagine; every time I open the local paper, another service seems to have been withdrawn. However, there is no certainty about the new hospital in Omagh, because we do not know what stage it is at in the capital budget. There are scores of similar projects in the same position, including new health centres, throughout the country.

It would be lamentable if I were making these comments in the December before the new financial year, but we are more than 20% into the new 2010-11 financial year and we do not have a clue where we are going with capital expenditure.

The sad reality is that the Dáil Select Committee on Health and Children came up to see us and told us that tender prices for capital projects in the Irish Republic are coming in at 21% below the expected price and that contractors are

basically buying projects to keep their staff working.

Therefore, the sad thing is that the time that we could be spending maximising the return for the taxpayer and achieving best value for capital projects is the time that it looks as though there is absolutely no money to get the projects off the stocks and get them going. For example, although the budget for Downe Hospital was £63 million, I suspect that, if it were to go out to tender today, it would be around £55 million. That would be a major saving. Therefore, that is the dilemma that we face.

However, we do not have a clue about where we stand with capital budgets. No matter what happens next year, it is essential that the Department gets its act together and that the Committee gets the figures before the start of the financial year. The Committee cannot be left lagging behind all others without knowing where it is going.

Mr Beggs: Will the Member agree that it would be helpful to revert to the Assembly's original practice? If we were to do that, a draft Budget paper would be produced in the September or October, a couple of months would be available for discussion, debate and consideration, and, ultimately, the Budget would go through in December, rather than go through very late with limited discussion.

The Chairperson of the Committee for Health, Social Services and Public Safety: I understand the difficulties that the Department faced, in the sense that the announcement that a further reduction in expenditure had to be made was not known until January or February. Therefore, it would have been unreasonable to have expected the Department to have come up with a draft budget in October and to have stuck to it. However, the problem was that other Departments reacted immediately to the Minister of Finance and Personnel's decision by going through their budgets and finding savings. They reported those to their relevant Committees to give them time to consider the figures before the end of the financial year and to report back to the Assembly. The Committee for Health, Social Services and Public Safety was left completely in the dark for the three and a half months after October. Although the community was concerned about where potential savings would be made, we did not have a clue, because we did not have even one leak, and, until two

weeks ago, we did not have even the slightest hint of what was going to happen.

Mr McCallister: Will the Member agree that the Health Minister's way of carrying out the process has been much better, in that he has not presented cuts here and cuts there? He has done what Mr Wells said at the start of his speech that he would do and slashed off different bits. That has resulted in a much better outcome, because front line services will be protected, which is what we all want to see.

The Chairperson of the Committee for Health, Social Services and Public Safety: On balance, the Committee decided that the Minister was right to go for what is an extremely complex package of reductions in services, greater efficiencies and savings on generic medicine and so on. He has devised a difficult-to-understand and complex package, but that is not the issue. The issue is why it took so long to tell the Committee what he intended to do. We were left without even an off-the-record briefing on what was happening.

My concern is that the way in which the Minister is proceeding could be described as being too clever by half. I hope that I am wrong, but the way that he is doing this is so difficult and complex and will require such a huge degree of management and supervision that it may be almost impossible to achieve. He plans to save 2% on staffing through a freeze on posts, and each post will then be assessed on whether it should be filled. We have not even mentioned the reduction in agency nursing and locums. That will require a level of expertise that I hope the Department has, and I wish it well. If it can do it, good luck to it.

That is much more preferable than a slash-and-burn approach, which would have involved saving money by closing wards, stopping services and not having any more child protection and so on. I agree with the Minister about that. My argument is not about what he did; it is about the fact that the Committee was kept in the dark for such a long period. Next time, he could at least bring in one representative from each party at the start of the process and roughly outline his intentions, so that, when he makes an announcement, we know where he is coming from. Instead, we got the Minister's plans in their entirety two weeks ago.

As he knows, the Committee had to go through the budget until 7.05 pm, which I think is the

longest time that any Assembly Committee has ever sat. That is an indication of the serious difficulties in which we were placed, and, during the entire period, we were approached by unions, charitable groups and patients' representatives, who were asking us what was going on. Neither Mr McCallister nor I had a clue what was going on, and the Minister did not seem particularly concerned. As I said yesterday, getting financial information from the Minister was like pulling hen's teeth. Nothing was forthcoming from Castle Buildings.

The Committee is concerned about what the future holds. We know that harsh spending cuts are coming; we all agree on that. I would be absolutely delighted if, this time next year, my only concern was how to continue to provide a service based on the current Budget of £4.3 billion. If we were to reach that situation, we would all be happy, and we could all live with that. However, I suspect that that will not be the case. We do not know how severe the cuts will be, and everyone awaits 22 June with some dread. That is not, by the way, the date of the World Cup quarter-finals but the date that has been set for the emergency Budget. We will know our fate when the Chancellor rises to his feet and announces how much money will be given to Northern Ireland.

We must remember that, apart from a few minor powers to raise additional revenue, Northern Ireland cannot invent money, grow money on trees or create it out of thin air. Therefore, we must live with what we have been given. That will result in a difficult year for all of us, because we will have to determine how to allocate that limited Budget among the Departments. We do not know what decision the Executive will take on ring-fencing; that is entirely their decision. We could live with a decision to ring-fence some services, but we do not have the full facts, and, therefore, the Executive must take those terribly difficult decisions.

A decision to ring-fence money for one or two Departments that account for a significant proportion of the Budget would decimate other Departments. People ask why we do not ring-fence spending for health and education. However, those two Departments account for about two thirds of the Budget. Therefore, the implementation of a 10% cut in the remaining Departments would mean cutting about one third of their combined budgets. There is no option to cut the budget for the Department of

Justice, because it is ring-fenced. Those are the dilemmas that we will face. Since the devolution of policing and justice, the Health Department accounts for 40% of the Budget, and that has severe implications for our Department.

We, as a Committee, understand that there is considerable concern in the community among health charities, lobby groups and politicians about the potential impact on the health sector. The Committee will discuss that in further detail at this week's meeting. The other day, somebody asked me what I thought would be the dominant health issues over the next year. My reply was that there would be three issues: budgets, budgets and budgets. Over the next 12 months, funding and the availability of resources for health will, without doubt, be the most dominant issues in the Department.

I thank my fellow Committee members, who recently spent many hours scrutinising departmental officials and the Minister and trying to get to the bottom of how the budget for health and social care will be spent. It has been a long and difficult period for the Committee, but the members were up to it. They were loyal in their attendance and asked some pertinent questions. The departure of the honourable Member for South Belfast Conall McDevitt was a significant loss to the Committee, as he had asked some extremely pertinent questions in the early stages of the process. He was replaced by Mrs Bradley and, more latterly, Mr Tommy Gallagher joined us. Therefore, we have a good mix of youth, good looks and experience on our Committee. Members have worked hard on a difficult issue, and we all await with interest, and some trepidation, developments in the incoming financial year.

The Minister of Finance and Personnel: It has been a long debate, and I should start by apologising to the Assembly. Yesterday, I predicted that today's debate would be reheated fare, that we would go through the political microwave and have to listen to the same old debate all over again. However, Members have spoken from many new angles today, and I wish to respond to them.

Towards the end of the debate, there was one disappointing contribution from Mr McGlone, who did the SDLP no favours. He adopted a cop-out approach when he said that the SDLP washed its hands of any responsibility. He said that his party did not vote for the Budget and

did not believe that it was correct. He said that mistakes had been made and that he had never seen such a waste of public funds in his life.

He then went on to complain about the Department of the Environment and the loss of jobs in the Planning Service. When I was Environment Minister, I went to the Committee with a proposal to increase planning fees after there had been four years without an increase. It would have helped to keep the revenue, which, in turn, would have maintained jobs in the Planning Service. The charge against that proposal was led by none other than the then Committee Chairman, Mr McGlone, who lamented that if the increases went through, the cost of a planning application for a house in the countryside would increase by £100, and no one would want to build any more houses in the countryside. That was the level of discussion that we had on the issue.

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

5.30 pm

It is one thing to come here and moan and whinge about the impact of the Budget changes, it is another thing to accept some responsibility. I enjoyed the experience of going along to the Committee and giving evidence to it, but if there is so much waste in the Department of the Environment, why, under Mr McGlone's leadership, did the Committee spend so many hours and days investigating climate change, which, of course, is very relevant to people of Northern Ireland, and ask experts to come along? With all that waste in public spending, I would have thought that Mr McGlone would have had far better things to do when he was the Chairman of the Environment Committee.

Mr McDevitt: Will the Minister give way?

The Minister of Finance and Personnel: I thought that someone might rise to Mr McGlone's defence, as he has left the Chamber. I will be very happy to listen.

Mr McDevitt: I have a basic question for the Minister. Does he look forward to taking those strange and unique arguments to another place at some point in the near future? Maybe he will get back to talking about the Budget.

The Minister of Finance and Personnel: That was just an introduction. I felt that I had to let off a bit of steam about something, and I am glad that Mr McGlone gave me that opportunity

at the end of the debate. I will come back to some things that he said during his contribution, but, first, I will come to the contributions that other Members made.

Standing Orders require Members to confine themselves to the general principles of the Bill. Mr Deputy Speaker, you were not responsible for doing so, but another Deputy Speaker and the Speaker allowed people to make wide-ranging contributions on the issue. I do not think that there was anything lost in doing that. Once again, I express my appreciation to the Committee for Finance and Personnel for ensuring accelerated passage of the Bill and for ensuring that the legislative timetable for the debate was adhered to.

I come to the contributions that a number of Members made. First, the Chairperson of the Committee for Finance and Personnel raised a number of points. The first point, which her colleague Ms Ní Chuilín also raised, related to the procurement process and to adding social and economic value to that process. We had a wide-ranging debate in the Assembly on that issue on another occasion, and the Committee has already produced a report on procurement, which my Department has partly responded to. It will give a more comprehensive response to the report, but the general guidance on procurement states clearly that economic, social and environmental objectives are to be considered from the outset of the procurement process. Indeed, the objectives in the Programme for Government placed responsibility on Departments to produce procurement plans, which set out how procurement will assist in delivering the most economically advantageous outcomes, including specific measures that will give full consideration to social procurement.

As I said in the intervention to Ms Ní Chuilín, when going around public procurement projects to look at what is happening, I am encouraged when contractors tell me that they have taken on long-term unemployed people or have given people apprenticeship opportunities as a result of the procurement and tendering process that they had to undergo.

Ms McCann also raised the issue of poverty and winter fuel payments and talked about targeting them better to deal with child, pensioner and fuel poverty. She will know that since those are classed as benefit payments, there is parity with the rest of the United Kingdom. We do not want

to break parity and so introduce means-testing, although it is up to the Minister for Social Development to make a decision on that if he so wishes.

I hear the same comments about means-testing all the time, as, I am sure, do other Members. Once means-testing is introduced, there will be a cut-off point, but many people who may not be described as poor are, nevertheless, not well off. They feel that they are being excluded from means-tested benefits simply because they have been prudent and saved a little money. Their pockets are hit, and sometimes they find that having savings leads to their being less well off. That is the other side of the coin.

Ms McCann also raised the issue of child poverty. She will know that there is an obligation, under the Child Poverty Act 2010, which went through the Westminster Parliament, to deal with child poverty. The Act requires a three-year strategy, which must be in place by March 2011. That is being undertaken by OFMDFM, but it will be the responsibility of each Department. Although OFMDFM will set the strategy and the 10-year objectives, it will be delivered across a range of Departments, and it will be for Departments and Committees to ensure that that is done.

Mr McQuillan raised the issues of tourism and savings, and we have great potential for developing tourism. His constituency attracts many tourists because of the Giant's Causeway, but it also has huge potential for jobs and growth, especially in the private sector, and the Executive have sought to encourage it and to direct attention to it. In fact, the Giant's Causeway visitor centre is getting off the ground.

A theme recurs time and time again throughout the responses. It perturbs me that radio phone-in programmes, their presenters — Members — journalists and the chattering classes portray the Assembly, the Executive and local government as bodies that do not deliver or even try to deliver and which make little difference to people's lives. That is the "in thing". It is, therefore, worthwhile highlighting the things that are done. I urge Members to look not only at the amount of money that has been made available to the Giant's Causeway, but at the way in which the planning process sought to accommodate the facility in a sensitive area. It is an indication that the arms of government

came together to provide something that will add significantly to that area's economy.

As regards savings, I agree with the Member that Departments should make early, achievable plans for savings, which they can then bring to Committees so that proper scrutiny can be carried out. Many Members raised that issue in their contributions. Committees should push Ministers to bring those plans forward. I will certainly encourage Ministers to do so. As I outlined yesterday, the Budget process will require Departments to bring forward their plans for savings between now and the end of July. I intend to speak to each Minister about those plans during the summer so that they can be fed into the system in the new session.

Mr McNarry never comes into the Chamber to listen to me. He comes in and talks but never listens to me. We have been talking about processes, Mr Deputy Speaker, and I know that you may accuse me of digressing. However, I believe that we should introduce a system by which, if Members wish to speak in a debate, they should, at least, be present for the summing up of the debate, so that they can hear the Minister's response. They may not like that response. However, at least they would hear the response to the speeches that they have made. Perhaps, you will pass that on, Mr Deputy Speaker. I will say no more about it, except that it would help the process of debates, rather than having Members walk in, make their speeches, walk out, and not be seen again. Ministers never have a chance to respond to them.

The Chairperson of the Committee for Health, Social Services and Public Safety: The Minister can be confident that if he misses any point that is made by most of the Back-Benchers on all sides of the House, they will ensure that it appears verbatim in local newspapers the following week. Therefore, he has nothing to worry about: he will be able to catch it in his local journal.

The Minister of Finance and Personnel: I am sure that I will. However, since I have had to sit through the debate for several hours, I would like it if Members would, at least, return to the Chamber to listen to what I have to say at the end of it.

Let me get back to what Mr McNarry said. At least his contribution to today's debate was, perhaps, just a little notch higher than the

standard that we usually expect from him. He mentioned the black hole and severe cuts. He had a go about water charges and leaked documents from the Executive — on which, of course, he would have great expertise. I suspect that his party is well used to that kind of thing.

I have just listed some of the issues that Mr McNarry raised. He mentioned the weighted scale. I am still at a loss to understand how his weighted-scale theory is any different to how projects are judged against priorities that are listed in the Programme for Government. He mentioned setting up a scrutiny Committee. I would have thought that at a time when we want to streamline the system, we should try to get rid of unnecessary Committees. Mr McNarry says no: let us have a scrutiny Committee.

What really took me to the fair was that although the Assembly has four in-year monitoring periods, all of which require feed-in from Departments, along with Executive discussion on how to allocate money, followed by debate in the Assembly, Mr McNarry wants monthly, rather than quarterly, in-year allocations. The important fact is that none of that would generate any more money for Departments. We would still face choices. We would still have to make difficult decisions because there would still be the same pot of money to spread around Departments.

Mr McNarry described measures that he believes would improve the situation. However, those measures would not magic money out of the air, make it grow on trees or persuade the Treasury to make more of it available to us. We would simply have to continue to make difficult decisions. Those decisions are not best made by saying that just because something is a high priority, it must simply be given all the money that it requires.

That seems to be what was being suggested — that a high rating meant that a budget would not be touched. When we talk about giving the growth of the economy a high priority, it does not mean that everything that comes under the heading of growing the economy is necessarily a good project or the best way of spending money. We allocate and give priority to budgets through in-year monitoring and looking at departmental baselines, among other things. When spending proposals come forward, we have a clear indication of their relative benefits when it comes to prioritising spend. We do that rather

than act on an abstract notion that a priority gets money. We must look at those elements.

5.45 pm

I want to say something about the Budget process. The more that we get down to clear lines of departmental spend, the more that we will be able to drill down and look at some of the bids that are being made and make some judgements on them.

Mr McNarry also talked about the economic projections. He loves talking about black holes in the economy and in spending. He was on about it again today. He said that, last year, we had £390 million in cuts in this Budget. I do not know how often I have to say it; I will send him a copy of the Hansard report. We reallocated £370 million in this Budget. We did not cut £370 million from this Budget. I do not know how many ways I have to say it. We decided that we could not sell some assets because of the market. We decided that we were not going to impose water charges because, politically, people said that we could not do it. We decided that we were going to help businesses with their rates. If we used the money for that, we could not use it for something else, and so we reallocated. We did not cut.

We will have to make cuts this year. We will have £128 million less. Next year, it will be the same or even more so. Those are cuts, but there was no black hole because someone lost control of the finances. A reallocation was made on the basis of decisions that were taken by the Assembly. Mr McNarry talked about the economic projections and the difficulties posed by economic growth. We may well face such difficulties, but he did not say that it has been found that levels of borrowing were less than anticipated. I do not know whether one may offset the other, but we will know that when the Chancellor makes his Budget statement next week.

Mr McNarry and Mr Farry raised the issue of corporation tax. We have had long debates on that issue. Although I will be interested to see the paper that comes forward, we must remember that it is only another paper that has been promised. We had Varney I, Varney II, and now we are going to have a third paper — Paterson or Osborne; I do not know what it will be called. We will then see what the full implications of allowing variations in corporation tax for the Assembly are likely to be.

I do not want to go over everything, because the hour is late, but when we responded to the report, a lot of queries were raised about the full cost of devolving corporation tax and allowing changes to be made by the Assembly and also the benefits. Any economic model that predicts benefits 25 years ahead is going on guesswork. No model can sustain all the uncertainties and risks that occur over a 25-year period and come out with accurate predictions. The predictions about creating 90,000 jobs over the 25 years have to be taken with a pinch of salt. It makes a good headline in the paper, but when one looks behind it to see where those figures come from, sometimes the figures become a little bit more suspect.

Mr McNarry also mentioned in-year monitoring, and he raised a query. He seemed to think that there was some contradiction in what I said about in-year monitoring getting tighter. It is, and that is good. Carál Ní Chuilín spoke about the benefit of that. It means that Departments are spending money on what they actually planned to spend it on. It does not mean that there are no reduced requirements. There will still be reduced requirements, because unforeseen circumstances always arise where Departments planned to spend money on something but could not spend it. That is the situation this year again.

The question that the Executive must ask when we present the June monitoring round is how we deal with reduced requirements, bids from Departments and the knowledge that we have got to find £128 million in cuts. Do we simply say that we have x amount of reduced requirements, so we will give x out to Departments because there is x worth of bids? Do we say that we will only give half of x, refuse some of the bids, and use the remainder to facilitate and finance some of the cuts? Or do we give it all over to remove the cuts this year? Those are the kinds of decisions that are being made.

I do not know whether Mr McNarry is just paranoid that someone is trying to pull the wool over his eyes, but to suggest that there is something untoward going on when I say that in-year monitoring throws up less in reduced requirements this year than last year, and less last year than it did the year before — and that, just because I mentioned that maybe some of those reduced requirements could be used in a certain way, the wool is being pulled

over people's eyes — really is either stretching to find something to complain about or not understanding the process.

I have dealt with the Assembly Budget scrutiny unit and the Member's proposal. I would have thought that we would want to move away from more bureaucracy and try to get a more streamlined system.

Mr Bradley raised the issue of the schools capital budget. It must be recognised that there has been a reduction in the schools capital budget. That is partly as a result of the fact that we made decisions to, for example, defer water charges. I noticed that, when challenged about whether the SDLP would support the introduction of water charges, Mr Gallagher was emphatic that it would not. Again, it comes down to that issue: if more money is required for one thing, where does the finance come from? In all the discussion today — I think only two or three members of the SDLP spoke — on no occasion was any suggestion made as to how the additional money that they wanted spent on things could be found.

As I have said, although there has been a reduction, we also know that as a result of the different treatment of PFI projects by the Treasury, there will be savings to the schools capital budget of £10 million this year, which is welcome. Also, as has been pointed out by other Members, construction costs have been reduced. Indeed, Mr McHugh pointed out that, in the Irish Republic, construction costs are coming in 21% below what had been expected. I think that there is a similar situation here in Northern Ireland. Therefore, even with reduced finance, hopefully we can get more projects per pound than we would have two years ago.

Mr Bradley also raised the issue of special educational needs. Although the issue that he raised about the £25 million is primarily for the Education Minister, my understanding is that the consultation responses on the special educational needs report have now been received by the Department of Education, and a summary of those will be produced by the end of the summer.

The emphasis will now be on schools, and I understand that work has already begun on developing school workforce capacity to build in the requirements and responsibilities that schools must meet to cater for children with special educational needs.

Mr Bradley spoke about school maintenance, and we must acknowledge that significant issues exist in that respect. The bill stands at £280 million, £60 million of which is required for areas that need immediate attention. Again, it is up to the Minister of Education to manage those issues by using the budget available to her.

I now come to Mr Farry's points. I have said on many occasions that I enjoy his contributions in the Assembly. However, I noticed today that he is slipping into Lib Dem mode. He does not put up the same kind of resistance to proposals for immediate cuts that he used to, and he talks about balancing the need to raise revenue against the need to cut the amount of money spent on services. He has not yet sold his soul, but he is moving in that direction.

However, Mr Farry made a number of useful points. He and Jennifer McCann talked about the potential of North/South co-operation, and I wish to make a point about that. I do not take a dogmatic stance to the Irish Republic and ignore it because of unionists' difficulties with it in the past. However, to use Mr Farry's words, we must strike a balance. We are very dependent on the UK economy, and east-west links are important. However, a land boundary exists between Northern Ireland and the Irish Republic, and significant work can be done. I have no ideological reason for not wanting to try to maximise the use of resources through co-operation with the Irish Republic. Indeed, I have had discussions with the Finance Minister in the Republic about co-operation, not because I wish to drive some political agenda or ideology but because sometimes it makes sense to share resources and services and to have a useful discussion about how we can maximise the impact of resources that are spent on, for example, procurement in the Republic and here. Of course, we have already benefited from such co-operation, after the Irish Republic contributed to the roads network here when it recognised that it also serves its economy. Certain exchanges will, therefore, be worthwhile.

However, we must bear in mind that the Republic is our competitor in many other areas, so there are limits to how much co-operation can take place. I am sure that the Government in the Republic also bear that in mind when they are making certain decisions. Co-operation is useful in circumstances in which potential savings are available, and it would be wrong of us not to consider those. Co-operation will

sometimes take place Minister to Minister. I have said many times in the Assembly that I prefer to do business Minister to Minister rather than through the complicated structures of the North/South institutions.

Mr Farry also mentioned the counter-cyclical measures. Yesterday, he said that it would be mature of us if we decided to introduce water charges.

Although I have some sympathy with the Member's point, and have said so publicly, we have to recognise that the introduction of water charges is a form of fiscal tightening, in so far as those charges will remove spending power from private individuals that would have benefited the economy. Whether it is through introducing water charges or reducing public spending, there will be fiscal tightening and an impact on the economy.

6.00 pm

Dr Farry: It is a fairly complicated balancing act, and the Department may come to the conclusion that it is right to introduce water charges, thereby tightening the economy in one respect to balance the books and bring money in. However, it may be more economically efficient to loosen the economy in another area. Not levying water charges may not be the most efficient way to ensure spending power in the economy. There may be more efficient ways of doing that.

The Minister of Finance and Personnel: It is sometimes very difficult to work out the total impact of such a change vis-à-vis other methods. If money is brought in through water charges, it would leave in some other form. The question is whether it would have a greater overall economic impact, and that is where economic modelling comes into consideration. There is also a political argument surrounding water charges.

I referred earlier to Mr McNarry's contribution. He finished his speech by demanding to know what I was going to do about water charges. However, if Mr McNarry had done his homework, he would know that I can do nothing about water charges. I have raised the issue of water charges honestly, both publicly and in the Assembly. However, at the end of the day, the responsibility for water charges lies first with the Minister for Regional Development, secondly with the Executive, and thirdly with

the Assembly. On one hand, Mr McNarry puts forward the idea of perhaps supporting water charges, and, on the other, Mr Cobain says that introducing water charges would be a total betrayal. Given that record, Mr McNarry has a debate to sort out in his own party before he asks me what I am going to do about water charges. Nevertheless, it is an issue that we will come back to.

Mr Farry raised the issue of spending differentials and the fact that some Departments spend more per capita than others. He mentioned that the Health Department spends more per capita, but that, when health needs are considered, there may be a need for more spending. That is a very dangerous route for the Member to go down because, if we look at where the biggest disparity of spending per capita is, we find that it is in his Minister's Department, where there is a 40% difference in spending per capita, compared with the rest of the United Kingdom. The average difference is 22% per capita for the Northern Ireland Budget as a whole, whereas there is a 7% difference per capita in the Education Department.

Dr Farry: Will the Minister give way?

The Minister of Finance and Personnel:

Perhaps the Member is going to tell me that he has already been lobbying his Minister to make sure that those disparities are addressed.

Dr Farry: I know that I am going to get myself in trouble for saying this, but if we are to be mature, it is important to recognise the benefits of freezing the justice budget in the short term, given the potential crisis and uncertainty that we face, particularly the threat from dissidents. As we normalise society and as the rule of law becomes better entrenched, it is clear that there will come a time in the very near future when justice has to be paid for against other competing priorities such as health and education. The Minister of Justice gave a very clear warning of that in his keynote speech last week. Such movement will be a sign of Northern Ireland maturing as a society. I recognise that what the Minister of Justice suggested will inevitably happen here under devolution.

The Minister of Finance and Personnel: I used to think that Mr Farry was a rising star in the Alliance Party. With a contribution such as that, I will maybe have to rethink that position. Nevertheless, again, he has demonstrated an

honesty that is sometimes lacking in other Members' contributions by recognising that we need to take a hard look at such issues.

Although Mr Farry mentioned policing, there are other areas in the Department of Justice in which savings can be made. I admire the stance that Mr Ford took on how legal aid costs should be tackled so that we achieve greater parity with other parts of the United Kingdom. He will be taking on a big vested interest there. As with many such issues, however, that will have to happen anyhow.

Michelle McIlveen mentioned structural maintenance and underfunding of Roads Service. The infrastructure of Northern Ireland is important if we are to deliver an effective economy. Last year, Roads Service's maintenance budget was increased to £85 million, which included an additional £15 million. From 2007-08, the budget has gone up from £63 million to £77 million to £85 million. So, we have increased the maintenance budget for Roads Service. I understand that most of that will go on the strategic road network, but other roads, including rural roads, will have resurfacing treatment.

The Member also raised the issue of DRD funding for roads and transport. The allocation is due to increase by more than 20% in the current financial year to just under £700 million, which indicates the importance that we attach to building the infrastructure in Northern Ireland. Of course, it is up to the Minister to decide how that money is allocated.

Mr Gallagher raised the issue of savings. He spoke about the problems of the Western Education and Library Board and the treatment that he believed that the board received from the Department of Education. Education spending went up by 5.8% last year, well above the rate of inflation, and there is a 1.9% increase in education funding this year. How that is allocated is, of course, the responsibility of the Education Minister, as are decisions on timing and information.

Carál Ní Chuilín raised the issue of value for money in social housing. If one looks at this Administration's record on social housing, one can see that, last year, we had the biggest production of social housing for years, with a programme for more than 1,800 homes. The average cost to the public sector was £80,000, and, because delivery is now through housing

associations, their contribution was £50,000 per unit through private lending. The standard of new houses in the public sector is well known and represents good value for money.

The Member raised an issue that is also important to me, and that is the language that is used in the Budget. I, too, am glad to see that more and more people are asking questions and discussing and wanting to discuss with public representatives the whole issue of public spending and how it is done. I suppose that it is the teacher coming out in me, but I do not think that there is any point in providing Committees or Members with documents that they do not understand.

Therefore, they should be in plain English so that people can understand them. Perhaps the Members on the Benches opposite will remember that when they speak Irish, it is sometimes just as confusing as some of the official speak that Carál Ní Chuilín referred to when talking about some of the documents concerning budgetary considerations that come across her desk.

Part of the revision of the Budget process will be to look at how figures and information can be presented in a more understandable way and broken down in a way that makes them clearer. That would enable us to have a proper debate. I do not believe that it is beyond the wit of the Departments to do that. As part of the Budget process, I hope that an easy-to-read summary will be published in the autumn alongside the draft Budget document. That will enable people other than the professional consultees to respond to the Budget, which is, of course, important to all their lives.

Carál Ní Chuilín also raised the issue of streamlining the Budget process. Again, I have assured the Assembly that we want to bring forward a new set of proposals for the Budget process. Part of that will involve Ministers trying to address the problem of Committees not receiving timely and adequate information to enable them to properly scrutinise the Budget. That problem was raised by a number of Members yesterday, today and on other occasions.

Mr Givan made his maiden speech today. If he continues to wear such ties, he will ensure that he gets himself on TV. *[Laughter.]* I do not want to sound patronising, but I congratulate him on his maiden speech, which was insightful, useful

and delivered with confidence. I look forward to more contributions from him in the future.

He raised the issue of special needs and talked about the I CAN centre in Ballynahinch. The education and library boards have a statutory duty to identify children over two years of age who have special educational needs and determine the provision to meet those needs. The boards were established on an arm's length basis so that they could respond to local needs, and that was based on legislation that was set by the Department. If they do not adhere to that legislation, they know the consequences, as Mr Givan described today.

Brian Wilson referred to Budget cuts and his desire to defer them. We know what is coming down the line. Next year is going to be worse and we are unlikely to be out of troubled waters by then. Therefore, simply saying that we should defer the cuts without any consideration of our ability to make some of the savings this year really is reckless. I know that the Member is in the Green Party, but I hope that he is not green when it comes to some of the economic issues. His speech was a bit depressing. He suggested that we should put it all off until tomorrow and hope that everything turns out OK so that we do not have to make the hard decisions now. We cannot heap some of the cuts that we have to make this year on to next year's Budget.

I already mentioned Mr McGlone, but I must come back to the SDLP's wonderful Budget proposals, which supposedly would have steered us out of the present situation. The proposals are brought up during every Budget debate. Mr McGlone said that we could take money from the budget for the Belfast Harbour Commissioners. During Question Time yesterday, I said that the commission does have a cash reserve.

However, that cash reserve is being built up in order to undertake infrastructure work to develop the port to ensure that it becomes more efficient. The port is the major outlet for goods and services from Northern Ireland and for bringing goods, passengers and everything else into Northern Ireland. If we were to take the money from that cash reserve, from where would the port get the money to do its infrastructure work? I take it that Members support the idea of improving our infrastructure. If we were to take the money from the reserve, the Belfast Harbour Commissioners would

simply make a demand on the public purse by borrowing, and that would not solve anything. We would be taking with one hand but giving with the other.

6.15 pm

Mr McGlone talked about some other problems. He said that we did not anticipate that capital receipts would fall. I must say that he failed to mention that DSD did not accurately project housing receipts. It might have been in a better position to do so than DFP. It did not accurately predict what would happen to the Royal Exchange project — money was paid out and then it had to come back in. The SDLP is adopting a hand-washing attitude: "Not me, guv. We have copped out of all of this."

Mr McDevitt: Will the Minister give way?

The Minister of Finance and Personnel: I will give way presently. The SDLP's attitude is that everyone else got it wrong and is to blame and that it has the magic solution.

Mr McDevitt: I thank the Minister for giving way. I did not want to intervene again, but he has returned to the subject of the SDLP

Earlier in his contribution, he talked about corporation tax. I am interested to know whether the Minister wishes to revise an answer that he gave to me previously. At Question Time last month, I asked him about the estimated take of corporation tax in this region, and he told me that it was somewhere between £350 million and half a billion pounds a year. Those are the Minister's words, not mine. I did my homework and figured out that what the Minister must have been doing was extrapolating a Barnett-type formula. He had reckoned on the estimated take across the UK and assumed that we would get, more or less, our Barnett share of it. I hope that all the other comments that the Minister has made today are based on slightly stronger and sounder economic reasoning than that figure appears to be. He is a man who knows what he is talking about most of the time. Will he clarify that specific figure and tell me whether he still stands over the assertion that we are walking away with half a billion pounds in corporation tax every year from this region, as he said we did a month ago? If so, I would welcome it.

What other magic formulas has the Minister up his sleeve to deliver us out of the current financial crisis?

The Minister of Finance and Personnel:

First, as I explained to the Member in my answer, the corporation tax take depends on how wide the scope for corporation tax is and on which businesses are included in the take. *[Interruption.]* The Member wants a simple answer to his question of how much the corporation tax bill is. It depends on the scope of the tax and which businesses pay it. Members talked about that when they discussed the issue in the Assembly. Not every business would be covered by a reduction in the rate of corporation tax. I heard some Members say that they would not allow banks' profits to be covered by a lower rate of corporation tax. The amount collected will vary, depending on which businesses we include and which we leave out. I do not know that the Member has a point to make there at all.

Mr Wells raised a number of issues about the women and children's hospital. I understand that the current allocated profile for its funding is during the ISNI II period. That means that the project will have to be split into two separate projects. One will start in 2015-16 and see completion in 2017-18, while the other will start in 2017 and be completed in 2021.

Mr Wells also raised the issue of generic drugs. It is my understanding that the Health Minister is already working to roll out the use of generic drugs across health and social care services, although, as the Minister pointed out, that will often require educating GPs to use generic drugs.

Finally, he mentioned the hospital at Omagh and the need for services in that part of the west of the Province. I understand that the Western Health and Social Care Trust has reviewed the business case for a new Omagh hospital. The trust will submit a revised business case, which now includes the procurement route, to the Department of Health, Social Services and Public Safety. Of course, that will have to go into the financial melting pot.

I thank Members for their interest in the legislative stage of this public expenditure cycle. I have endeavoured to respond to most of the key issues raised. It has been a good and important debate. I loved Mr McHugh's comment that the debate was about the "pocket

money" of the block grant. We have been debating more than "pocket money" today. It is very important business for Northern Ireland. I believe that this Budget will deliver services to people across the Province, even in these straitened times.

As Members, we would be failing in our jobs if we did not notice money being wasted or spent improperly. Equally, it is our job to recognise that money is being spent on vital services. Good work is being delivered across Northern Ireland. Let us not join the doom and gloom merchants who see nothing good coming from that work or from the Budget allocations that we make. At least, let us give people hope and optimism that we are doing our best to ensure the best use of financial resources.

Mr Deputy Speaker: Before proceeding to the Question, I remind Members that, as this is a Budget Bill, the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That the Second Stage of the Budget (No. 3) Bill [NIA 26/09] be agreed.

Energy Bill: Second Stage

The Minister of Enterprise, Trade and Investment (Mrs Foster): I beg to move

That the Second Stage of the Energy Bill [NIA 23/09] be agreed.

It may be helpful for Members if I outline the background to the Bill. The Energy Bill is intended to update legislation that applies principally to the natural gas sector in Northern Ireland. It is framed in such a way that the gas sector will benefit from policies and legislation that have already been successfully implemented for the electricity sector. Its other main purpose is to create a special administration regime that will be applicable to the gas and electricity sectors.

The proposed Energy Bill now includes the following provisions: first, the power of access for authorised natural gas companies will be enhanced to allow them to enter premises where, for example, there is suspicion of gas-meter tampering. Natural gas companies are currently unable to enter a property to inspect their equipment unless they suspect that there is a safety concern. The new proposals will provide gas companies with extended powers of entry analogous to those already in place for the electricity industry in Northern Ireland and Great Britain.

However, we have also proposed a number of key safeguards. The legislation states that the person seeking entry to a property will have to provide evidence of his or her authority. They will have to provide sufficient notice that they wish to gain entry, and entry will only be permitted during reasonable times. Those safeguards will be put in place to protect consumers. Also, a gas company must be able to satisfy a Justice of the Peace in order to obtain a warrant if entry to the property is refused.

The Bill will also provide for a new offence of damaging gas plant. The provisions will be similar to those already contained in the Electricity (Northern Ireland) Order 1992 for damage to electrical plant.

The introduction of guaranteed performance standards for the gas industry will provide consumers with specific, measured, achievable, reliable and timely standards to gauge the level of service being provided by different gas companies. That will help to create a level

playing field for customer standards and allow for easier comparison of competitive offers.

The Bill also provides a Utility Regulator with the power to delegate gas meter stamping and testing functions, as opposed to being responsible for completing those in-house, which also brings us into line with the rest of the UK.

The Bill will allow for the establishment of deemed contract provisions between natural gas companies and customers. A deemed contract exists between a consumer and a gas supply company where no written or verbal agreement has been exchanged; for example, when a change of tenancy occurs, such as someone moving into a different property. The introduction of deemed contracts will facilitate a sound and binding basis on which companies will supply customers with whom a contract has not been expressly agreed. It also provides suppliers with a clear basis on which to charge for that supply.

The Bill will also introduce special administration regime provisions for the natural gas and electricity industries in Northern Ireland. In the unlikely event of a utility becoming insolvent, the usual insolvency arrangements mean that the primary responsibility would be towards creditors. However, the proposed legislation provides for gas and electricity networks to remain in place and operational in the event of a network company failure to ensure the continuation of gas and electricity supplies to consumers. Responsibility for a utility that becomes insolvent will be transferred to a special administrator appointed by the High Court who would put the energy consumers' interests above those of creditors and shareholders.

The Bill will also update provisions for gas storage. A regime to allow the Department and the Utility Regulator to consent to gas storage in Northern Ireland exists and the legislative changes proposed in the Bill are relatively minor. The proposed provisions will clarify the meaning of "store" for the purpose of existing gas storage provisions in the Gas (Northern Ireland) Order 1996. It will also clarify that only the operator of a gas storage facility will store gas for the purpose of the Order, rather than the user of a gas storage facility. That will define that it is the responsibility of the licence holder to operate the gas storage facility and it is only the licence holder who can store gas in the facility.

The equivalent legislation for the electricity industry in relation to powers of access, guaranteed standards of performance, deemed contracts and the offence of damaging gas plant can be found in the Electricity (Northern Ireland) Order 1992. It is intended that the proposed Energy Bill provisions will produce the same legal effect for the gas industry as existing electricity legislation in Northern Ireland. The Bill will also bring Northern Ireland law into line with the Energy Act 2004 in Great Britain by creating a special administration regime for the natural gas and electricity industries.

My Department carried out a consultation exercise on the policy proposals in the Bill, and the vast majority of respondents expressed support for the new legal provisions. However, particular comments are worth highlighting. In response to the legislative provisions that would extend the power of access for gas companies, consumer bodies accepted that gas meter tampering was a serious issue with potential safety implications. They also believed that the existing and proposed legal provisions should contain sufficient safeguards in relation to gaining access to a property. That was considered necessary to allay any concerns about appropriate notice being given if access to a property is requested, and a court must be satisfied with the gas company's arguments before granting a warrant.

Existing provisions provide access powers only when there is a danger to life or property posed by events such as a gas escape; essentially, when there is a safety issue. However, the Energy Bill provides safeguards to protect individuals from unwarranted intrusion. The gas supplier requiring entry under the new powers will have to provide evidence of their authority at the request of the owner or occupier or make a case sufficient to obtain a warrant from a Justice of the Peace. The new legal powers will also provide that such entry can only take place at reasonable times, so there will be no prospect of it happening very early in the morning or the middle of the night.

6.30 pm

Other comments related to whether the proposed special administration arrangements would negate the recently implemented Gas (Supplier of Last Resort) Regulations (Northern Ireland) 2009. That will not be the case, because the 2009 regulations relate to gas supply

companies, whereas the special administration arrangements will apply to network and distribution companies in order to ensure continuation of supply.

Some gas companies were not totally convinced of the need for guaranteed standards of performance. In particular, they said that they would have to pay compensation for failing to meet agreed standards. However, Northern Ireland electricity legislation and GB energy legislation provide for such compensation to be paid by the energy supplier if customer standards are not met. Some companies supported the setting of guaranteed standards but requested that suppliers not be unfairly penalised if the failure was due to other providers — for example, gas distribution network operators. The Department will work with the Consumer Council and the Utility Regulator on the outworkings of that issue. However, essentially it is a parity issue and something that should be proceeded with.

I summarise the content of the Bill as follows: it is divided into three Parts, containing 37 clauses and one schedule. Part 1, clauses 1 to 15, relates specifically to the gas industry. Part 2 relates to both the gas and electricity industries, and Part 3 contains supplementary provisions.

Clauses 1 to 8 provide gas customers in Northern Ireland with an enhanced level of consumer protection by authorising the Utility Regulator and the Department to determine standards of performance in connection with the activities of companies that convey and supply natural gas. Clause 9 makes certain amendments to the Energy (Northern Ireland) Order 2003 in order to ensure that the introduction of the new provisions on gas standards of performance is facilitated.

Clause 10 creates a criminal offence for persons who intentionally or negligently damage gas equipment used for conveying, storing or supplying gas. It also allows gas companies to disconnect premises and/or remove gas meters where the offence is committed. Clause 11 exempts gas plant owned by gas companies from judgement and bankruptcy processes where a customer is in possession of that gas plant.

Clauses 12 and 13 create a procedure to provide for deemed contracts to arise in situations where customers take a supply of gas

without having first agreed a written or verbal supply contract with a gas supplier. Clause 14 enhances gas companies' existing powers of entry to customer premises. Clause 15 clarifies the meaning of gas storage for the purposes of the Gas (Northern Ireland) Order 1996.

Clause 16 amends the 1996 Order so that the Utility Regulator does not have to appoint meter examiners from members of its staff and can delegate that function to an appropriate outside body.

Clauses 17 to 33 create a special administration regime for licensed energy network companies. Where a gas conveyance company or an electricity transmission or distribution company faces actual or threatened insolvency, the new regime will seek to ensure that the operation of that relevant network continues.

Clauses 34 to 37 contain supplementary provisions and the interpretation, commencement and short title provisions of the Bill. Supplementary provisions include providing my Department and the Utility Regulator with the power to make subordinate legislation by means of regulation, subject to negative resolution. Regulations under the Bill may also make any necessary transitional provisions and amendments.

Finally, the schedule covers the content and effect of the special administration transfer schemes that are referred to in clause 18. The transfer of any energy company assets must not prevent the activities of the protected energy company from being maintained, and the assets must be transferred as a viable going concern. That will ensure that the objective of the energy administration arrangements is met. It may be the case that all the protected company assets will be transferred to one company, but the protected energy company may also be separated into several going concerns. All transfers will, it has to be said, be subject to veto or amendment by my Department.

In summary, I consider that the Bill will facilitate the further development of the natural gas industry by introducing measures to bring it up to date with legislation already in place for the electricity industry in Northern Ireland and, indeed, with energy legislation in Great Britain. The Bill will update the law to ensure that legislation continues to provide protection for Northern Ireland energy consumers and energy companies alike.

The Deputy Chairperson of the Committee for Enterprise, Trade and Investment (Mr Butler):

Go raibh maith agat, a LeasCheann Comhairle. I welcome the Energy Bill and the opportunity to contribute to the debate. The Bill contains provisions relating to power of access to premises for gas companies; a special administration regime for electricity and gas; deemed contracts between gas companies and customers; guaranteed standards of performance for gas suppliers and conveyors; gas meter stamping and testing; and gas storage facilities.

One of the main objectives of the Bill is to permit gas companies to enter customers' premises. For example, it is only right and proper that gas companies should be permitted to enter premises when there is reasonable cause to suspect that equipment has been damaged. The Committee, of course, will want to be assured that such powers are exercised in an appropriate and sensitive manner and that the term "reasonable cause" is defined clearly and adhered to.

The proposal to introduce a regime that is designed to ensure uninterrupted operation of essential electricity and gas networks in the event of actual or threatened insolvency of an energy company is to be welcomed. That will ensure that the interests of consumers and the public are put before those of creditors and shareholders. The Committee has discussed the funding of the proposed regime with departmental officials. It has been suggested that a regime could be funded through the provision of grants or loans. The Committee will, of course, wish to be assured that any proposal to provide a grant to a failing energy company would be very much a measure of last resort.

The proposals for guaranteed standards of performance are, in principle, to be welcomed. The Committee will seek to ensure that the bar is not set too low in determining what constitutes an acceptable standard of performance and customer service. For households and businesses that depend on natural gas, it is an essential service. Guaranteed standards of performance must not only reflect the importance of the service but ensure that consumers are compensated fully and adequately for any failure in performance. The Committee asked the Consumer Council for its views on that matter. It responded that guaranteed standards act as a driver

for energy companies to improve standards and enhance the service that they deliver to consumers. The Consumer Council also stated that any compensation paid to consumers as a result of a failure to meet standards should be recovered from the appropriate company's profits, rather than from consumers. The Department informed the Committee that that is a matter for the Utility Regulator. Therefore, the Committee wrote to the Utility Regulator and asked how money paid to consumers as a result of failure in service can be recovered without consumers having to bear the cost. The Utility Regulator informed the Committee that his office is currently considering that issue and it is his intention to carry out a public consultation on it. The Committee will consider carefully the outcomes of that consultation and the proposals that the Utility Regulator brings forward as a result.

The Committee supports the principles of the Energy Bill. There are, of course, many other important aspects to it, and the Committee will consider those in more detail at Committee Stage.

I speak now as a Sinn Féin Member. The Minister mentioned the power of access. Although I welcome the fact that it is very much a measure of last resort, more scrutiny of that matter needs to be conducted at Committee Stage. There are concerns that people's gas could be cut off, which would give gas companies access to their premises. That has happened on a number of occasions over the years; for example, when NIE had that power. Although I accept that that has to be balanced against meter tampering and people not paying their bill, it has to be very much a measure of last resort.

If gas companies fail to meet certain guaranteed performance standards and have to pay out compensation to consumers, we have to ensure that that does not come out of other consumers' pockets. It must be borne by the company in question.

With regard to deemed contracts — when people have moved into a house but do not actually have a contract — we must ensure that whatever contract they enter into with the gas company does not penalise those using gas or electricity. It is vital to have transparency and independence in testing meters to see whether there is meter tampering. The Minister said that the Utility Regulator will be involved. However,

it would not be right for gas companies to be involved in testing meters, and we must ensure that it is fully independent. By and large, Sinn Féin welcomes the Bill.

Mr Moutray: I support the Bill. I welcome the Minister's remarks and commend her for driving the issue forward so promptly. It is important that legislation for natural gas issues in Northern Ireland be updated and in line with GB. It is important to ensure that the natural gas sector is protected and that it can benefit from the policies and regulations that have been implemented already in the electricity sector.

Although the Bill is technical, I welcome a number of points. I particularly welcome the fact that the Bill provides gas customers in Northern Ireland with enhanced consumer protection. It is important that consumers who decide to use gas as a source of energy be protected. I welcome the fact that the Bill empowers the Utility Regulator and the Department to determine the standards of performance of companies that transport gas and those that supply it to end users. That will ensure that consumers obtain quality service.

Additionally, I welcome the fact that the Bill makes it a criminal offence intentionally or negligently to damage gas equipment used for conveying, storing or supplying gas. Those who damage equipment should be held accountable. The Bill allows gas companies to disconnect premises and/or remove gas meters where the offence is committed. At present, the power of access for natural gas companies is limited; they can access premises only if there is a health and safety risk. The Bill will allow the Utility Regulator to deal with those who have taken a supply of gas without having first agreed a supply contract with a supplier.

The creation of a special administration regime applicable to both gas and electricity sectors will safeguard the provision of supplies by local electricity and gas networks, thereby protecting the interests of consumers and all our constituents. That means that, where a gas conveyance or an electricity transmission or distribution company faces actual or threatened insolvency, the new regime will seek to ensure the continuance of the operation of the relevant network. The interests of consumers will, in that instance, be placed above those of shareholders or creditors. That will help to

protect the consumer with supply and demand, should a company become insolvent.

The Bill will further enhance the natural gas industry and protect consumers and energy suppliers alike. In addition, it will bring us into line with energy legislation in the rest of Great Britain.

Mr Cree: I, too, am pleased that the Energy Bill has reached its Second Stage. Facilitating the diversification of our energy supply is crucial to our long-term energy security in Northern Ireland. Increased competition will benefit consumers in the longer term. I support a uniform approach to the gas and electricity industries, and I welcome the way in which the Bill has sought to provide protection to energy consumers in Northern Ireland. The Bill seeks to provide protection to consumers while attending to the areas that the industry and the utility regulator have highlighted for revision.

6.45 pm

The Bill also brings natural gas legislation in Northern Ireland up to date with that which governs regimes in the gas industries in Great Britain and the electricity sector in Northern Ireland. Given Northern Ireland's reliance on oil-based heat supply — 70% of homes use oil-fired central heating — diversification in the market is welcome for security and energy reasons.

I am pleased that the Bill seeks to introduce a deemed contracts regime, as that will provide a firm basis for suppliers to supply customers with gas and will echo what takes place in the electricity sector in Northern Ireland. Deemed contracts arise when customers take a supply of gas without having first agreed a supply contract with a supplier; where appropriately regulated, they give the consumer valuable protection.

The Bill also introduces a special administration regime in the gas and electricity sectors to ensure the uninterrupted operation of gas and electricity networks, even when continuity of supply is at risk due to the financial status of an energy supplier. Such provision is important to ensure the continuance of the operation of the energy network and the protection of energy consumers. It is also important in the current economic climate as companies face greater risks in the marketplace and may get into financial difficulties. The Bill is significant, as it could protect the supply of energy to consumers when it is interrupted due to the insolvency or

potential insolvency of an energy provider. It provides an important safeguard, which I welcome.

The Bill takes a common-sense approach to introducing a criminal offence when damage is caused to gas plant, akin to the current offence that deals with damage to electricity plant. That consistency is to be welcomed.

I find three areas of the Bill particularly beneficial. First, clauses 1 to 8 will provide gas consumers with more protection by seeking to establish standards of practice. Secondly, clause 10 takes a common-sense approach and seeks to establish a criminal offence in respect of persons who intentionally or negligently damage gas equipment used for conveying, storing or supplying gas. The clause also allows gas companies to disconnect premises and/or remove gas meters where the offence has been committed. That uniformity of practice, with sanctions that are already available to the electricity sector, is to be welcomed. Finally, clause 11 protects the gas industry by exempting equipment that a company has hired or lent to a customer from any bankruptcy processes against the customer. Thus the industry is protected from any potential insolvency proceedings taken against the consumer.

Originally, the Bill referred to gas storage facilities "in Northern Ireland territorial waters". I hope that progress can be made soon to reduce costs to the company and the consumer and increase our energy security by improving the diversification of the energy industry in Northern Ireland. I look forward to participating in the debate as the Bill progresses through the House, and I support its Second Stage.

Mr McDevitt: At the outset, I apologise for the absence of Alban Maginness, the Chairperson of the Committee for Enterprise, Trade and Investment, who has been unavoidably delayed; however, I will do my best to reflect the position of the SDLP on the Bill.

The SDLP generally welcomes the Bill, but I have some questions for the Minister. Furthermore, with the indulgence of the Deputy Speaker, I will make a few general comments, as I will not have the benefit of being party to the Bill's Committee Stage.

As Mr Cree said, the first part of the Bill deals with performance standards. All Members will agree that regional performance standards in the electricity industry have been positive, as

they have acted as an incentive to electricity supply companies and transmission distribution companies to improve their customer service and their security of supply arrangements.

Clause 2 provides for the payment of compensation in the event of standards not being met. However, I do not see any detail in the Bill on whether a supply or transmission distribution business could pass on the costs of such compensation to consumers. Therefore, I wonder whether the intention is to make specific provisions to ensure that, when compensation is paid, it is paid by those who are at fault and not by consumers via the back door. Maybe the Minister could return to that when she sums up.

Powers of entry are covered in clause 14. The term “reasonable times” is used frequently throughout the clause. Again, I am interested to know what exactly is meant by “reasonable times”, because all the powers that will be passed on to suppliers or their authorised agents will be to enter premises at “reasonable times”. Picking up on Mr Butler’s point, that is an important provision, but we must be certain that it will not lead to abuse. Therefore, I would like clarity on the specific meaning of that term. I would also like to know what precedent, if any, the Department and the Minister are drawing on in using it.

That brings me to my next point about reasonable cause. The Bill states that powers of entry will be sought if there is reasonable cause to do so. Again, what precedent is being used to define “reasonable cause”? Like my party colleagues and other parties in the House, I welcome the general provisions of the Bill. It is important that companies and their agents have the powers to enter, but those should be powers that are used in extremis; they should not be powers that are sought or used as a matter of routine.

Clause 28 deals with energy administrators, which, again, is a provision that we welcome. The clause deals with grants and loans, which, as I read it, will be a mechanism that is available to government to bail out a failing energy company that has found itself in administration. Again, in principle, we would all welcome that provision as a common-sense measure, but it raises a series of questions about the funding of grants and loans and where the liability will ultimately lie.

Mr Deputy Speaker, with your indulgence and that of Members, I will read out the relevant

part of the clause, because, although it reads well, I am not sure that it reads as tightly as it should. That may be something that Committee members will pick up on at Committee Stage. Clause 28(4) states:

“The terms on which a grant may be made under this section include, in particular, terms requiring the whole or a part of the grant to be repaid to the Department if there is a contravention of the other terms on which the grant is made.”

That is a welcome provision. Clause 28(5) states:

“The terms on which a loan may be made under this section include, in particular, terms requiring—

(a) the loan to be repaid at such times and by such methods, and

(b) interest to be paid on the loan at such rates and at such times, as the Department may from time to time direct.”

The clause continues by stating that the consent of the Department of Finance and Personnel will be required. In clause 28(2), power is given to the Department to:

“make grants or loans to the company of such amounts as appear to the Department appropriate to pay or lend for achieving the objective of the energy administration.”

Again, those are welcome provisions, but they potentially open a significant liability to us as a region. What are the conditionalities for those? How can we become more convinced than we are now — simply on the basis of the legislation — that, some dark November morning, that power will not open up a proverbial can of worms that we will all grow to regret? Perhaps we need policy statements from the Minister and, more generally, from the Department.

On the more general question of energy policy, I find the Bill’s title ambitious. It is loftily titled the Energy Bill, but it is a Bill to administer a small, although important, part of the management of the gas and electricity supply in this region. I suspect that, had a member of the public walked into the Great Hall this morning and noticed the Energy Bill on the Order Paper, he or she might have expected us to be debating the fact that £9 out of every £10 that consumers spend on energy is sent outside this part of the world. We pay people from other places for the gas and hydrocarbons of which we consume a large amount.

I look forward to the day on which, through legislation, we will have a serious and strategic

discussion about our energy policy. I hope that we will set ourselves ambitious goals to reduce our dependency on imported gas and oil in particular. I await the day when we look to the economic opportunities in our region to reduce our dependency on someone else's oil and find it less in our interests to spend so much time paying so much money to other people. We could be paying some of that money to our people to develop renewable and other alternative sources of energy. Not only would that reduce our dependency on the outside world and increase this region's energy security, it would provide opportunities for the development of indigenous industries. The realisation of light engineering capacity, for example, would stimulate training and employment opportunities in the rural community and provide a solid bedrock on which to grow the local economy.

That is the sum extent of my contribution, and I would appreciate the Minister's clarification on those specific points.

Mr Neeson: I support the Bill, as does the Committee for Enterprise, Trade and Investment. As the Minister said, the Bill focuses on the natural gas industry in Northern Ireland. She eloquently explained the main issues, and I have no intention of repeating them, particularly as the Assembly Commission meets after the House rises this evening.

A minor part of the Bill relates to gas storage, and I welcome that. As the Minister knows, a planning application has been lodged for the area around Larne lough and Islandmagee. As I said in the House before, east Antrim is the energy centre for Northern Ireland. However, I ask that, during the process, full consultation be carried out with the residents of Islandmagee. In recent years, they have faced major issues connected to the building and development of the Moyle interconnector and the new power station at Ballylumford. Local residents should be brought into the equation.

We all realise and recognise the importance of the project, not only to Northern Ireland but to the island of Ireland.

Mr Hamilton: I support the Energy Bill, and I thank the Minister for bringing its Second Stage to the Floor of the House. Many of the clauses have been long anticipated by many in Northern Ireland's energy industry. The Minister and many Members will know that I have a long-standing

interest in the gas industry in Northern Ireland, which, as the Minister and other Members have said, is the Bill's primary focus.

For a long time, I have supported and been an advocate for the expansion of the gas industry in Northern Ireland. I have lobbied extensively and repeatedly, to the point of being an irritation to the Minister and her departmental officials, for the extension of the natural gas network through my constituency of Strangford. I have generously lobbied on behalf of colleagues in South Down for an extension into their constituency and into the greater south-east area of Northern Ireland.

7.00 pm

I have supported the roll-out of the gas network in my hometown of Comber, where Phoenix Natural Gas recently invested almost £1 million to expand its infrastructure and to bring the benefits of natural gas to many more customers. In the summer, I hope to spend a day or two with Firmus Energy as part of the Assembly and Business Trust's company fellowship. I have a long-standing interest in the gas industry, and I hope that it continues. I want that industry to be advanced in Northern Ireland in whatever way is possible.

I have unashamedly done that for three main reasons, the first of which is the environmental benefit of natural gas. Although it is a fossil fuel, it is infinitely better than the high-carbon fuels, such as oil and coal, particularly oil, which are prominent in Northern Ireland, especially in rural areas. If we are to tackle collectively some issues that other Members talked about, such as reducing our carbon footprint and our dependency on those high-carbon fuels, we must consider gas, because it has proven to be much more environmentally friendly than fuels such as oil.

I have also supported gas for economic reasons. In some ways, that benefit is marginal, but there is a significant price differential between natural gas and oil or coal. Given the high levels of fuel poverty in Northern Ireland, the roll-out of gas to as many customers as possible will reap financial benefits for people's pockets. That is very important. Furthermore, natural gas has a wider economic benefit. The placing of those pipelines in the ground will create jobs and investment. We should always encourage money from the private sector,

particularly at this time. That is the background to my interest in the gas industry.

I support the Bill for one main reason, and I want to speak about one area. Broadly speaking, gas now has a greater share of the energy market in Northern Ireland than it had previously. Since the mid-1990s, when natural gas came back to Northern Ireland and Phoenix Natural Gas invested in the greater Belfast area, gas has accounted for an ever-increasing chunk of our energy market. However, the regulatory and legislative system that underpins it has not kept pace with that change in market share. The Bill will try to plug some of those gaps and to bring us into line with legislation in the rest of the United Kingdom. Moreover, it will bring gas companies into line with electricity companies in Northern Ireland, because electricity suppliers enjoy some powers that gas suppliers do not.

I will talk about clause 14, which concentrates on powers of entry. It is important to put that clause in some context. I have spoken to the gas companies, and I understand that they have a problem with customers whom they have reason to believe have damaged or tampered with their gas systems. Although the problem is not widespread, it is at a sufficient level to cause them some concern, to the extent that they have been pushing for a change to the law for some time. When the companies try to investigate the problems, they do not have consent to enter premises. They are sometimes unable to contact customers even though they have reasonable cause, and they find that customers are, mysteriously, unable to be contacted. They are out every time that they are telephoned and every time that their doors are knocked. That is, potentially, a very serious problem.

We talked about welfare reform yesterday and mentioned the old view that, sadly, some people in society encourage benefit fraud. Perhaps some people believe that tampering with a gas meter is acceptable. It is not acceptable. Not only is it stealing from the gas supplier, but it could endanger the homes of that family and its neighbours.

Mr McDevitt talked about reasonable cause for a gas company to want to enter premises. The Gas (Northern Ireland) Order 1996 allows gas companies to enter premises where there is a gas escape. That is only right and proper. However, if Jack the lad were to tamper with

his gas meter, he could damage the meter and the pipes in his house and create the risk of an explosion that could ruin his house and harm his family and his neighbours. That is reasonable cause for such a power.

Gas can be a very dangerous energy supply if it gets into the wrong hands or is mistreated. Therefore “reasonable cause” is a proper power if there is a suspicion that something may be wrong. However, it must be proven either by evidence brought to the gas company by other agencies or the police or by the company’s own data showing erratic or irregular energy consumption or usage changing drastically over a short time. If a gas company has such evidence, it is only right and proper that it enter premises to avert possible disaster. We have all seen the problems that gas escapes cause. Sometimes such problems are created by people tampering with their systems. That is a fact, and the Bill will help to address it.

I welcome the safeguards. Gas companies, even with the best of intentions, cannot simply wade into people’s houses under the suspicion that somebody has tampered with or damaged their system. I welcome the fact that they are encouraged to seek consent in the first instance. Failing that, they have to have evidence, they have to provide notice, they have to ensure that entry is done at a reasonable time, and they have to get the consent of a Justice of the Peace. That is more than reasonable back-up: gas companies cannot simply wade in without a shred of evidence to somebody’s house to check their system.

I welcome the Bill, particularly the clause on the power of entry. I raised the issue with the Minister and her officials in the past, and I am glad that the legitimate concerns of Members and of gas companies have been taken on board and included in the Bill. I am very pleased that the Bill is being brought forward today. I welcome it and encourage Members to support it.

The Minister of Enterprise, Trade and

Investment: I am genuinely grateful to Members for the issues that they raised. Sometimes, the House takes a great deal of criticism, but it is at its best when it is doing work like this. Unfortunately, however, work like this rarely gets covered outside the House.

I will respond to the points that were made across the Chamber. Members appreciate that this is a technical Bill, although I believe that it

is very important. Members made the point that the gas industry should be brought up to the same standard that has applied to the electricity sector for some time. Therefore, it is right that we move quickly on it.

The Energy Bill will ensure that the gas sector will benefit from the policies that have been successfully implemented in the electricity sector. A special administration regime applicable to both gas and electricity sectors will safeguard the provision of supplies by local electricity and gas networks, thereby putting Northern Ireland consumers' interests above those of creditors and shareholders. That is a key element of the Bill.

I want to turn to issues that have been raised by Members across the House. On behalf of the Committee for Enterprise, Trade and Investment, the Deputy Chairperson indicated that the Committee wanted to support the principles of the Energy Bill. He also mentioned the funding of the scheme. That is an area that I want to come back to, and I will address the grants that would, as he put it, be paid to failing energy companies. He also spoke from a Sinn Féin point of view about his concerns around power of access and deemed contracts. His final point related to the independence of meter testing and the meters that were removed from houses.

Cutting off gas is a last resort. I think that that is a clear issue and something that has been the case with electricity companies heretofore. Vulnerable customers who are unable to pay restitution in full will not be cut off if they agree to put in a pre-payment meter, for example, to recover the outstanding costs that have been incurred. In consultation with the Department, gas companies have advised that they will discuss and agree with the consumer the rate of recovery. Therefore, there will not be a standard rate of recovery; it will be something that can be worked out between the company and the gas customer.

As to whether companies will pay compensation from their profits or whether it will be paid by consumers, the Utility Regulator, as Members know, monitors the energy industry here, and he has advised that there is no regulatory allowance in the electricity price controls to cover guaranteed standards of performance and that electricity companies are to fund associated costs. In other words, they cannot recoup it from their customers. The Department

will be working with the Utility Regulator on a scheme for the gas industry, and I expect that it will work in the same way as our electricity system. That was the second issue that the Deputy Chairperson raised.

I remind Members that a loan for special administration will be put in place if we believe that there is a danger of the gas network not being able to function, and the special administrator will make sure that it continues to function for the consumer. It is the last resort. If the loan cannot be recouped from a company in special administration, we will have to look at alternatives for recovering that money. Nevertheless, the establishment of a special administration regime for the utility industry will benefit consumers. If the Bill is referred to the Committee today, that is an area on which it will spend a little bit of time.

The Deputy Chairperson mentioned the independence of meter testing. The Bill contains a clause that gives the Utility Regulator the ability to delegate those functions to an appropriate body that is best equipped to perform such tasks. It is thought that the National Measurement Office, which deals with traditional weight and measurement enforcement and operates UK wide, will be the agency appointed by the Utility Regulator to take on the independent testing of any damaged meters that come before him. That will provide the transparency that the Member has been looking for.

Stephen Moutray welcomed the fact that we are making negligent or intentional damage to equipment a criminal offence. One of the main reasons why the provision has been included, and it was mentioned by Mr Hamilton as well, is because tampering with gas equipment is so serious. As one of my officials said: when you tamper with electrical equipment, you could kill yourself; when you tamper with gas equipment, you could kill your whole street. It is serious stuff. I am sure that Members recognise that, and I think that that is what Mr Moutray wanted to recognise today.

7.15 pm

Mr Moutray correctly said that, in the past, a gas company could enter premises only if there was a safety issue. Access was permitted only under the Gas (Northern Ireland) Order 1996. If the Bill goes through, access will be allowed on the grounds of reasonable suspicion. I will

return to that issue, because Mr McDevitt talked about it at some length. Mr Moutray also welcomed the fact that consumers' interests would be protected through the special administration scheme.

Mr Cree also welcomed the Bill and recognised that its purpose is to facilitate the diversity of the energy supply. He recognised that the Bill aims to protect energy consumers and welcomed the special administration scheme in particular. The regulator has described the special administration scheme as the "second line of defence" for customers. Therefore, it exists to provide additional customer protection. My Department and I believe that that is to be welcomed wholeheartedly. Mr Cree went on to talk about various clauses that he particularly welcomes. He said that he hopes, as do I, that gas storage will come to fruition in the coming months.

Mr McDevitt rose to outline to the House the SDLP's position on the Bill. He welcomed the performance standards for customer service in Part 1. He talked about Part 2 and the fact that compensation for low standards should not be borne by the consumer. I responded to that issue when I dealt with points that were raised by the Deputy Chairperson.

Mr McDevitt went on to mention specific provisions. In particular, he mentioned the provisions on reasonableness in clause 14, which deals with "reasonable" time and "reasonable" suspicion. "Reasonable" is a well-used term, which is taken from other legislation, not least the Energy (Northern Ireland) Order 2003 upon which large parts of the Bill are based. As I said, the Bill aims to bring gas provisions in line with those for electricity. If a gas company is denied access to a property, reasonableness is tested by a Justice of the Peace, so someone else makes that decision. An objective test, known as the man on the Clapham omnibus test, determines whether it is reasonable to enter the premises. If necessary, the ultimate arbitrator is the court.

I mentioned loans in my response to the Deputy Chairperson. The Bill aims to ensure that consumers remain online while a company is in difficulty. However, I recognise that points were made about the wisdom of giving a loan to an energy company that is going down the tubes. My Department will have to consider that to determine whether it is in the Government's

best interests to intervene during that period and whether that should genuinely be a policy debate.

We moved on to talk of a dark November morning and special administration. I was not quite sure where that was going. Mr McDevitt was not happy with the title of the Bill and thought it a little grandiose. If it is grandiose this time round, it was grandiose at the time of the Energy (Northern Ireland) Order 2003 and the Energy Act 2004 in GB on the special administration scheme. Therefore, we continue with the grandiose theme.

Mr McDevitt: That legislation was passed under direct rule.

The Minister of Enterprise, Trade and

Investment: The special administration scheme for electricity was, in fact, brought in under the Energy Act 2004. We are largely emulating that scheme for gas companies and, indeed, for electricity companies in Northern Ireland.

Mr McDevitt also said that he would like there to be a more rigorous debate on energy. I am happy for that to be the case. My strategic energy framework will be published by the Executive — please God — before the end of the summer. It has been consulted on widely, and the Member will find that discussion has taken place on all the issues that he raised, including the security of supply and competitiveness.

I thank Mr Neeson for his support. He mentioned gas storage, as I thought he might. He knows that we hope to have a viable gas storage facility in the Larne area that will provide us with 70 days' gas storage. As he said, that will be tremendous for Northern Ireland and, indeed, for Scotland. Such a facility will greatly enhance our security of supply. I am aware that a planning application has been submitted for the Islandmagee storage facility's project on Larne lough. Consultation will be a part of that process, and I want local people to be involved in it.

I commend Mr Hamilton for his work on the extension to the gas network and his advocacy on behalf of gas as a sustainable energy source in Northern Ireland. I am delighted to tell him about the completion of the gas extension network study, which I commissioned, along with the Utility Regulator, to consider the technical and economic feasibility of extending the natural

gas network to the west and to other parts of the north-west of Northern Ireland. We will use the results of that study to consider how best to take the new gas infrastructure to areas where there are sufficient gas loads and where large infrastructure investments of that nature are deemed to be economically viable.

Mr Hamilton concentrated on clause 14 of the Bill, which deals with powers of entry. He gave reasons why those powers are needed. I am glad that he articulated those reasons, and I completely agree with him that they are necessary. Many safeguards have been included in the Bill, and the Committee will want to examine those safeguards. However, they should be welcomed.

I am grateful to those who contributed to what has been a helpful debate on technical but important legislation. I look forward to the further progress of the Bill through the Assembly. My officials and I look forward to working with the Committee and our continuing engagement with Members as the Bill progresses through its legislative stages.

Question put and agreed to.

Resolved:

That the Second Stage of the Energy Bill [NIA 23/09] be agreed.

Roads (Miscellaneous Provisions) Bill: Further Consideration Stage

Mr Deputy Speaker: I have received notice that the Minister for Regional Development is not available this evening. The junior Minister Mr Gerry Kelly will move the Further Consideration Stage of the Roads (Miscellaneous Provisions) Bill.

Moved. — [The junior Minister (Office of the First Minister and deputy First Minister) (Mr G Kelly).]

Mr Deputy Speaker: As no amendments have been selected, there is no opportunity to discuss the Roads (Miscellaneous Provisions) Bill today. Members will, of course, be able to have a full debate at Final Stage. Further Consideration Stage is, therefore, concluded. The Bill stands referred to the Speaker.

Employment Bill: Final Stage

The Minister for Employment and Learning (Sir Reg Empey): I beg to move

That the Employment Bill [NIA 9/08] do now pass.

I am pleased that the Employment Bill has reached its Final Stage because it represents an important milestone towards ensuring that we have in place an effective body of employment law in Northern Ireland. Although the provisions of the Bill are somewhat mixed and eclectic, they provide for important changes to a wide range of employment law.

I am pleased that the proposals on the enforcement of legislation relating to employment agencies and the minimum wage have been welcomed. The private recruitment sector in Northern Ireland provides an important degree of flexibility for work seekers and hirers. It continues to play a vital role in the economic recovery.

The provisions of the Employment Bill will help my Department to deal with agencies that would attempt to abuse vulnerable workers or to break the law to gain a competitive advantage over compliant agencies. Those measures do not affect agencies that operate within the law. However, the provision of unlimited fines through the Crown Court, powers to compel agencies or third parties to provide relevant financial information and the removal of information-sharing barriers between employment agency inspectors and national minimum wage

compliance officers enable my Department to deal more effectively with those who are intent on breaking the law. I welcome the Assembly's support for those provisions.

New provisions about the membership of the Industrial Court will allow for greater flexibility to facilitate future changes with respect to the appointment of members of the court. Following the passing of the Bill, regulations can be made relating to the appointment of members and the terms of their appointment to replace the current primary legislation provisions, which are too restrictive.

We have complied with the requirements of legal advice that failure to allow legal representation before the Industrial Court could have led to a challenge under article 6 of the European Convention on Human Rights; that is, the right to a fair trial. Parties appearing before the Industrial Court will now be able to have legal representation in relation to seven of the court's eight jurisdictions. By its nature, the final jurisdiction, which is to do with the provision of voluntary arbitration in relation to industrial disputes, would not benefit from legal representation, and, for that reason, the necessary changes brought about by the Bill to representation in the Industrial Court do not apply there.

We have heard in the Assembly of a number of cases during the economic downturn where employers have not paid workers who are being made redundant. The losses incurred by individuals may not be limited to non-payment of redundancy or unlawful deductions from wages. They could, for example, extend to interest charges and direct debit charges on bank accounts. The Bill provides for compensation for the full financial loss sustained by individuals, and it will be a great advantage to claimants in such cases that an industrial tribunal can order the employer to pay compensation. That will be in addition to paying or repaying the amount arising from the employer's direct liability. That clause in the Bill relieves claimants of the need to make a separate claim to obtain the compensation element through the civil courts.

Of equal importance are those people who are endeavouring to gain employment through participation in my Department's employment and training programmes. By treating payments received as training allowance, not employed income, we will ensure that participants are not

liable for tax and National Insurance while taking part in those programmes.

I thank the Chairperson and members of the Committee for their detailed consideration of the Bill. The publication of the Committee's report, and its subsequent work in relation to amendments, contributed very much to the final outcome. In particular, the Committee pointed the way for engagement by my Department with stakeholders on consultation rights, and that led to effective agreement in an area that might otherwise have proved contentious. That engagement has clarified the form in which the consultation will take place on the arrangements for public appointments to the boards of CITB-ConstructionSkills Northern Ireland and the Labour Relations Agency.

The Chairperson of the Committee for Employment and Learning (Mrs D Kelly): It has been almost a year since the Second Stage of the Bill and the subsequent Committee Stage. I thank the Minister and his officials for their support and co-operation during the passage of the Bill. I also thank the Bill Clerk and the Committee staff for their work in bringing the Bill to this point. Finally, I thank the other Committee members for the effort and commitment that they have applied to the pre-legislative stage and Committee Stage of the Bill.

I would like to state on the record how important the work of the Committee is in the Bill process. Often the public does not realise that the work of the Assembly is so much more than what is portrayed in the media — a view expressed just a short time ago by Minister Foster of the Department of Enterprise, Trade and Investment.

The Bill's First Stage was on Monday 22 June 2009, with the Second Stage on 30 June and the Committee Stage beginning on Wednesday 1 July. The Consideration Stage was on 25 May 2010. The Committee undertook a fairly extensive pre-legislative scrutiny of the Bill before it was brought to the Floor of the Assembly, and that continued during a thorough Committee Stage.

The background to the Bill is that the Minister's Department is responsible for the regulation of the private recruitment sector, including the inspection of locally based employment agencies and businesses.

The Department employs two inspectors whose role it is to inspect the relevant businesses and to investigate any complaints made against them. If any one of those businesses does not comply with the law, the Department has the power to prosecute it in a Magistrate's Court or to apply to an industrial tribunal to prohibit an individual from operating or being concerned with the operation of an employment agency for a period of up to 10 years.

7.30 pm

The Bill seeks to enhance the Department's powers to investigate and to prosecute those involved in particularly serious offences under employment agency law. I am sure that Members will agree it is vital that there be robust powers to ensure that the employment agency sector is properly policed. In this time of economic hardship, many people have been put out of work and are turning to agencies to find employment. Many of them are desperate, because they have bills and mortgages to pay, and would be easy prey for unscrupulous agencies.

The Bill provides the Department with important powers to compel agencies and third parties, such as banks, to provide financial information that is useful to the investigation of an agency. Obviously, that power must be used sparingly and appropriately and only when authorised at an appropriate level in the Department. The Bill provides clarification on the law relating to information sharing. It allows national minimum wage compliance officers from Revenue and Customs and DEL's employment agency inspectors to legally share and exchange information, which means that employment agency inspectors could, for example, highlight cases to Revenue and Customs in which employment businesses have breached the National Minimum Wage Act 1998. Again, I am sure that Members will be keen to support the protection of vulnerable workers, who are often new to the country and are at the bottom of the pay scale. Such people often do not know their rights and need to be shielded from those who would exploit them.

All Members will be aware of examples that their constituents have brought to their attention of employment agencies' abusing the law. The Committee was made acutely aware of that and, as a consequence, has supported the Bill throughout the process. Businesses must operate in strict accordance with the law

and good practice. All of us have heard of the abuse of wage, leave, maternity and paternity regulations, among others, and we must all show our commitment to working with the bodies and organisations that seek to root out and to end such abuses. The Committee has shown its determination to help vulnerable groups, particularly in the current climate in which unemployment has risen sharply and many more people are looking for work.

The Bill also deals with a more flexible approach to appointments to the Industrial Court, and members are content that that is sensible and necessary. The Bill makes provision for the extension of legal representation to all jurisdictions of the Industrial Court, except that which deals with the provision of voluntary arbitration in industrial disputes. The Committee is aware of the legal advice that the Department received stating that a failure to allow legal representation might be a breach of the right to a fair trial under the European Convention on Human Rights. The Committee is awaiting the Committee Stage of the Employment (No.2) Bill, which deals more fully with workplace dispute resolution. The Committee has done a great deal of the groundwork for the second Bill, and members support the establishment of improved systems for resolving disputes in the workplace.

The Minister and his Department undertook meaningful and thorough consultation, the results of which are reflected in the Bill. The Committee acted as a super-consultee in that process, and it wrote to the Department in December 2008 indicating that members were content with the provisions that went forward and are in the Bill. The only issue that the Committee regarded as problematic was the proposal to amend the legislation relating to a trade union's ability to expel members for reasons relating to party political membership. Members believe that such provisions would have far-reaching and potentially dangerous implications, and the Committee wishes to record its support for the exclusion of that provision from the Bill. The debate on that issue is for another day, but it is one that, ultimately, we cannot avoid.

As part of the Committee Stage, views on the Bill were sought through a public notice in the three main daily newspapers. There were no submissions in response to that. The Committee supported the Minister's

amendments to the Bill, and those were thoroughly debated at Consideration Stage. Members have talked previously about the benefits of the Committee's approach to Bills where members work closely, where possible, with the Minister and his Department to ensure that the Committee's views are heard, respected and acted on. The Committee's chief aims in its relationship with the Minister and his Department will continue to be co-operation, where appropriate, and constructive dialogue.

Mr Butler: Go raibh maith agat, a LeasCheann Comhairle. I do not have much to say. The Committee looked extensively at the Bill during its Committee Stage. I welcome some areas of the Bill, such as that concerning employment agencies, which, as the Minister mentioned, deals with how some agencies have treated workers over the years. I commend the Minister for changing and tightening up the law in that regard. That is not to say that all employment agencies have done wrong or abused staff. However, the issue has come before the House on a number of occasions and the Minister has been asked questions on it. Therefore, this is welcome legislation to ensure that agency workers are treated properly. I also welcome the minimum wage aspect of the Bill.

As the Minister said, there is an issue around people trying to get appointments with organisations such as the Labour Relations Agency. The Committee met trade union representatives, and the Department was very helpful on that matter. That dispute was resolved to everybody's satisfaction.

Overall, the Bill is to be welcomed. A lot of work was done on it over the past year during Committee Stage. The Minister set up a working group to look at the issue of workplace dispute resolution, and a lot of good work was done by that group.

By and large, as far as this side of the House is concerned, we fully support the Bill.

Rev Dr Robert Coulter: I support the Bill and commend the Minister for the way in which he co-operated with the Committee in bringing it to this stage. From this point on, the Bill will give hope to a lot of people who, in the past, felt that they were being neglected when it came to the issue of workplace disputes. I hope that the Bill will achieve much success and result in satisfaction in the workplace.

The Minister for Employment and Learning:

I thank Members for their contributions. I pay tribute to the high level of co-operation that there was with stakeholders, through the Committee, to achieve today's very positive outcome.

It is important to recognise that the Bill is the first piece of primary legislation in the employment field to be delivered by the Assembly. In these straitened economic times, it is even more important that the necessary employment protections are in place, which, while not undermining labour market flexibility, can provide protection for workers.

I thank the Committee Chairperson for her comments. She said that it is vital that robust powers are in place to ensure that the employment agency sector is properly policed. I emphasise that the proposals relating to employment agencies will not place any additional burden on reputable agencies. However, I agree that it is important, especially during the current economic climate, that the recruitment sector in Northern Ireland is properly regulated and that my Department has the necessary powers to curtail those who consistently seek to abuse the law and exploit vulnerable workers.

I will turn briefly to the issue of a trade union's ability to expel members for reasons relating to party political membership. The Committee Chairperson rightly said the provision regarding that issue has been removed from the Bill. That was due to problems surrounding section 75 issues and the legislative competence of the Assembly to deal with those. The Department is currently seeking a way forward on that, possibly by use of a Westminster legislative vehicle. The Committee will be fully briefed on those issues as they develop.

Members will be aware that, as was referred to, there is now a second Bill, known as the Employment (No. 2) Bill, which was introduced on 2 June 2010. I hope that that latter Bill can be dealt with in the same spirit of co-operation that has been adopted to date.

I value the Committee's work in scrutinising the Bills. We have a good relationship, and I look forward to that continuing. I am confident that the Employment Bill will address my Department's objectives of developing and maintaining an effective

framework for employment rights, relations and responsibilities.

Question put and agreed to.

Resolved:

That the Employment Bill [NIA 9/08] do now pass.

Committee Business

Allowances to Members of the Assembly (Repeal) Bill: First Stage

Mr Deputy Speaker: I ask Members to stay in the Chamber so that a quorum can be maintained.

Rev Dr Robert Coulter: I beg to introduce the Allowances to Members of the Assembly (Repeal) Bill [NIA 27/09], which is a Bill to repeal the Allowances to Members of the Assembly Act (Northern Ireland) 2000.

Bill passed First Stage and ordered to be printed.

Mr Deputy Speaker: The Bill will be put on the list of future business until a date for its Second Stage is determined.

Adjourned at 7.41 pm.

Northern Ireland Assembly

Monday 21 June 2010

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

Members observed two minutes' silence.

Matters of the Day

Saville Report

Mr Deputy Speaker: Mr Raymond McCartney has sought leave to make a statement on a matter that fulfils the criteria set out in Standing Order 24. I will call Mr McCartney to speak on the subject for up to three minutes. I will then call representatives from each of the other parties, as agreed with the Whips. Those Members will also have three minutes in which to speak on the matter. There will be no opportunity for interventions, questions or a vote on the matter. I will not take any points of order until the item of business has been concluded. If that is clear, we will proceed.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. I want to extend our continuing solidarity and support to the Bloody Sunday families and to all those who seek truth and justice. Tony Doherty, whose father, Patrick, was one of those murdered, said on the steps of the Guildhall last Tuesday that he had been waiting 38 years to hear the words “unjustified and unjustifiable”. The truth had finally come home. He spoke on behalf of the families, of all those who marched on Bloody Sunday and of all those who campaigned to have the truth set free. The Saville report lays bare the great lie of Bloody Sunday, when the British military, political and judicial establishment came together to turn those without blame into the accused and to exalt and honour those responsible for murder and perjury.

Last Tuesday, without equivocation, the dead and the wounded were exonerated, their innocence declared. Those responsible, the British Parachute Regiment and its masters, were deemed guilty and dishonoured. Those of us in the Guildhall and in Guildhall Square witnessed and shared in the triumph of justice

over injustice. We stood in admiration of those families as they displayed great generosity in moments of great emotion. That generosity was epitomised by their response to the British Prime Minister, David Cameron, who had apologised without equivocation for the British Government and state. Their generosity was reciprocated by Bishop Ken Good, the Moderator of the Presbyterian Church, Norman Hamilton, and the President of the Methodist Church, Paul Kingston, when they met the families at the Bloody Sunday monument on Wednesday morning. Many others, including the First Minister, may have held a different viewpoint but now accept the findings of Saville, and that is how it should be.

The Saville report concluded that those who marched for justice and civil rights on 30 January 1972 were vindicated. The closing words of Tony Doherty’s address echoed the words on one of the panels in the Museum of Free Derry that tells the story of Bloody Sunday:

“No one who struggles for justice is a stranger here. No one who dies in the struggle for justice is forgotten here.”

Mr Campbell: The events of 30 January 1972 were, undoubtedly, a tragedy for those who lost their lives and their families. Several months ago, before the Saville report had been published, I expressed that position during an Adjournment debate. That was the one point of unanimity that spanned the political spectrum. For many years, some of us have questioned the wisdom of setting up the Saville Inquiry to investigate an incident of some 30 years’ vintage. The fact that it cost nearly £200 million is deplorable and scandalous. Unfortunately, Saville did not lay out in detail why troops were on the ground that day — Saville did not, but we will.

There are those, some of whom are in the Chamber today, who are trying to rewrite history.

They try to suggest that the violence that lasted for some 30 years started with Bloody Sunday. They do so in an attempt to confer some form of bogus legitimacy on their campaign of murder, which preceded that day and continued long thereafter. We will continue to ensure that the truth is told about the violence that engulfed our country for so long.

The truth is that murder, mayhem and terror were rife before 30 January 1972. In the two and a half years that preceded that day, one hundred people were murdered across Northern Ireland. In the four weeks before that day, in Londonderry alone, violence was carried out by the various factions of the IRA. There were nine separate bomb attacks on commercial and security force premises, six separate shooting incidents, including an 80-minute gun battle, and a number of gelignite and nail bomb attacks. Much of the city lay in ruins; we did not need Saville to tell us that.

There was also the despicable and cowardly murder of two policemen. One of the weapons used that night was a sub-machine gun. I have repeatedly said — it remains the case more than 30 years later — that we will probably never know the truth of all that transpired on that day. Long before the Saville Inquiry, one participant sought refuge in not answering questions and did so again while in the witness box. Almost all of us want to move on and put the past behind us, and we must do that. However, some people seem unable to own up to the many bloody days of their past.

Sir Reg Empey: Last week's publication of the Saville report was ultimately about the families who lost their loved ones on 30 January 1972. The conclusions reached by Saville will, I hope, bring closure to those families after 38 years. It should also bring closure to wider society. Those who have sought to use those events to justify terrorism were refuted by Saville's findings, above all by his judgement that neither the Westminster Government nor the Stormont Government intended the Army to use lethal force on that day.

The bloodiest year in the history of the Troubles was 1972, when 496 people lost their life. Behind that statistic, sobering as it is, are many hundreds of families whose lives were cruelly shattered by the violence that was unleashed on our society. Without detracting from the loss of the Bloody Sunday families, it would be an

injustice for the House not to acknowledge that many more families in Northern Ireland carry the scars of their loss, and, in recent days, they have felt abandoned and forgotten.

The response in some quarters to Saville has resulted in difficult questions being posed for us as a society. Any proposal of a truth recovery exercise has been utterly compromised by the response of the deputy First Minister and the republican movement. The cherry-picking and the inability to accept key findings of Saville suggest that republicans are still incapable of coming to terms with or providing an honest account of their role in the Troubles. They campaign for more inquiries in order to provide justification for their terrorism. I do not hear them campaigning for an inquiry into the events of 27 and 28 June 1970, when the IRA killed two innocent men — Jimmy McCurrie and Bobby Neill — on the Newtownards Road in Belfast.

Last week, the Prime Minister said that there will be no more open-ended and costly inquiries into the past. I entirely endorse that view. A grievance-factory approach to the past will undermine any prospect of a shared future. Acknowledging the loss experienced by too many families during our Troubles, while paying particular gratitude for the sacrifices made by the RUC and the Army and leaving questions about the past to the Historical Enquiries Team (HET), it is time for us to move forward to build our shared future. However, that will not be done if people persist in trying to manufacture inquiries purely to justify their terrorism over 38 years. There is no justification for it; there was no justification for it; and, as far as I am concerned, I hope and pray that our Government will not concede to those further demands.

Mr Durkan: It is appropriate that we take time in this Chamber to mark the very significant publication of the Saville report and the clear, unequivocal apology that was given by David Cameron, the British Prime Minister. It is important that we do so in this Chamber, Mr Deputy Speaker, because, on 1 February 1972, this Chamber heard other words about Bloody Sunday, of which I have some samples. One Member said:

"I think the security forces were justified in taking strong action against these gunmen and these bombers and others who were out to make trouble in Londonderry on Sunday."

Another Member said:

"The paratroopers went in to make arrests after the parade ban had been defied, after the people taking part had been turned away from the barricade, after a cap had been knocked off a policeman, and they had been fired upon."

Another Member said:

"I cannot help but say that no matter what the law had been last Sunday ... it would have ended in violence and disorder because those who are behind this campaign sought disorder and were prepared to see their own supporters die."

He also said:

"While one should not prejudge the results of the inquiry that is unfortunately now to take place, nevertheless it can be said with some confidence that a number of those who died on Sunday were the victims of I.R.A. gunmen."

The Chamber also heard a Member say:

"I am glad that the Prime Minister and all his supporters are behind the men of the Parachute Regiment who went in to arrest the stone-throwers".

That Member also said of the soldiers:

"They were ordered to fire only at those who were armed or were throwing bombs, and they obeyed their orders. It gives me great pleasure—that is, if there can be any pleasure in such circumstances—to realise that the men who have been blamed throughout the world are being cleared by this House."

It is important that this House now clears the name of those whom this House blamed on Bloody Sunday. I know that it was a different House then, but it was in speeches within the walls of this Chamber that the people who organised the march were being blamed and the people on the march — the victims — were being blamed, while the people who carried out those killings, who now stand condemned by Saville, were being praised and cleared by this House.

It is important to recognise that this is a huge achievement for the families of Bloody Sunday and all who have supported them. It is also an achievement for the wounded who fought the battle to prove their innocence. Last week was a step towards justice, but it was also a step towards reconciliation, and we saw that by the very welcome actions of the three Protestant church leaders the following day. That gesture of reconciliation, of acknowledgement of innocence

finally vindicated and of reaching to a future should inspire all of us in this House, but —

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

Mr Durkan: We should do that mindful of all the innocent victims that there have been in these Troubles, not just victims on Bloody Sunday but the many victims that there have been from Bloody Sunday.

12.15 pm

Mr Ford: There is absolutely no doubt that the events of last Tuesday were hugely significant. There was significance in the publication of the Saville report, which, as an official British government report, clearly stated that those who died or were injured in Derry on Bloody Sunday were innocent. The report may not have used that word, but it was entirely appropriate that the relatives chose to use it.

Last Tuesday was also significant because the present Prime Minister of the United Kingdom was prepared to acknowledge the wrong that was done, and he spoke in very generous terms, which I believe can help to promote the partnership and reconciliation that this society so badly needs. His comments were unlike the quotations that Mr Durkan just gave us. In a democracy, it is absolutely right that state organisations should be judged by the highest standards. Indulging in "whataboutery" does nothing to help that situation.

It is welcome that we have seen the difference that 38 years have made and what is happening in this Chamber to cement that difference into practice. Nonetheless, even as we seek to establish a different way of working in this Building, we know that, in the wake of the Saville report, other families are still suffering; they do not have the comfort that the relatives of those who died in Derry on Bloody Sunday now have as a result of a full inquiry and exoneration. The practical reality is that we will never be able to give a full process of inquiry to all those who suffered and to the relatives of all those who died. That sense of loss will not be diminished by the knowledge that others received justice.

In the wake of the Saville report, there is a clear need for us to begin to address a range of legacy issues in a way that, up to now, we have not done. That is a task for the Assembly, which represents the entire community; for civic

society, in particular the churches, and in recent days we have seen signs of that being done by the churches; and for the UK Government, who retain aspects of responsibility for dealing with the past.

Last year's report by the Consultative Group on the Past set out proposals that afford us some opportunity to deal with outstanding issues. The report focused a great deal on reconciliation and information recovery, and it is a great pity that those who took offence at a particular aspect of the report have been unable to look at it in the round and at the possibilities it contains, because, in the absence of the report, the Historical Enquiries Team, which is the only body that we currently have, is incapable of meeting the needs of all victims. It is time that society, together, engaged in the process of reconciliation and building a new way forward.

Aughnacloy Bomb Alert

Mr Deputy Speaker: Lord Morrow has sought leave to make a statement on a matter that fulfils the criteria set out in Standing Order 24. I shall call Lord Morrow to speak for up to three minutes on the subject. I shall then call a representative of each of the other political parties, as agreed with the Whips. Those Members will also have three minutes in which to speak on the matter. There will be no opportunity for interventions, questions or a vote on the matter, and I will not take any points of order until the item of business has been concluded. If that is clear, we shall proceed.

Lord Morrow: As someone who was born a small number of miles from Aughnacloy, I look on the area as my neighbourhood. Those responsible for the assault against the forces of law and order are, to say the least, beneath contempt. They want to drag Northern Ireland backwards into death and bloodshed, and I know that the whole community in Aughnacloy and, indeed, throughout this part of the United Kingdom is determined that they will not succeed. They want to plunge Northern Ireland back into misery and suffering, so, for the sake of this generation, everyone in the House must ensure that that is not allowed to happen.

A 300 lb bomb in Aughnacloy had the potential to kill and maim many innocent people, including police officers, and to destroy many homes and businesses. I am in no doubt that that is what the criminals wanted. Fortunately, due to the professionalism of the police and the Army, they failed. I publicly pay tribute to the community in Aughnacloy for how it dealt with the attack. In particular, I pay tribute to the local churches, the Red Cross and the Loyal Orders for opening their facilities to those who had to vacate their home in the middle of the night. That was a real demonstration of community spirit.

The DUP will continue to support the police as they work to put those criminals out of business. Everyone in this House must join together in that fight. No one wants to return to the days of crowds walking behind the coffins of innocent people murdered by terrorists. I strongly appeal to the House today to show unequivocal support to the forces and agencies of law and order. Let there be no ambiguity in anything that anyone says here today that would give those terrorists some comfort in the fact that they are now allegedly fighting a war.

We know who taught those people their skills. We know where they got their skills from. It is time for this House to stand up united and say that enough is enough. We now look to the Minister of Justice for new measures to ensure that the cancer of terrorism does not take over, as it has done for the past 35 years.

Ms Gildernew: Go raibh maith agat, a LeasCheann Comhairle. I apologise to the House for not being here at the beginning of Lord Morrow's contribution. It is breastfeeding awareness week, and I was at an event in Dungannon.

I put on record my condemnation of the attempted bomb attack in Aughnacloy last week. As Lord Morrow said, there has been huge disruption. A lot of people have been affected, including elderly people who were put through the trauma of being evacuated from their home and had to spend the night in temporary facilities and parents of young children who were in bed sleeping when the call came to get out. I know one family whose children had a school trip the next day. They did not have time to get anything organised or gathered up. It really was a huge disruption.

I am extremely glad that nobody was injured or killed in the attempt to blow up Aughnacloy barracks last week. I am very grateful that it was not successful. It shows that there is still certainly a difficulty in areas like Aughnacloy and others. I assure the House that there is no equivocation in my condemnation of that event. Maurice Morrow made a comment about people being taught their skills. The past decade and more has shown that we have been leading the way politically in trying to ensure that attacks like this do not happen in the future. There is an onus on all of us to make politics work and ensure that politics is seen to be working.

I will continue, like others in Sinn Féin, to play my part in moving us towards a peaceful society. The people who carried out this attack have no support in our community. I hope that it is the last attempt of its kind that we see. Everybody in Aughnacloy deserves praise for the way in which they handled what happened. They dealt with it with good grace. I am extremely glad, as MP for Fermanagh and South Tyrone, that the attempt was unsuccessful. I unreservedly condemn it.

Mr Elliott: I thank Lord Morrow for raising this matter in the House this morning. I put on

record the Ulster Unionist Party's condemnation of those who, last Thursday evening, went about an attempt to murder and create destruction in the town of Aughnacloy. Thankfully for everybody in this society, they did not succeed.

It was an absolute disgrace that the local residents had to spend so much time out of their homes because of the attempt. Lord Morrow and I spent quite a long time in Aughnacloy on Friday with those residents. I pay tribute to them for how they dealt with the matter. They were put under extreme pressure, and, like Lord Morrow, I thank the community associations, the churches and the Loyal Orders for making their premises available. It was also a disgrace to see young children — I spent some time with one who was only a couple of weeks old — who were out of their houses for almost 24 hours because of the situation.

It is time that these people woke up to the reality of this society. The people who tried to do this are failures to their own community and to the entire community. It is time that they recognised that. I will go slightly further and say that there are people in that dissident republican organisation who have former colleagues in this House — in Sinn Féin, to be absolutely clear. It is time that the House went further than condemnation: it is time that those former colleagues started giving appropriate and useful information to the security services in the Province to allow them to deal effectively, once and for all, with those republican terrorists, who are not wanted in this society. I say again: they are a failure, we do not want them, and it is time that they got offside.

Mr Gallagher: In joining in my party's condemnation of the incident, I express my sympathy to the people who had the frightening experience of learning that there was a bomb in the area. Those people, who included very young children and some elderly members of the population, had the distressing episode of having to leave their home for about 24 hours. Also during that 24-hour period, many hundreds of people who travel daily to and fro through Aughnacloy going either north or south to their work were inconvenienced.

Abandoning such an explosive device was an act of madness and completely irresponsible behaviour. Had it not been for good fortune and divine intervention, lives would have been lost. This kind of violence is pointless and futile. We

all know that it has been rejected by the vast majority and by all the elected representatives in the Assembly. Those carrying out such actions still claim that it is the means to achieve a united Ireland, but their tactics and methods will never achieve a united Ireland. We must all use the democratic process to build a new Ireland that will accommodate all our different identities, cultures and nationalities.

Dr Farry: I thank Lord Morrow for bringing the matter to the Floor of the Assembly. I do not represent the Fermanagh and South Tyrone constituency, although it is an area that I know well. I want to make the wider point that these attacks can occur and have occurred right across Northern Ireland. Recently, there was a bomb attack on Palace Barracks in Holywood in my constituency.

In responding to these incidents, we must acknowledge that they are indiscriminate and have the potential to cause massive damage and considerable loss of life. I acknowledge that there is great solidarity in the face of adversity in those communities across Northern Ireland, not least in Aughnacloy, which is backed up by their local representatives. We can take great pride in that. It was a similar type of pride that kept this community going through the darkest days of the Troubles that we hope are, mainly, behind us.

There are three types of response that society needs to show the dissident republicans. First, we need a political response, which is best seen through a unity of purpose in the Chamber, in ensuring that politics works and can make a difference in this society. In doing that, we suck away any oxygen of grievance that those people can cling to in trying to build up their support in communities.

Secondly, we need a policing and security response. We must ensure that we give the police their rightful place as the lead force for taking those people on. We must ensure that the proper resources are available to the Chief Constable, on the basis of his professional judgement of what is effective and what works, and that there is an intelligent and smart approach to tackling these dissident republicans.

12.30 pm

Thirdly, we need a civic and community response. We must encourage our communities to show solidarity and to rally round and lead

those who are being led astray back to the correct course and towards supporting the rule of law, democracy and human rights. We must be aware of when young people in particular are being exploited and be prepared to intervene to show them the error of their ways. They must not be allowed to fall under the spell of people who want to lead them into a life of misery and to bring further misery to our community.

Mr McHugh: Go raibh maith agat, a LeasCheann Comhairle. Like all the other Members from Fermanagh and South Tyrone who have spoken, I condemn this incident out of hand. Similar events have taken place, and the misguided individuals who are using the bomb and bullet must realise that those tactics have now passed and there is now a new direction. All sides of the community no longer want any one particular winner; they want to move forward through politics, and there are enough political representatives in all areas to do that. The vast majority of the population wants that and does not support such attacks.

My heart goes out to the parents, children and elderly people who had to leave their homes for a long time as a result of the bomb alert. It caused a particular problem as this is a holiday time, and, because things have moved so far forward, the children who were affected did not understand why it had happened.

The misguided individuals who were responsible may have some notion of republican rebellion, but that no longer counts. That approach has gone with the wind, and the only way that they can help is to drop it entirely. There is no room for it any more or any possibility that anything like it will progress us one millimetre towards a united Ireland. Anyone who analyses the situation will see that that is the case.

These attacks affect tourism, jobs and future investment; they do nothing to help us. There have been problems with the attributing of blame for other attacks such as that which took place in Armagh earlier this year. I hope that no one will try to make political gain from these attacks.

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

Mr McHugh: I will.

The time that it takes to bring the place back to normal is very important to people. I condemn the incident outright.

Assembly Business

New Assembly Member: Mr Paul Frew

Mr Deputy Speaker: I wish to advise Members that the Speaker has been informed by the Chief Electoral Officer that Mr Paul Frew has been returned as a Member of the Assembly for the North Antrim constituency to fill the vacancy resulting from the resignation of Mr Ian Paisley Jnr. Mr Frew signed the Roll of Membership in the presence of the Speaker and the Clerk/Director General in the Speaker's Office this morning, Monday 21 June 2010, and entered his designation. Mr Frew has now taken his seat and is welcome.

Executive Committee Business

Suspension of Standing Orders

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

That Standing Orders 10(2) and 10(4) be suspended for 21 June 2010.

Mr Deputy 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) and 10(4) be suspended for 21 June 2010.

Mr Deputy Speaker: The motion has been agreed and today's sitting may go beyond 7.00 pm if required.

Ministerial Statement

Review of Prisons

Mr Deputy Speaker: I have received notice from the Minister of Justice that he wishes to make a statement.

The Minister of Justice (Mr Ford): With permission, Mr Deputy Speaker, I wish to make a statement on the review of the conditions of detention, management and oversight of all prisons. As the House will be aware, the review is an action that was identified in the Hillsborough agreement of 5 February 2010 for inclusion in the addendum to the Programme for Government. Although I gave the Committee for Justice a summary of my intentions in regard to the review when I appeared before it, it is right that I should report its composition and terms of reference in the Chamber.

Although I am open to suggestions from the review team on the modification of the terms of reference, the terms as I will present them to that team are as follows:

"To conduct a rolling review, in line with the agreement at Hillsborough Castle of 5 February 2010, encompassing the conditions of detention, management and oversight of all prisons. The review is to report to the Minister of Justice.

It is envisaged that the review will consist of several stages. The first will include a review of the regime at Maghaberry Prison. That will take account of: recent reports on Maghaberry (including the Criminal Justice Inspectorate Northern Ireland /Her Majesty's Chief Inspector of Prisons inspection and the two Pearson reports); developments in both the integrated and the separated regimes already in place and previous reviews of the regime; the development plans already in hand by the Governor of Maghaberry, in consultation with Prison Service management; and NIPS management's programme for Workforce Reform and associated projects.

Second, the review will cover the remaining matters identified in the Hillsborough Agreement, building on the work achieved in the first stage. It is envisaged this stage may be in two strands. One strand would include: issues specific to Magilligan Prison, including particularly the replacement of the prison recognising that much of the accommodation and infrastructure is not fit for purpose; and issues at Hydebank Wood relating in particular to the development of the strategy for women offenders including the scope for a discrete facility, and developments in relation to juvenile

offenders at Hydebank Wood in liaison with the Youth Justice Agency.

The second strand would consider wider issues affecting the future development of the Northern Ireland Prison Service, including its future composition and its culture and ethos.

The Review Team will draw on the extensive body of work that has been undertaken by the Criminal Justice Inspectorate in its consideration of the current issues facing the Prison Service. The Chief Inspector of Criminal Justice will also act as an adviser to the Review on these issues, including the current review of governance.

In all its work, the Review Team will wish to take the views of the full range of stakeholders, including prison management, staff, trades unions, prisoner fora and other prisoner representative groups, and the Assembly Justice Committee. It will also be informed by developments in Prison Services across these islands.

It is envisaged that the first stage of the review should be reported to the Minister by autumn 2010 and the second stage by early 2011."

I have sought to ensure that the review team has expertise and input from across these islands. The review is an opportunity to examine the issues innovatively and to draw on best practice more widely. Accordingly, I am delighted that Dame Anne Owers has agreed to chair the review team. For the past nine years, Dame Anne has served as HM Chief Inspector of Prisons, and she will commence her new role when she steps down from that position shortly. She brings to the review a wealth of relevant experience, not only as Chief Inspector of Prisons but from the range of other positions that she has held.

Dame Anne Owers will be joined by Mr Phil Wheatley, who is the recently retired director general of the National Offender Management Service. Prior to holding that position, Mr Wheatley was director general of HM Prison Service, following an extensive career in that service.

Professor Fergus McNeill, who is a professor of criminology and social work at Glasgow University, has also agreed to serve on the review team. He brings to the team his distinguished experience as an academic and as a practitioner in the arena of offending and criminal justice.

Paul Leighton, who retired as Deputy Chief Constable of the PSNI last year, will also join the team, bringing his experience of the Northern Ireland criminal justice system and of the change programme that our policing service has undergone.

The final member of the review team is Ms Clodach McGrory, who recently completed 12 years as a sentence review commissioner. Ms McGrory is a parole commissioner. Previously, she practised at the Northern Ireland Bar, and she has served as a member of the Standing Advisory Commission on Human Rights and the Irish Human Rights Commission.

Although I have announced the team today, it will not formally start its work until July. As you can see, Mr Deputy Speaker, it is an impressive team with a very important and wide-ranging remit. I know that the team will want to take the views of as wide a range of interested parties as possible, not just from those in Northern Ireland. I have, however, asked the team to deliver the product in two stages, as I am keen to maintain the momentum. I trust that the work of those experts will enable us all to achieve a new consensus on the role of custody and its management as the Prison Service and the wider system emerge from the legacy of the past.

Let me emphasise a few key points. First, I am not announcing today a review that will specifically focus on separated conditions of detention. It is important that the issues that are represented by only 5% of the total prison population are considered in the wider context of all those who are in custody. Secondly, I agree with the director general of the Prison Service that the current arrangements for women at Hydebank Wood are not appropriate for the longer term. It will be important for us all, guided by the review team, to think creatively to find ways to improve the current arrangements within the likely available financial envelope. Thirdly, it remains essential for Prison Service management and the Prison Officers' Association (POA) to work together to progress the development of the service while the review is ongoing. I will not allow the review to distract the Prison Service's attention from the many pressing actions that already await implementation following previous reports by, for example, the Criminal Justice Inspectorate and the Police Ombudsman.

Finally, I emphasise my earlier point that the review is an opportunity to enable us all, including all of us in the Assembly, to achieve a new consensus on how our Prison Service should develop for the future. I have described the devolution of justice powers as an opportunity to reshape the justice system to meet the needs of Northern Ireland for the decades that lie ahead. This review is part of that project. Therefore, I encourage everyone with an interest in ensuring that we make the most of that opportunity to engage with the review and with the issues for which we in the Chamber have now been given responsibility.

The Chairperson of the Committee for Justice (Lord Morrow): I thank the Minister for his statement. The question of prisons is one of the Committee for Justice's key priorities, and we recently visited Maghaberry prison to see and hear about some of the issues that it faces. Given the number of reviews, inspections and reports on the Prison Service, particularly on Maghaberry prison, that have resulted in over 1,300 recommendations, many of which I understand have not yet been implemented, will the Minister explain the rationale for yet another review? Surely the issues are already clear, and surely it is now time to take action to address the problems. I suspect that we do not need another review.

The Minister appears to have recognised the need for action by emphasising that, while the review is ongoing, the Prison Service will press ahead to implement the actions that were recommended in previous reports. How does the instigation of another review sit comfortably with that position? Furthermore, will the Minister outline the expected cost of the review and clarify whether it will be funded from the Department of Justice's existing budget? Finally, will he be more precise about the timescale? When exactly in the autumn is the report on the first stage of the review due?

The Minister of Justice: I thank Lord Morrow for his welcome of the statement, even if he subsequently asked some difficult questions.

The simple answer to the question of why another review is necessary is because, at Hillsborough at the beginning of the year, we recognised the need to bring together in a comprehensive way a range of reviews that have been carried out and the need to look in a wider and more inclusive way at how we implement

the necessary reforms to the Prison Service. I sought to establish as broad a review team as possible to bring together a range of expertise and different experiences to ensure that we could learn lessons from some existing reviews and, as Lord Morrow correctly said, at the same time ensure that outstanding matters from the previous reviews were implemented.

The review will bring together, in an overarching way, some of the existing recommendations. The review will be considered in the new light of the context of devolution and the opportunities that that presents, as well as in the light of our current difficult financial circumstances. In response to Lord Morrow's final question, I cannot provide the cost, but I assure him that it will be met within the Department's existing budget. I am afraid that I cannot give him a precise indication of what we mean by autumn 2010 to early 2011, but, from my brief conversation this morning with the members of the review team with whom I will engage in more detail later this afternoon, I am certain that they are committed to ensuring that the review is not dragged out and that it meets the correct balance between doing a thorough job and doing a speedy job.

12.45 pm

Mr Deputy Speaker: Before I call the next Member to speak, I remind Members that the flexibility that is given to the Chairperson does not extend to the rest of the Members.

Mr McCartney: That is disappointing.

Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an ráiteas sin.

I, too, welcome the review and the fact that the first stage of it will centre on Maghaberry prison. Notwithstanding that, there are issues in other prisons, but the reports on Maghaberry require immediate attention. In saying that, I understand the third bullet point in the ministerial statement.

What steps will the Minister take to ensure that when the review is taking place, it is not seen as a break from dealing with the already pressing issues that exist in Maghaberry and, in particular, in Roe House?

The Minister of Justice: I thank Mr McCartney for his kind words. He raised an entirely valid point regarding how we ensure that the necessary reform work is done while the

review is being carried out. The Prison Service was already engaged in work in conjunction with various partners to ensure that some of the necessary reforms from previous recommendations, particularly the response from Her Majesty's Inspectorate of Prisons (HMIP) to the Criminal Justice Inspectorate, were carried through. It is my intention to ensure that that work continues.

The Member highlighted the difficulties at Roe House. As he is well aware, there has been significant engagement in an attempt to resolve the outstanding difficulties with republican separated prisoners, but I regret that, to date, those efforts have not resulted in the suspension of action by prisoners and the restoration of the normal regime. However, I assure Mr McCartney and the House that Prison Service management is determined to ensure that those matters are resolved as speedily as possible.

Mr Elliott: I thank the Minister for his statement. Does he agree that we all owe prison officers a huge debt of gratitude for the work that they have carried out for this society, sometimes in the midst of a threat to their lives and that of their families? Furthermore, what significant points will we get out of the review, given that there has been a number of other reviews in the Prison Service over the years? What will be different about this review?

The Minister of Justice: I agree with Mr Elliott that we all owe a debt of gratitude to the prison officers who served this society in the past, along with a range of other public servants. We should not underestimate the difficult circumstances that some of them are working under at the moment, given that threats to certain named prison officers are continuing from small groups of prisoners and some of their associates outside. Therefore, we must recognise that that is part of the reality in which they work. We also need to recognise that prisons have a task of rehabilitating offenders and reducing offending in the future by ensuring that recidivism rates are reduced significantly.

There is a real challenge for all prison staff to ensure that they meet the needs of society in the different circumstances in which they find themselves now from that in which many of them were recruited in the 1970s and 1980s when there was a different task to be performed. Therefore, although we recognise the work that prison officers do, it does not mean

that they do not face the same challenge as many others connected with the criminal justice system face in adjusting to the new realities, issues and demands of this society.

Mr Elliott asked me what significant points will come out of the review. I set up the review to find out the recommendations from a body of experts, and it would be foolish to second-guess the outcome before they have commenced work.

Mr McDevitt: Does the Minister accept that it is time to fundamentally review not only what prisons do today but what they should do in the future and the role that they play? Does he agree that the review that he announced today is neither fundamental nor sufficiently deep to be able to meet either of those two objectives and that it will not go beyond addressing some of the immediate problems that exist in all our prisons, when, in fact, it needs to do the opposite and address the fundamental relationship between us, as a region, our prisons and the people who run them?

The Minister of Justice: Mr McDevitt has to acknowledge that we are seeking, at this stage, to make some significant steps forward in the Prison Service, while recognising that there are more fundamental issues. However, when we start talking about fundamental reviews, we are in danger of suggesting that the Prison Service could have a Patten done to it, for example, as was done to the policing service. That is not an option in the financial resources that we have available.

I accept the Member's point that the functions of prisons and of the entire criminal justice system in promoting reform and public protection are real issues for this society, but, frankly, they are issues for every part of these islands and for every part of western society. It is not something that I expect the review team, which was set up with a specific remit to look at the management and operation of the Prison Service in Northern Ireland, to achieve within a period of less than a year.

Dr Farry: I thank the Minister for his statement. I invite the Minister to join me in paying tribute to the work of Robin Masefield, who has announced his intention to step down as director general of the Northern Ireland Prison Service. Will the Minister set out how a reformed prison service fits into his wider vision for the criminal justice system, particularly with regard to a more effective way of dealing with

the management of offenders and with note taken of Phil Wheatley's background in the national offender management service?

The Minister of Justice: I thank my friend for his complimentary remarks; I would expect nothing less. Unfortunately, I fear that he wants me to write his next PhD thesis on the role of a reformed prison service.

Mr McDevitt: Not another one.

The Minister of Justice: Not another one, as Mr McDevitt says.

It is entirely right that I should pay tribute to the work of Robin Masefield as director general of the Prison Service. Robin publicly announced his pending retirement last week. He was not pushed; he announced to me two or three weeks ago that he was proposing to go. Towards the end of his Civil Service career, he was appointed to a four-year post as director general of the Prison Service. He agreed to do a fifth year and, subsequently, to do a sixth year to carry the Prison Service through the process of devolution. To suggest that a man of retirement age who is leaving his position, having done two extra years, is somehow being pushed is, I think, somewhat twisting the position.

With regard to the Prison Service's role within the criminal justice system in promoting wider reforms, it is clear that, due to the historical background of the Prison Service, we have significant costs associated with the management of prisons and significant difficulties in the prison estate, because some buildings are legacies of the past and need to be replaced. We have to balance all that against the financial resources that are available, as we seek to ensure that those who enter prisons come out reformed and not likely to re-engage in crime at the rate in which, unfortunately, they currently do. Those are massive challenges for the criminal justice system.

There is no doubt that the cost per prisoner place, at £77,000 a year, is way ahead of any other region of these islands, and there is no doubt in my mind that we need to ensure that we get the best possible value for money out of that. That said, having visited Hydebank Wood and Maghaberry, I have seen the positive and constructive work that is being done to engage with offenders in prison to seek to promote rehabilitation. In Maghaberry, for instance, the REACH landing, in seeking to work with the most

vulnerable of prisoners, is to be commended against any other prison on these islands.

In the youth justice system, work is also being done to recognise that although some young offenders go to Hydebank Wood rather than to the juvenile justice centre, opportunities are available to work with them in a different way. The work being done in the women's unit in Hydebank Wood, Ash House, is another example of extremely good and positive rehabilitation work. We should not underestimate progress that is being made, but, at the same time, we must recognise that much more needs to be done.

Mr Bell: Will the Minister join me in acknowledging the significant work that the men and women of our Prison Service have done to date, in difficult circumstances, with courage and commitment to their vocation? Will he also assure us that the review of prisons will build on the progress that has already been made, as has been outlined, on the issue of women offenders and, in particular, by the youth justice system, which has made significant progress in reducing reoffending? Furthermore, does he agree that the review should particularly target prisons that house young offenders to ensure that, as far as possible, once those prisoners leave, they do not go back again?

The Minister of Justice: I thank Mr Bell for his good wishes. If he wishes me to repeat the tribute that I paid to prison staff when I responded to Mr Elliott's question, I will happily do so.

He asked specific questions about building on the work being done with women and young offenders. He is absolutely right: some very positive work has been done in those areas. When I spoke in the House about my first week in office, I mentioned my visit to the Inspire Women's Project in Belfast, which has links with Ash House and works to promote rehabilitation and to reduce reoffending by women prisoners. There is no doubt that good work is being done there. There are issues that need to be addressed around the possibilities for capital for the development of a dedicated women's prison, but the work is being done as best it can be within the facilities that we have.

Mr Bell also mentioned youth offending. We are seeing circumstances now in which the vast majority of young offenders are accommodated in the juvenile justice centre. There are those who, for various reasons, require the stricter

regime in Hydebanks Wood. However, I hope to make an announcement fairly soon about the increased involvement of the Youth Justice Agency so that the best possible conditions are put in place to ensure that when people are in custody, they are put onto the path of not reoffending when they are released.

Ms Ní Chuilín: Go raibh maith agat, a LeasCheann Comhairle. I welcome the review, which is timely. Some of the questions that I wanted to ask have already been answered, but I want to ask one of them for the record. The Minister said that prisoner forums will have an opportunity to feed into the consultation on the review. What shape will that input take? Will each house, for example, in Maghaberry, be represented? The Minister mentioned the people who are involved in the REACH landing programme in Lagan House. How will they be facilitated throughout the review process?

Last week, the Health Minister responded to a question from the Minister's colleague Stephen Farry by accusing him of putting prisoners' concerns to the forefront rather than those of patients. For the record, I want the Minister to make it clear that prisoners can also be patients, and that prisoners who are recipients of healthcare should not be treated in an arbitrary fashion, as has been the case in the past.

The Minister of Justice: I welcome Ms Ní Chuilín's comments. There is absolutely no doubt that some very positive work is being done on prison healthcare by the South Eastern Health and Social Care Trust, which is the responsible agency. When I visited Maghaberry, I was able to meet some of the people from the South Eastern Trust who provide that healthcare. It is absolutely vital that prisoners, like everyone else in society, get proper healthcare. There is still work to be done, particularly on mental health, which is not being addressed as well as we hoped it might be. I have no doubt that that issue will feed into the review, but progress has been made in recent years in that regard.

I was not in the Chamber to hear the exchange between Stephen Farry and the Health Minister. If it was in anything like the terms in which Ms Ní Chuilín described, I will align myself with Stephen Farry, which is no great surprise.

Ms Ní Chuilín also asked a specific question about the operation of prisoner forums. As I understand it, there is a prisoner forum in each unit in Maghaberry. It is the intention that those

forums should have the opportunity to feed into the review. However, I will write to Ms Ní Chuilín outlining the precise details of the operation of those forums, because I do not have them in front of me.

Mr Ross: I add my name to those who have paid tribute to prison officers for their work over many difficult years and in the most horrible of circumstances.

During the Justice Committee's trip to Maghaberry, I was struck by the fact that many of the education and skills workshops were not in operation that day because of staff shortages.

1.00 pm

Does the Minister agree that it is not only the level of sickness among staff in the prison that needs to be addressed, but the fact that so many prisoners refuse to enter into educational workshops or skills workshops, and by doing so are making it more difficult for themselves to reintegrate into society and get a good start and make progress in life by finding a job when they get out of prison again?

The Minister of Justice: I thank Mr Ross for his good wishes. Do I need to repeat my tribute to prison officers every time a unionist asks me questions? I will happily do so if they wish me to. The Member referred to staff shortages and sickness rates, as well as the issue of prisoners refusing opportunities for education. It is deeply sad if the opportunities that are made available in prison for prisoners to better themselves are not fully taken up. There are reasons at times why staff shortages prevent prisoners from moving around the prison properly. Those need to be addressed, and we need to move in a way that ensures the best possible use of all of those rehabilitation opportunities.

There is no doubt that those who take opportunities provided for education are less likely to reoffend when they come out of prison, and are more likely to make the transition to civil society without difficulties. At this stage I cannot go into the precise details as to how individuals do not get there on particular days, but as a general principle we need to ensure that that working system is improved so that every prisoner who wishes to avail himself or herself of education and other facilities gets that opportunity, and that the maximum possible efforts are made to encourage them to take it up.

Mr Dallat: My question is on education. Given that more than 60% of inmates have serious problems with literacy and numeracy, can the Minister reassure the House that the review will look closely at the programmes and levels of education that are available? Secondly, the report mentions the replacement of Magilligan Prison — does that also include a review of the location of it?

The Minister of Justice: I thank Mr Dallat for his question. The answer is that the review is of the conditions of detention, management and oversight of all prisons. That will include every aspect of the management of prisons, including education services. The Member is absolutely right about the major difficulties that we suffer because of the low educational achievement of many prisoners. There are real issues about ensuring that they take the opportunity to better themselves and to use the education classes that are there. I am quite sure that the review team will be looking at that as part of its overall work.

The Member also talked about the issue of a replacement for Magilligan. That is currently under consideration by the Prison Service management. There will be business cases looking at possible alternatives as to how Magilligan is replaced, because DFP rules require that every possible opportunity be considered. That work is currently under way, and will be reported alongside the work of the review team on dealing with the management of prisons.

Mr McCarthy: I too welcome the Minister's statement and wish him every success as the review progresses. What attention will be given to reviewing mental health services within the Prison Service?

The Minister of Justice: I thank my colleague for his further good wishes. He has highlighted — in a way that I perhaps should have emphasised more to Carál Ní Chuilín — the fact that mental health services are a vitally important part of the health services provided in prisons. Not only do we know that in many cases prisoners have very low educational achievements, but there is also a very high rate of mental health problems and personality disorders in prisons. We will not ensure that we protect society by enabling people to go on the right path when they leave prison if we do not provide the mental health services that are needed in prison.

Good work has already started since the South Eastern Trust took over responsibility. That

work is currently being reviewed, but there is no doubt whatsoever that there will need to be a greater investment in prison healthcare, especially mental health, if we are to ensure the best possible services to protect the wider community and promote rehabilitation.

Ms Lo: I welcome the review and thank the Minister for his statement. I am particularly interested in the team's remit for reviewing issues at Hydebank relating to the development of the strategy for women offenders. Will the Minister assure me that the team will look at the problems in Hydebank relating to mental health and alcohol and drug addiction, as well as at training opportunities for prisoners to prevent them from reoffending?

The Minister of Justice: I thank Ms Lo for her good wishes. The review team will look at every aspect of Hydebank Wood. The first phase of the review will concentrate on Maghaberry prison; the second will look at Magilligan prison and Hydebank Wood.

There is no doubt that the women prisoners in Hydebank Wood have particular needs. The management needs of women prisoners tend to be very different from those of male prisoners; therefore, considerable work will have to be done to ensure that the best possible regime is in place for them. Although only a small number of women prisoners — between 30 and 50 — is there at any one time, it is nonetheless a significant group with particular needs. I am, therefore, determined to ensure that we provide the best possible facilities for them.

As I said earlier, the director general had wished to see movement on a purpose-built facility specifically for women, and although that is not possible at this stage, it must be kept under consideration. I have seen the work that has been done in Ash House, and there is no doubt that the best possible work must continue to be done in whatever buildings are provided.

Executive Committee Business

Welfare of Animals Bill: First Stage

The Minister of Agriculture and Rural

Development (Ms Gildernew): I beg to introduce the Welfare of Animals Bill [NIA 28/09], which is a Bill to make provision about animal welfare.

Bill passed First Stage and ordered to be printed.

Mr Deputy Speaker: The Bill will be put on the list of future business until a date for its Second Stage is determined.

Transport Bill: First Stage

The Minister for Regional Development

(Mr Murphy): I beg to introduce the Transport Bill [NIA 29/09], which is a Bill to make provision relating to public passenger transport and ancillary services; and for connected purposes.

Bill passed First Stage and ordered to be printed.

Mr Deputy Speaker: The Bill will be put on the list of future business until a date for its Second Stage is determined.

Tourism (Amendment) Bill: First Stage

Mr Deputy Speaker: I have received notice from the Minister of Enterprise, Trade and Investment that she will not be available this afternoon but that the Minister of Finance and Personnel will introduce the Bill.

The Minister of Finance and Personnel

(Mr S Wilson): I beg to introduce the Tourism (Amendment) Bill [NIA 30/09], which is a Bill to increase the period between statutory inspections of certified tourist establishments; to provide for reviews in respect of such establishments between statutory inspections; to confer power on the Northern Ireland Tourist Board to provide financial assistance for the provision or improvement of tourist accommodation; to amend the procedure for appointing the chairman of the Northern Ireland Tourist Board; and for connected purposes.

Bill passed First Stage and ordered to be printed.

Mr Deputy Speaker: The Bill will be put on the list of future business until a date for its Second Stage is determined.

Budget (No. 3) Bill: Consideration Stage

Mr Deputy Speaker: I call the Minister of Finance and Personnel to move the Consideration Stage of the Budget (No. 3) Bill.

Moved. — [The Minister of Finance and Personnel (Mr S Wilson).]

Notice taken that 10 Members were not present.

House counted, and there being fewer than 10 Members present, the Deputy Speaker ordered the Division Bells to be rung.

Upon 10 Members being present —

Mr Deputy Speaker: No amendments have been tabled to the Bill. I propose, therefore, by leave of the Assembly, to group clauses 1 to 8 of the Bill for the Question on stand part. I will then put the Question that the four schedules be agreed, followed by the Question that the long title be agreed.

Clauses 1 to 8 ordered to stand part of the Bill.

Schedules 1 to 4 agreed to.

Long title agreed to.

Mr Deputy Speaker: That concludes the Consideration Stage of the Budget (No. 3) Bill. The Bill stands referred to the Speaker.

Employment (No. 2) Bill: Second Stage

The Minister for Employment and Learning

(Sir Reg Empey): I beg to move

That the Second Stage of the Employment (No. 2) Bill [NIA 24/09] be agreed.

The Bill builds on the outcomes of a comprehensive review of the current statutory dispute resolution procedures and represents the starting point for the introduction of a package of legislative and non-legislative measures that are designed to change the way in which workplace disputes in Northern Ireland are resolved.

During the conduct of the review, employers and employer representative bodies expressed, in very clear terms, their concerns about existing arrangements. Employers consistently argued for change that would reduce the financial and opportunity costs associated with the resolution of disputes that escalate beyond the workplace. The Bill, and the other planned measures, will generate substantive improvements to the efficiency and effectiveness of the current systems for resolving disputes and will further support our drive for increased competitiveness. Similarly, employee representative groups argued for improvements that would provide less formal alternatives to the tribunal system, while preserving citizens' fundamental right to access the justice system. Again, the Bill, and the other planned measures, will go a long way to achieving those objectives.

Before dealing with the Bill's main provisions, it is important to set the context in which the review was conducted and to acknowledge the role of stakeholders in ensuring that the public consultation generated informed debate around how the existing system should be improved. In Great Britain, following the Gibbons review, a decision was made to repeal the full statutory procedures governing workplace disputes. There was always the temptation for Northern Ireland to default to the GB position. However, I took the view that it was important to explore other delivery options to provide the necessary assurance that the needs of the Northern Ireland economy and citizens' rights were being properly considered.

I do not need to rehearse in detail the arguments about the heavy concentration of small and medium-sized enterprises (SMEs) in Northern Ireland. However, it is worth

restating that a recurring theme throughout the consultation process was the challenges that SMEs face in dealing with the complexity of employment law.

To ensure that the review was fit for purpose, it was vital to seek the views of what is a very diverse stakeholder community. Therefore, at the outset, I decided to establish a consultation steering group with representation from the Confederation of British Industry (CBI), the Federation of Small Businesses (FSB), the Northern Ireland Committee of the Irish Congress of Trade Unions (NICICTU), the Equality Commission and the Labour Relations Agency (LRA). I put on record my appreciation of the excellent work that the steering group has undertaken on behalf of the Department and, more importantly, Northern Ireland plc.

The steering group was charged with the responsibility for overseeing every aspect of the public consultation process and, at all times, acted corporately in ensuring that the consultation process was comprehensive and inclusive. Not only did the steering group offer insightful and measured advice and direction, but it was instrumental in ensuring that the consultation process garnered the views of practitioners and interest groups through the establishment of a series of expert user panels. That unique partnership approach to public consultation has shown the clear benefits of working closely with key stakeholders to develop regional solutions that address, equitably, the needs of Northern Ireland's citizens and businesses.

I commend the work of the Committee for Employment and Learning, which further underscored the importance of developing systems that encourage the prevention and early resolution of workplace disputes. During the public consultation, the Committee commissioned its own study, taking evidence from a wide range of stakeholders. The Committee's measured report offered a series of conclusions that I found particularly helpful when I was considering policy options. I know that the Committee will be equally assiduous in its consideration of the Bill.

1.15 pm

At an early stage of the policy review, the consultation steering group established a set of guiding principles that I was more than happy to endorse. Those principles included the promotion

of good employment relations that encouraged competitiveness; the provision of strong employment rights to preserve citizen access to the justice system; effective mechanisms to prevent and resolve workplace disputes; the availability of non-adversarial alternatives to the tribunal system; and an efficient and effective tribunal system. Those principles are the template that has guided the policy proposals that underpin the provisions in the Bill.

I will now outline what the Bill is designed to achieve. It contains 18 clauses and four schedules that will: establish a less legalistic framework for raising workplace grievances while leaving intact a minimum legal standard for disciplinary and dismissal situations; repeal the confusing provisions that link grievance and disciplinary processes with industrial tribunal and fair employment tribunal time limits; enable the Labour Relations Agency to exercise greater discretion in offering its assistance to resolve disputes while removing time restrictions for LRA conciliation; amend industrial tribunals' powers to reach a determination without a hearing where the parties consent; modify industrial tribunals' powers to restrict publicity in sensitive cases; provide for the enforcement of tribunal awards without the need for a court order and make similar provisions for conciliated settlements that have been achieved with the support of the Labour Relations Agency; enable the Fair Employment Tribunal to hear aspects of cases that currently require a separate industrial tribunal hearing; and introduce the legislative framework for the right to request time to train.

I will now expand on each area covered by the Bill. First, I will address procedures for resolving disputes in the workplace. Employers and employees are currently required to follow statutory minimum procedures when a formal dispute arises in the workplace. The procedures apply to both employee grievances and disciplinary or dismissal actions taken by an employer. Unreasonable failure to follow those procedures has implications for any subsequent tribunal proceedings. Following my Department's review, I propose to retain the statutory proceedings that relate to disciplinary and dismissal situations. However, at the same time, I will be seeking to repeal the statutory procedures associated with workplace grievances. Repealing the statutory minimum grievance procedures will afford employers and employees more flexibility in dealing with

disputes, reduce unnecessary formality and remove regulatory burdens from business, including costs of around £1.5 million per annum that are associated with operating the statutory grievance procedures.

The consensus from the public consultation was that the statutory grievance procedures, although well intentioned, militated against the early and informal resolution of grievances. Although it is appropriate to bring forward that repeal, it is equally appropriate to retain the statutory minimum process for disciplinary and dismissal situations. It is important that employers, especially the large number of micro-employers and SMEs in Northern Ireland that do not have dedicated HR specialists, clearly understand their obligations in those very serious circumstances when an employee's dismissal is being contemplated or has taken place.

Having in place a minimum legal standard protects not only the employee from unfair action but the employer from the legal consequences of such action. The retention of the disciplinary and dismissal element of the statutory procedures and the repeal of the statutory grievance element offers the best accommodation of the two principles established by the consultation steering groups; namely, the provision of strong employment rights and the promotion of good employment relations.

As regards grievances, a revised Labour Relations Agency code of practice will replace the statutory process with a good practice standard, which will remove much of the complexity and undue formality of the current system.

I am pleased to note that stakeholders have commended the work of the Labour Relations Agency on the matter of pre-claim conciliation. However, they have called for a more proactive approach to early interventions designed to resolve disputes. Skilled agency conciliators can help to avert unnecessary legal proceedings by helping those facing a dispute to find common ground and mutually acceptable solutions. To that end, the Bill contains minor legislative amendments that will provide the agency with greater flexibility, thus freeing conciliation officers to target help where it will be most effective. Those provisions, along with a range of non-legislative measures, including an enhanced helpline, will strengthen the agency's

ability to help parties to resolve disputes before they reach a tribunal.

I turn now to post-claim conciliation. Once a tribunal claim is lodged, there are, in many cases, time limits on the period during which the Labour Relations Agency has a duty to offer conciliation. The review has shown that those time limits have not been effective, and the Bill seeks to remove them. That will strengthen the agency's remit in offering its services throughout the lifetime of a dispute. The agency will also be encouraged to target those disputes that are likely to be amenable to conciliation at that later stage.

I now turn to industrial tribunals and the Fair Employment Tribunal. Currently, it is not possible for a fair employment case that also involves certain industrial tribunal jurisdictions to be consolidated and heard by the Fair Employment Tribunal. As a result, a separate industrial tribunal must be convened to hear those residual issues, even though that hearing will, essentially, deal with the same set of facts. That duplication places additional time and resource pressures on the tribunal system and the parties involved in the case. The Bill seeks to widen the powers of the Fair Employment Tribunal so that the fair employment and all other aspects of a claim can be heard by the same tribunal as part of the same proceedings.

The dispute resolution review also produced evidence of the need for a range of additional efficiency measures designed to improve the operation of the tribunal system. Therefore, in the Bill, I have included measures to simplify time limits for lodging a tribunal claim; introduce a more efficient process for enforcing unpaid tribunal awards; allow for restricted reporting of sensitive cases; and, where the parties agree, allow simple cases to be determined in writing.

The Bill seeks to establish a legislative framework that would allow for the subsequent introduction of a right to request time to train. That proposed new right, which has already been introduced in Great Britain, would give employees with the requisite length of service a statutory entitlement to make a formal request to their employer for time to undertake work-related training.

The right, modelled on the well-established and successful flexible working arrangements, would place a duty on employers to consider a request seriously but with the facility to turn it down

on one or more of a specified list of business grounds. Although reaction to the right has been essentially positive, I am acutely aware of concerns in the business community about the introduction of the right at this time of economic hardship.

The Bill seeks to establish only the enabling power that will allow for the subsequent introduction of a right to request time to train. There will still be the requirement to make subordinate legislation before that new right can be introduced. I assure Members that I will take no further action to effect its subsequent introduction until economic conditions are sufficiently favourable, taking account of factors such as unemployment rates and current and projected economic growth rates.

I also intend the new right to be introduced on a phased basis. In the first year of operation, it will apply only to firms that employ 50 or more employees. It will be extended to cover all employees in the following year. The correlation between a well-trained workforce and competitiveness is well established, and that will be the primary focus of the proposed new right. Many employers already facilitate requests to train. The new right will provide a public endorsement of that good practice and help to promote the value of training to organisations in which a learning culture does not exist.

The Bill contains a range of measures to which the Assembly will wish to give careful consideration. It will allow for a less legalistic approach to workplace grievances by repealing the current statutory grievance procedures. It will provide greater flexibility for the Labour Relations Agency to deliver an enhanced conciliation service. It will introduce a range of efficiency measures to improve the operation of the current tribunal system, and it will establish a framework for a new right to request time to train.

The Finance Minister, in his response to the proposed new right to request time to train, indicated his expectation that any associated costs will be met from within existing and future allocations. I am supportive of the Minister's position and want to assure the House that costs relating not just to the right to request time to train but to the wider dispute-resolution measures will be accommodated within existing and future departmental allocations. On the subject of finance, it is worth mentioning again that the proposed deregulation of the current

statutory grievance procedures will mean an annual saving of £1.5 million.

As I have already indicated, the policy review, in addition to the provisions that are set out in the Bill, has identified a range of non-legislative measures that will bring substantial improvements to the way in which disputes are dealt with in Northern Ireland. Those legislative measures include the establishment of an inter-agency employment relations information forum; an agreed code of practice for all information providers; the development of an employment relations good-practice model; and accredited professional development programmes in employment relations for general management disciplines.

I look forward to listening to Members' comments in today's debate, and I commend the Bill to the Assembly.

The Chairperson of the Committee for

Employment and Learning (Mrs D Kelly): I

apologise for my delayed arrival. As Chairperson of the Committee for Employment and Learning, I thank the Minister for his explanation of the Bill. The Minister has gone into the provisions of the Bill in some detail, and the Committee has done extensive pre-legislative work in close partnership with the relevant stakeholders and the Department. Once again, the Committee has led the way in partnership working with the Department and stakeholders, and the results are plain to see.

As Members are aware, the First Stage took place on 25 May, and the Committee Stage will begin tomorrow, Tuesday 22 June. The Committee began taking briefings on workplace dispute resolution and alternative dispute resolution in November 2008, following the Department's public consultation on the issue. The Committee immediately began to take evidence from key stakeholders, which it drew together with its conclusions in a Committee report on workplace dispute resolution. The Committee issued that report towards the end of the last session.

Departmental officials have been in constant contact with the Committee and have briefed members on a number of occasions. The Minister's commitment to working in partnership was clear from the beginning of the process. His indication that he had no preconceived ideas on how the work should turn out allowed the Committee and key stakeholders truly significant

input to the Bill. I commend the Minister and his officials for adopting that thoroughly practical and sensible approach. It is a useful approach that other Departments could adopt and learn from. I also thank Committee staff, past and present, for their considerable efforts to support the Committee in its work over the last 18 months.

1.30 pm

The objective of the Committee's report was to collate and consider the opinions and views of relevant stakeholder organisations on a way forward for workplace dispute resolution in Northern Ireland. Based on the evidence that was received and taking on board members' views, the Committee realised that there is a need to develop and promote a culture of early dispute resolution as the most appropriate approach, as opposed to people seeking legal redress through the tribunal system.

The Committee also agreed that there is a need to reform the current statutory procedures, ensuring that any revised system is properly thought through and that it represents a synergy of the best of the current system with the best of the options for change. In short, the new system should ensure the protection of individuals' and employers' rights and their access to justice. The Bill largely represents the outcome of that process, and members are, therefore, generally content with its provisions.

The Committee agreed fully with those who gave evidence to the effect that alternative dispute resolution should be promoted as the most appropriate alternative to tribunals to protect the privacy of those involved and to ensure the pursuit of a faster, more flexible and more cost-effective means of settling a grievance, especially given the current economic climate. That is worth noting.

The Committee also agreed with a number of witnesses who stated that the role of the Labour Relations Agency should be extended to cover a wider range of advice and alternative dispute resolution (ADR) services and that there is a need for the LRA's resources to be refocused so that it can provide such extended services. Again, it can be seen that the Bill reflects those views.

The Committee agreed with the witnesses who identified the importance of the tribunal system, but it also took on board the concerns that employers and employees have about that system. Members felt that there is a need to

ensure that dispute resolution is made simpler and less bureaucratic for both employer and employee and that a revised system does not simply replace one set of complex and confusing rules and regulations with another that is not user-friendly. It is hoped that the Bill will facilitate that, and that appears to be the case. However, the Committee will bottom out those issues during the Committee Stage.

The Committee strongly believes that the provision of more accessible information and the promotion of a clearer understanding of employer and employee rights and obligations by all those involved are central to the success of any revised system. Lack of accurate information and clear instructions for those participating in the current structures, particularly SMEs, was a recurring theme that all those who gave evidence raised. That issue needs to be addressed for the revised system to be meaningful.

The Committee is of the opinion that the public sector plays an extremely important role in the process, first, by ensuring that it leads the way in developing best practice models, and secondly, by leading by example through implementing those models.

The Committee took evidence from the Department, the Labour Relations Agency, the Federation of Small Businesses, the Equality Commission, the Confederation of British Industry, the Northern Ireland Committee of the Irish Congress of Trade Unions and the Law Centre Northern Ireland. Based on the evidence received and on members' own views, the Committee agrees that there is a need to develop and promote a culture of early dispute resolution, as opposed to seeking legal redress through the tribunal system. Much work will be needed to change the current mindset.

As part of its evidence gathering, the Committee saw and heard about the benefits and drawbacks of implementing a rights commissioner system, and it feels that such a system is not currently an option that should be pursued.

It is important to have a timely and early dispute resolution system. It must be implemented; it is not enough to have it as an objective, and there has to be some means of tracking it to ensure that it is being implemented. The public sector needs to step up to the mark on that, because I know of several cases that have taken a very

long time to be resolved, and some have even taken a long time to be just looked at informally.

The part of the Bill that the Committee did not examine in its investigation is the time to train provision. Members have previously discussed the issues about workers getting new skills and upgrading existing skills, and that is something that members support. It is important that employers are encouraged to upskill their workers. England, Scotland and Wales have adopted that provision, and we believe that, if used properly, it has considerable potential.

There were some concerns raised via the Department's consultation. The Committee's greatest concern is the opposition of the Federation of Small Businesses to the time to train provision. Members understand the concerns that SMEs have about workers taking time off to train, but reskilling and upskilling are probably the best ways for SMEs to evolve and grow. However, the Committee believes that that provision must be monitored and reviewed and that support and information for SMEs must be readily accessible.

The process for workplace dispute resolution was introduced on 3 April 2005 and gave new rights and responsibilities to employers and employees in Northern Ireland; however, it has proved problematic. Gibbons's review of the system in GB was followed by a consultation and a decision was made to pursue reform.

The Bill will reform the workplace dispute resolution process and introduce the right to request time to train by: leaving intact the statutory regime for disciplinary and dismissal situations while moving to a less legalistic framework, for the reason of workplace grievances involving voluntary compliance with the appropriate Labour Relations Agency code of conduct; repealing provisions linking grievance and disciplinary or dismissal process with industrial tribunal and Fair Employment Tribunal time limits; enabling the Labour Relations Agency to exercise greater discretion in offering its assistance to resolve disputes; repealing time restrictions on the period of Labour Relations Agency conciliation; amending industrial tribunals' powers to reach a determination without a hearing; modifying industrial tribunals' powers to restrict publicity; providing that tribunal awards, once registered, are enforceable without the need to obtain a court order and make similar provision in relation to conciliated

settlements reached with the assistance of the Labour Relations Agency; enabling the Fair Employment Tribunal to hear aspects of fair employment cases that would previously have necessitated a separate industrial tribunal hearing; and introducing a legislative framework for a right to request a time to train.

The Bill contains 18 clauses and three schedules. As the Minister has outlined those extensively, I merely remind Members what they are. Clause 1 provides for repeal of statutory grievance procedures. Clause 2 makes provision for statutory dispute resolution procedures with respect to their effect on contracts of employment. Clause 3 makes provision for statutory dispute resolution procedures with respect to consequential adjustments of time limits.

Clause 4 deals with non-compliance with statutory codes of practice. Clause 5 deals with the determinations of industrial tribunal proceedings without hearing. Clause 6 makes provision for the restriction of publicity with regard to industrial tribunals. Clause 7 deals with the enforcement of sums payable with respect to awards payable made by industrial tribunals. Clause 8 makes provision for conciliation before the bringing of proceedings to tribunal. Clause 9 makes provision for conciliation after the bringing of proceedings to tribunal.

Clause 10 deals with the recovery of sums payable under compromises involving the Labour Relations Agency. Clause 11 makes provision for the powers of the Fair Employment Tribunal in relation to matters within the jurisdiction of industrial tribunals. Clause 12 deals with conciliation before the bringing of proceedings to tribunal. Clause 13 deals with conciliation after the bringing of proceedings to tribunal. Clause 14 deals with the recovery of sums payable under compromises involving the Labour Relations Agency. Clause 15 provides for workers to have time off for study or training. Clause 16 deals with the repeals made necessary by the Bill. Clause 17 deals with commencement. Clause 18 is the short title.

The Committee notes that the repeal of the statutory grievance procedures will result in savings of £25,000 per annum to the Office of Industrial Tribunals and the Fair Employment Tribunal as a result of the reduced complexity of claims and pre-acceptance procedures. The Committee also notes that the increased emphasis on pre-claim conciliation should

generate savings of about £11,000 per annum for government, due to the resolution of greater numbers of disputes without the need for tribunal hearings.

Furthermore, the Committee notes that the introduction of a more straightforward procedure for the resolution of simple claims should save government £10,000 per annum in tribunal resources. The Committee is content with those savings, as they are consistent with the moves to reform the wider tribunal system. There may also be savings in staff morale and improvements in how organisations function. There may be such qualitative outcomes that we do not yet see but which will play a large part.

The Committee also notes that the right to request time to train will cost government some £6.7 million per annum in respect of tuition at levels 2 and 3, arising from successful requests. The Committee highlights that that is a considerable cost, and it hopes that the Department will be able to sustain it in the financially straitened times to come.

The Committee accepts that the provisions in the Bill are not deemed to have implications for human rights. With regard to the equality impact assessment, the Committee accepts that the provisions in the Bill will generally have modest positive benefits for all the groupings listed in section 75 of the Northern Ireland Act 1998. However, the Committee takes a positive view of the Department's identification that some policy proposals will generate greater benefits for particular groups. Such groups include single parents who, due to family commitments and their less favourable economic position, do not have the time or resources to become involved in lengthy or complex legal processes; individuals with disabilities, particularly mental health disabilities associated with or exacerbated by stress; racial, ethnic, national or religious groups employed as migrant workers whose first language is not English; and persons bringing a tribunal claim relating to their sexual orientation or to political or religious discrimination. It is hoped that, through the Bill, all those groups will benefit from enhanced information and advice, access to a wider range of ADR services, and modifications to tribunal processes.

The Committee is also positive about the benefits that some groups will gain from the time to train provision, including dependants. That right will allow individuals who care for a

dependant greater flexibility to arrange training at more suitable times. The provision will also benefit women, who are more likely than men to take on the main responsibility for childcare or to act as carers and who will, therefore, benefit disproportionately as people with dependants. Lone parents are likely to benefit from a successful request for time to train, given the particular difficulties that they are likely to have in timetabling training outside working hours. The right will also enhance opportunities for older people to retrain and update knowledge in order to meet the challenges of changing working practices and skills requirements.

The Committee notes the Minister's legislative competence to make the Bill. Overall, the Committee is pleased with how the Bill deals with issues that have been raised about workplace dispute resolution. Members look forward to undertaking a thorough scrutiny of the Bill when it comes before the Committee. On behalf of the Committee, I support the principles of the Bill, which will now proceed to further scrutiny at Committee Stage.

Mr Weir: I will keep my remarks brief. I was ready to step into the breach, but the Chairperson arrived, so Members will be spared the 11-page speech that I was going to make.

I welcome the Bill, and I also welcome what I understand to have been a fairly productive working relationship with the Department in arriving at this stage. I will not deal with the range of issues that the Chairperson so thoroughly covered, but I will make some points.

As regards industrial tribunals, it appears that a sensible approach has been taken towards achieving balance between the right of people to pursue legal redress and the promotion of alternative dispute resolution. That is certainly not premature in its inception. When I was training for the Bar nearly 20 years ago, I remember the buzz about this new thing to come called the alternative dispute resolution. It seems that, in certain regards, we may have been a little slow in moving forward on it.

It may be wrong for me to speculate, but it would seem that, if many of the issues were in the hands of lawyers, further promotion of alternative dispute resolution would be like turkeys voting for Christmas. I do not know if I will be on some kind of lawyers' hit list for supporting the provisions. If we can promote a less formal, swifter and less costly

resolution to disputes in the workplace by way of ADR, particularly in the current economic circumstances, everyone, with the possible exception of some lawyers, would see that as a win-win situation.

The problem is less about the exact structures or regulations and more about promoting a culture of alternative dispute resolution, which is equally as important as the information before us. The widening of the role of the Labour Relations Agency in ADR is also to be welcomed. It would also make sense to ensure that there is no duplication as regards the Fair Employment Tribunal's ability to deal with aspects of cases that, in other circumstances, would be dealt with through a separate industrial tribunal.

1.45 pm

I add one caveat or note of caution because I gather that the Committee looked at and produced a report on workplace dispute resolution, which the Minister has taken on board. We will want to consider the right to request time to train in reasonable detail because it is a fresh suggestion. It is important to get that right. Members of the Committee will understand the rationale behind that and the reasons to promote it. However, we must exercise a degree of caution. For example, there are estimates that the cost of granting the right to train could run to several million pounds: £6 million or £7 million has been suggested. In our current financial situation, we must look at whether that is the right way forward. The Federation of Small Businesses and others have flagged up concerns about that issue. Therefore, we want to ensure that whatever is put in place is practicable because we must bear in mind the potential impact on our SMEs.

Particularly in the current economic circumstances, we must balance those concerns with the need and desire for people to be trained to a better standard and higher level than they are at present. We must realise that that will partly involve not simply the formal mechanisms of schemes such as apprenticeships or qualifications, but how training can be introduced to people who are already in employment. Therefore, the right to request time to train has much merit; it is a question of ensuring that we get it right.

I and other members of the Committee look forward to progressing such issues. The Bill is

very sensible. We will want to drill down into the detail to make sure that it is got right. I welcome the Bill and support its Second Stage.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak on the Employment (No. 2) Bill. Like the Member who has just spoken, I do not propose to go into as much detail as did the Minister or the Chairperson of the Committee. I will just say that I look forward to the Bill's Committee Stage. I also look forward to the further involvement of stakeholders and interested parties, which the Minister and Chairperson touched on. To date, there has been a sensible working relationship between all with an interest in the Bill, including the Committee, the Department, stakeholders and others. It is important that we continue that sensible working relationship because we all want to reach the same place, and there is no point in daily battles between the Committee and the Department.

Members who spoke before me referred to last year's Committee report into workplace dispute resolution. Many of the issues that were raised then are addressed in the Bill, which highlights the importance of the Committee and its relationship with stakeholders and others in the community who want to be involved in such matters. We were able to raise those issues with the Department, which, in its turn, did the same with the Minister, who, in fairness, always said that his approach would be open minded. As a result, we are not criticising each other about the Bill: everybody is addressing it wisely and correctly because we all want to see it achieve the outcomes that we want. That shows the positive side of working with the Committees.

I also want to take the opportunity to thank our Committee staff for their hard work, advice and guidance on the Bill. I particularly want to mention the departmental officials who were available when we needed any information. Based on evidence that we heard, on which the Minister has touched, a method of early dispute resolution must be developed. As the Deputy Chairperson of the Committee said, that process must come before lawyers get involved, which can add to and cause problems.

However, I also agree that we need to look at ways of extending the role of the Labour Relations Agency. A key issue of concern raised

last year was that the advice issued by the Labour Relations Agency sometimes differs depending on the case and who made contact. We cannot go into specific details on that, but we need to make sure that, from the outset, employers and employees have access to the relevant, up-to-date information. Bad information will entrench people when it comes to resolving issues. The Labour Relations Agency does and will continue to do good work, but it is important that we ensure that as much information as possible is available because, from both their points of view, information is key to the rights of employers and employees.

The Minister and the Chairperson went into detail about the Bill, which contains 18 clauses and three schedules, and it is important to have that detail on record. I look forward to teasing out some of the issues in Committee. Concerns, including a genuine one that the Federation of Small Businesses raised about time to train, need to be drawn out. Our people are a key factor in coming out of the recession; if they are being made redundant as a result of the economic downturn, in order to get jobs in other sectors, we must ensure that they are reskilled and upskilled.

A sizeable percentage of industry here consists of small and medium-sized enterprises. We spend £6.2 million to retrain people, but that does not take account of those who used to have small businesses. As part of the big picture, we must work collectively to produce a resolution that takes on board the concerns of the Federation of Small Businesses. A piece of that jigsaw may emerge as a result the Bill.

I look forward to the Bill coming before the Committee, and I look forward to the good working relationship between the Department, the Minister and the Committee continuing. Perhaps because we have dealt with the matter through an alternative dispute resolution process, other Departments might take those methods on board and engage in mediation with their respective Committees. I commend the Minister for approaching the matter with an open mind. Go raibh maith agat.

Mr McCallister: I commend the Minister for bringing forward this important piece of legislation. The first two of the four parts represent a common-sense revision of existing legislation, and the Bill is an acceptance that several statutory provisions that have been made in the

area of employment in the past 15 years or so have not had the intended consequences. The Minister is to be congratulated on such a frank review of the legislation, and the Bill will make the statutory dispute resolution process much more fit for purpose.

Clauses 1 to 4 focus on repealing statutory dispute resolution provisions. In 2005, direct rule Ministers implemented legally enforceable guidelines on dispute resolution, whereby if employers and employees fail to meet minimum standards, the tribunal can increase or decrease awards that might be made. Such provisions lead inevitably to a box-ticking approach to compliance and dispute resolution rather than to genuine efforts to resolve the issues at hand. Furthermore, it is not proper for the state to become so intimately involved in the minute detail of such matters. As other Members suggested, a one-size-fits-all approach will not deal with every issue. Since workplace disputes have varying degrees of severity, statutory guidelines would have to be so flexible as to be unenforceable and pointless. Therefore, I welcome the Minister's decision to repeal those provisions.

The second part of the Bill relates to the operation of industrial tribunals and to the duties of the Labour Relations Agency. Clause 5 creates a new, fast-track approach to some minor cases that come before a tribunal, in which the facts are not in dispute and to which both parties agree in writing. That is a very sensible approach, making such cases less expensive for the state, employers and employees alike. That is to be welcomed.

The Bill also drops the provision that limits tribunals to granting anonymity in cases that involve sexual misconduct. Assuming that that wider power is used responsibly, by further removing any perceived impediments to making complaints and by protecting employers from spurious complaints with malicious intent, it can only increase confidence in the system.

The third part of the Bill relates to the powers of the fair employment tribunal. Currently, the tribunal has limited powers to hear complaints: one complaint may have several aspects to it, but the tribunal cannot hear aspects that relate to, for example, unpaid wages. Clearly, it is costly to have two concurrent legal cases running on what is basically the same case, and it is an unnecessary division of powers. It is

right that the Bill should empower the president or vice president of the tribunal to decide that a single case should have its entire body adjudicated on by the tribunal, rather than be artificially split into component parts.

Clause 12 and clause 13 repeal aspects of previous legislation that have not had the intended consequences. They transform a duty of the Labour Relations Agency into a power to conciliate so that the agency can better manage and prioritise its resources. Clause 13 removes the provision for the conciliation process to be time limited. That is welcome, as some cases will not fit into a box that is created by legislation and require more time to be processed. The amendment in clause 12 will protect the agency's resources from never-ending processes that it cannot escape from.

The final part of the Bill creates a new right to time off for study and training. It is important that that right be placed on the statute book. All good employers will already have in place established practices to deal with continuing professional development. All businesses, as other Members have mentioned, benefit from training, and we all want to see much more of it. I welcome the Minister's comments in that regard. I understand that it is to be phased in so that SMEs can prepare properly for its introduction and judge when the economic conditions are right in Northern Ireland.

Like other Members, I support the Bill. Although I am not a member of the Committee for Employment and Learning, I will certainly tell the Committees of which I am a member about the encouraging working relationship between the Minister and his Committee.

Ms Lo: I support the principles of the Bill. As the former head of a voluntary organisation for 10 years with responsibility for HR, and as a founding commissioner of the Equality Commission, I have experiences of dealing with workplace disputes. They can be lengthy, bureaucratic and stressful for all those involved. Therefore, I welcome the Bill, which seeks to introduce a less legalistic approach to dealing with workplace grievances by repealing the three-step grievance procedure. That will make it easier for employers and employees to raise and deal with grievances by using non-legislative processes to ensure that attempts are made to effectively address disputes as early as possible.

The Bill also seeks to simplify and provide consistency to the time limits for industrial tribunals and fair employment tribunals which take place in relation to dismissal and disciplinary situations. Removing the confusion around the current processes for extending time limits in those hearings will ensure that the process overall is easier to access and understand for all parties involved. Furthermore, I welcome the additional powers for industrial tribunals to reach a decision without necessitating a hearing if all parties agree in writing. That introduces a simple, timely and cost-effective way of dealing with and resolving simple disputes without having to resort to a full hearing or case.

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

Modification of the powers of tribunals to reduce publicity is of obvious benefit to those who are deterred from going to tribunals due to the potential disclosure of sensitive information. That benefits claimants and all parties involved that may be affected by such disclosures.

2.00 pm

It is important to recognise that many people may be discouraged from raising a grievance because the issue may be sensitive; for example, racial or sexual harassment. I welcome the fact that the Bill seeks to overcome that problem.

The Bill also sets out plans to ensure that awards made through conciliated settlements or tribunals are enforceable, as though they were a court order, thereby ensuring that those who are granted an award are not forced to go to court to ensure that they receive it, which, again, will save time, effort and the additional cost of going to court to retrieve an award or settlement.

Granting additional powers to fair employment tribunals by allowing them to hear aspects of cases that would previously have necessitated a separate industrial tribunal will, again, save time, effort and cost and simplify the process for all involved. That should be welcomed.

I welcome the freedom that the Bill proposes to give to the Labour Relations Agency in that the agency may or may not participate in pretrial conciliation without having to justify the reasons for becoming or not becoming involved. That freedom will allow the Labour Relations Agency to prioritise cases when its resources are overstretched; and its resources are often overstretched. It also allows the agency to save

resources by not participating in cases where it is clear that conciliation will not be successful.

I welcome the introduction of a legislative framework for an employee to have the right to request time to train, with the proviso that the time must be used for study or training to improve an employee's effectiveness at work and be of benefit to the performance of the employer's business. Safeguards are built into the Bill to ensure that businesses are not adversely affected by granting time off for training or study. It is a good step towards ensuring that Northern Ireland has an effective, successful and highly skilled workforce.

The Minister has said that many organisations provide training for their staff as a matter of course. When I was director of the organisation that I referred to earlier, it always had a work plan for staff development at any staff appraisal, which included the type of course that staff would attend and the costs involved. It is a good incentive for staff self-development and staff retention. If staff are valued, trained and upskilled, they will be a great asset to the organisation and will stay with it. However, at this time of economic recovery, we must be mindful of placing the burden of extra legislation and administration on businesses, as we were warned by the Federation of Small Businesses.

Mr Irwin: I welcome the opportunity to comment on the Bill's Second Stage. Owing to the time allocated, I will be brief.

It is welcome that the Committee for Employment and Learning has been a positive driver of the Bill. It has been fully involved and will continue to be fully involved in the process. The Committee got the message loud and clear from local businesses that the workplace dispute resolution requirements needed to be reviewed and altered, not simply as a mirror image of changes in other parts of the UK but as a bespoke set of arrangements specific to Northern Ireland and based on wide-ranging consultation.

Employment law is viewed widely by those in all sectors of business as complicated, difficult to interpret and expensive to implement when required. That has, in turn, led to many businesses being placed in difficult situations that have been expensive to resolve and harmful to workplace relations. We want to arrive at a situation where employers feel confident in managing their employees and handling

workplace disputes. As a Committee member, I believe that we are moving in the right direction.

There is much more that I could say but, conscious of time, I will conclude by offering my support to the Bill at Second Stage. There is no doubt that, when the Bill reaches Committee, Members will welcome the opportunity to comb through the detail to improve and enhance the situation for local employers and employees. Our devolved Administration sometimes unduly gets a hard press. However, it is good to see that the Assembly is getting to grips with the real issues and that it will provide resolution to concerns and issues that are specific to Northern Ireland.

Mrs McGill: Go raibh maith agat, a LeasCheann Comhairle. I welcome the fact that employment law is being addressed by the Assembly. When giving evidence to the Committee, a departmental official said something that underpins the difficulties when there is a grievance and when a working relationship in an organisation breaks down. The previous Member to speak referred to the complexities and difficulties experienced by employers and employees. That departmental official said:

"There must be a cultural change in the way that employment relations are arranged in Northern Ireland; that is, the way that employees raise their grievances and how employers deal with those."

That neatly encapsulates what this Bill, when it is enacted, should put in place.

There is employment law, but it is accepted that it does not work. The current processes for workplace dispute resolution have been in place since 2005, but it was accepted that there were difficulties with those processes, and the Gibbons report formalised that acceptance. Aside from that formal recognition, we, as elected Members, have had examples of difficulties brought to us.

The Chairperson of the Committee and others referred to the public sector, which has a vital role to play as an employer and in acting for those whom it employs. I have had some dealings with the Labour Relations Agency, and the little experience that I have in this area indicates that it can be difficult for employees to bring grievances in some circumstances. There are problems with how some grievances are dealt with. There are questions about whether the employee knows about the Labour Relations Agency, what role it plays, how it can be

contacted and whether the employee will get the information that he or she needs. It is important that the information that the employee receives is relevant to the difficulties that the employee may have. Therefore, I agree with the Chairperson's view that the public sector must be a role model in these matters and has a part to play in establishing relevant legislation. Indeed, putting in place legislation is key.

There has been no shortage of consultation on the issue. The Committee produced a report on workplace dispute resolution which included evidence taken from key stakeholders and organisations. However, the issue still comes down to what occurs when there is a dispute between an employer and an employee. Therefore, given the complexities, difficulties, stresses and anxieties that both sides experience during a dispute, it is vital that legislation makes the process of resolution easier and more meaningful for all involved.

I fully support the Bill, and I repeat that, as with all such matters, the detail of the legislation and, specifically, how it will eventually be implemented are crucial. I join other Members in commending the Minister and his Department on the extensive nature of the consultation. Perhaps that highlights the fact that we routinely go out to consultation and produce documents. The key point is that, in the final analysis, the implementation of the Bill will be important.

The Minister for Employment and Learning:

I thank the Members who contributed to the debate, and I will try to deal with some of their remarks. The Bill seeks to deliver substantively on all of the core principles that I outlined, which are the product of a positive engagement with stakeholders, to which a number of Members referred. As I said in my opening remarks, the policy review also identified non-legislative measures that focus specifically on wider employment relations practice: the agreement of a code of practice for all information providers; training for managers in employment relations; the establishment of good practice models for employment relations; and so forth.

I turn to the issues raised by the Committee for Employment and Learning and by individual Members during the debate. I thank the Chairperson for her positive and supportive comments on the way in which the Department took forward the policy review and on the policy intent behind the Bill. The policy review demonstrated what can be achieved through joint working, and I assure the House that

my Department will continue to support the Committee as it scrutinises the Bill.

I am pleased that the Committee identified the need to embed a culture in which the early resolution of workplace disputes should be the norm, while ensuring that citizens' access to the justice system is preserved. The need for a cultural shift away from formal legal mechanisms was echoed by the vast majority of stakeholders during the public consultation, and I am pleased that a number of Members, including the Deputy Chairman, Mrs McGill and others mentioned that. I shall spend a moment on the cultural shift required, because the ultimate aim behind the Bill is to resolve disputes. If they can be resolved informally, that is infinitely better than people having to go through an expensive and time-consuming form of litigation.

Mr Weir feared that his legal colleagues would take umbrage at his not supporting them. We all need the law, and it is essential that we have access to it, not only for the resolution of disputes but in other areas of activity. However, in that particular area of life and business, the process has become more important than the outcome. When people are overly focused on maintaining a process-driven approach to disputes, they spend less energy on the cause of the dispute. In addition, small businesses, which make up the vast majority of businesses in Northern Ireland, do not have dedicated HR professionals. It is easy for people who are not up to speed on all the details to make an error in process or procedure and thereby prejudice their case, irrespective of the rights or wrongs of the issue.

2.15 pm

I endorse the Committee's comments that it is important for employees and employers to have access to information on their rights and responsibilities, and I am pleased that the Committee has drawn attention to the challenges that SMEs face when trying to meet their employer responsibilities. However, that goes beyond the Bill's provision, which, helpfully, allows me to refer to some of the non-legislative proposals that my Department and key stakeholders will take forward in partnership to improve information provision. We intend to establish an interagency information forum to develop a coherent and consistent approach to providing information on employment rights. In partnership with other government and non-government partners, we

will look at mechanisms for improving the support available to SMEs.

A number of Members commented on the Federation of Small Businesses. I know that that organisation has been briefing and lobbying Members. A survey that the FSB conducted some time ago highlighted the issues that its members found most challenging. For example, 75% found it difficult to keep up with changes, and 84.6% struggled with the number of different regulations and requirements. Furthermore, 73% experienced uncertainty over whether they had got it right, and almost 60% had difficulty understanding what is required of them. It is clear from those figures that there is a widespread view among small businesses that dispute resolution procedures are over their head and that they find them difficult and complicated. Therefore, we hope that the provision of information will inform and help, thereby underpinning and leading to the resolution of disputes.

The Committee called on the public sector to be a leader in the development of good employment relations. My Department recently established an employment relations pilot in partnership with the trade unions, and I intend to promote across the public sector any good practice that emerges.

The Committee also indicated that it has not had the opportunity to examine the provisions that deal with the right to request time to train but it is generally supportive of an initiative that will enhance Northern Ireland's skill base. As I said in my opening address, those provisions are designed to achieve the enabling powers that will allow for the subsequent introduction of that new right. The FSB has lobbied Members on the matter and has set out clearly what it believes to be one of the key areas. Its document 'Regulatory Reform – a route to economic recovery' states, and I quote:

"To boost the chances of job creation during the period of economic recovery, all new business regulation should be halted for the period of recession and first 18 months of economic recovery".

I will not put specific times on it, but I ask the Assembly to provide for the enabling power, after which we can introduce processes if we want to introduce the right to train.

I accept that, through the GB proposals, employers will still have the right to refuse in designated circumstances. However, we do not want to get into a situation in which there are

disputes about that. We feel that, in the current economic circumstances, it is essential not to proceed with implementation now. However, it is wise to take the power to do so, in order that we can trigger it at a later stage. We all want people to be trained. That is one of the driving forces behind what we have all been trying to do over the past number of years. Equally, where there is a right to do it, that could even be a source of dispute itself. Therefore, having listened to people's views, we feel that, on balance, now is not the most opportune moment to introduce the power. A cost is attached, and the Department reckons that, if enough people take the training, that cost will be around £6.7 million a year. Any costs that add to our difficult financial circumstances are best avoided at this stage. If we were debating this issue this time tomorrow, we might have some sense of what that might be, but I believe that we should leave the matter in abeyance at the moment, pass the enabling power and leave it for subsequent implementation.

Sue Ramsey asked about stakeholders.

As a former Chairperson of the Committee for Employment and Learning, she focused on a range of the Committee's work. I will seek to reconstitute the steering group as an implementation group. In addition, the Department will continue to seek the expert involvement of stakeholders on a range of implementation projects that emerge from the review, and we must not forget that we wish to introduce some non-legislative changes. If the stakeholder group agrees, its views will be transferred into implementation mode so that we can, I hope, roll the process out.

In recent years, every attempt to improve that area of our economic life has been well intentioned, but, over time, lawyers got at it and turned it into a more confrontational and judicially based approach. ACAS in Great Britain, for example, includes the word "conciliation" in the title, and the LRA, which is our nearest equivalent, has the words "labour relations" in its title. In other words, the thrust is to improve relationships, but, over time, we got ourselves into trench warfare. Many of the cases are protracted, distract management and employees from the rest of their work and are extremely expensive and debilitating. In some cases, vexatious claimants managed to take a series of companies to court over various issues. Therefore, we tried to get the balance right between the ultimate right of a citizen to have access to a legal process, if and when an employee feels that he

or she has been badly treated, and the need to be practical and reach solutions. We felt that the introduction of formal grievance processes at a very early stage militated against conciliation. Altering the position of the Labour Relations Agency, making it more open to undertake other matters and removing some arbitrary time limits on process would allow it to be active to the end of a dispute. The agency would be involved as far as tribunal stage, because, as Members will be aware, disputes in all walks of life, particularly legal disputes, are often settled on the steps of the court. Unfortunately, the Labour Relations Agency was being closed out at a much earlier stage.

I thank the Members who contributed to the debate. Today represents an important milestone in the development of employment relations in Northern Ireland. Throughout the review, employers and employer representative bodies expressed concern about the existing dispute resolution systems. They have consistently argued for changes that will reduce the financial and opportunity costs associated with disputes that escalate beyond the workplace. Employee representative groups also argued for improvements that provide less formal alternatives to the tribunal system while preserving citizens' fundamental right to access to the justice system. Therefore, I hope that we achieved that balance.

The Committee will want to scrutinise the Bill and, as they say, drill down. The word "culture" has been much used. The Bill will lead to a change in culture, but we must ensure that the implementation of those changes is driven through in a way that reinforces that and that people begin to see the benefits of it. I hope that that, combined with the reduced financial burden, will be a positive development.

I also take this opportunity to thank departmental officials for their consistent efforts. I know that they have put a lot of work into this. I have already told the Committee Chairperson that the officials will be available to help the Committee at any time during the Bill's Committee Stage.

Question put and agreed to.

Resolved:

That the Second Stage of the Employment (No. 2) Bill [NIA 24/09] be agreed.

Mr Deputy Speaker: Order. As Question Time begins at 2.30 pm, I suggest that the House takes its ease until that time.

2.30 pm

Oral Answers to Questions

Office of the First Minister and deputy First Minister

Mr Deputy Speaker: I remind Members who wish to ask supplementary questions that they must be rising or on their feet to be called.

Maze/Long Kesh Site

1. **Mr P Maskey** asked the First Minister and deputy First Minister for an update on the development of the Maze/Long Kesh site. (AQO 1439/10)

The First Minister (Mr P Robinson): On 8 April 2009, the deputy First Minister and I announced that a development corporation would be established to take forward the regeneration of the former prison and Army base at Maze/Long Kesh. A draft statutory rule has been prepared to create the Maze/Long Kesh development corporation, and we hope to schedule the Assembly debate on that issue before the summer recess. In parallel, the Maze/Long Kesh programme delivery unit continues to prepare the site for potential future development. Maze/Long Kesh presents us with a unique and viable redevelopment opportunity. In the current economic climate, opportunities of that type are rare, and it is important that we exploit that potential to the full.

Mr P Maskey: Go raibh maith agat, a LeasCheann Comhairle. Does the First Minister believe that we have a story to tell about our own conflict transformation process that can strike a positive note on the international stage and bring investment in from all over the world?

The First Minister: The site presents a number of opportunities. The Royal Ulster Agricultural Society (RUAS) has expressed some interest, and discussions are taking place with that organisation. There is an opportunity for economic investment on the site, and I believe that the European Union can be persuaded to help fund a conflict resolution centre, whatever it may finally be called. The retained buildings can be incorporated into the overall site.

Northern Ireland has a significant and historic conflict resolution story to tell to the world. I do not take the view that any two problem situations across the world are identical, but people can learn from our experience, as did we from others. However, it is important that that story is told in a balanced way. The deputy First Minister and I agree that the site should not become a shrine, in any form, to any paramilitary organisation.

Mr Ross: In the First Minister's original response, he said that he hoped to table a motion in the Assembly dealing with the creation of a development corporation. Were the Assembly to give its consent to that motion before the summer recess, when could that corporation be established?

The First Minister: Whether the Assembly gives its approval before or after the summer recess, the corporation will be established six months after the Assembly's support is given.

Mr Burns: Will the First Minister tell us when he will instruct officials in the Office of the First Minister and deputy First Minister (OFMDFM) to prepare a business case for the conflict transformation centre? Where will it be located?

The First Minister: Those issues are being examined, and propositions have been considered by the Department. As I said in my earlier answer, I believe that, were we to submit an application in relation to the site, the European Union would support it and would make a significant contribution. The project is in the final stages of consideration, but it must be brought about in a way that can gain the support of the whole community and become something that encourages bonding in society rather than being divisive.

Mr McCallister: I declare an interest as a member of the RUAS.

Does the First Minister agree that, if agreement can be reached with the RUAS to move items to the Maze site, that that can go ahead and not be held back while waiting on everything to be agreed, and that we can see some progress on the site after so many years of delay?

The First Minister: Since all those matters will be subject to the approval of the Executive, I can only speak for myself. We are keen that if agreement can be reached with the RUAS, it will move ahead; however, I think that others in

the Executive would be keen to see the overall shape of the site before giving approval to any one part of it.

Racial Equality Panel

2. Mr A Maginness asked the First Minister and deputy First Minister what progress has been made in the establishment of the racial equality panel and its subgroups and to outline the panel's terms of reference. (AQO 1440/10)

The First Minister: With your permission, Mr Speaker, I will ask junior Minister Robin Newton to answer that question.

The junior Minister (Office of the First Minister and deputy First Minister) (Mr Newton): I thank the Member for his question, which is important, given the economic climate; it may become even more important in future. To better focus the business of the Racial Equality Forum, members were asked to self-nominate to join the racial equality panel. The panel is being established to drive the work of the forum. By the deadline, we had received and accepted nine nominations.

Those appointed represent the views of the wider minority ethnic sector. The panel will also include representatives from relevant Departments, faith-based organisations and the Equality Commission, among others. Apart from forum meetings, it is planned for the panel to meet twice a year. Consequently, panel members are required to consult widely with the minority ethnic sector and to advise it on panel proceedings.

The forum's subgroup on immigration has met twice and is making significant progress on recommendations on those who find themselves destitute through no fault of their own. A first meeting of the panel is planned for late July when the terms of reference will be given careful, detailed and active consideration. There will also be discussion of establishing additional subgroups, although those subgroups have resource implications that need to be taken into consideration.

Mr A Maginness: I thank the junior Minister for his comprehensive answer; progress is certainly being made. It is important in the economic downturn that the rights of racial minorities be fully protected, and the panel is one way of doing that. Will the junior Minister assure the House that he will continue that valuable work in order to protect ethnic minorities?

The junior Minister (Mr Newton): Yes. The point is well made by the Member. Racial equality is a highly emotive issue that has received considerable press coverage. We are aware of a young lady in Coleraine who lost her legs as a result of becoming homeless and destitute; that is a matter of concern. The Member will know that we are working within a UK framework on the issue, and it is something that we will continue to work on.

Mr G Robinson: Will the junior Minister outline what funding provision is available for support and help in ethnic minority communities?

The junior Minister (Mr Newton): The point that I have already made is tied closely to the point made by the Member because if people find themselves in difficulty, we expect the ethnic minority organisations to provide them with support. No one, whatever their racial background, should feel that they cannot approach an organisation in Northern Ireland for support. OFMDFM is fully committed to building a cohesive, shared and integrated society. Those words will trip off the tongue very easily in the next number of months as we develop the strategy.

The OFMDFM minority ethnic development fund provides vital support to those groups, enabling them to build up capacity and providing the practical support and advice needed in our communities. The fund will be worth £1.1 million in 2010-11.

As a part of the 2010-11 minority ethnic funding scheme, more than £949,000 of development funding has been allocated to 22 organisations and £160,296 of project funding has been awarded to 12 organisations. We expect all those organisations to provide the necessary support to various ethnic minority groups.

Ms Anderson: Go raibh míle maith agat. Given that migrant workers and their families have made a vital contribution to our society and economy and that many of them do not have recourse to public funding, what measures and steps is the Department taking to assist them at this time? I am conscious of what the Minister said about the funding that is available for groups and organisations. However, I am referring particularly to those workers and families who are no longer in work here.

The junior Minister (Mr Newton): I thank the Member for her question. We are seeing a

pattern emerge, because the issues that those questions raise are interwoven.

One of our difficulties is that immigration is not a devolved matter; responsibility for policy issues remains with the Westminster Government. Although we are sometimes constrained by UK-wide legislation, we are determined to examine what support we can give to people facing genuine crises. The Executive's primary focus is on economic growth to build a better future for all people here, including new arrivals. We expect the groups funded by OFMDFM to provide practical help and support to those people who fall on economic hardship and who are suffering. I have no reason to doubt that we will continue to fund those groups during the course of the year. The budgets are already set, and I do not anticipate any interference with them.

Devolution

3. **Mr Kennedy** asked the First Minister and deputy First Minister what discussions they have had with the Prime Minister and the Secretary of State regarding the devolution of further powers to Northern Ireland. (AQO 1441/10)

The First Minister: The Member will be aware that the devolution of policing and justice powers to this Administration took place on 12 April, and we proposed that responsibility for, and the power to legislate on, all matters relating to public assembly in Northern Ireland will also be transferred on a date to be determined. As far as the devolution of any further powers is concerned, the deputy First Minister and I met the Prime Minister, David Cameron, on 20 May and the Secretary of State, Owen Paterson, on 14 May to share our views on the key priorities for the years ahead. We also met the Prime Minister at the Joint Ministerial Committee plenary meeting on 8 June.

Members will be aware that the possibility of differential rates of corporation tax across the United Kingdom was raised with us in those discussions. The UK Government intend to consider how the transfer of corporation tax-varying powers to Northern Ireland might be achieved. However, at this early stage, all the implications of such a step remain to be thoroughly explored. The issue of devolving any other reserved powers to this Administration will be kept under review.

Mr Kennedy: I am grateful to the First Minister for his reply. On the eve of what is likely to be a very important and crucial Budget announcement by the Chancellor, not only in national terms but in Northern Ireland terms, does the First Minister agree that it is vital that we grow our private sector given that public spending looks set to be tightened across the UK? Will he tell the House what level of agreement exists in the Northern Ireland Executive and what discussions they have had about the possible devolution of corporation tax-varying powers?

The First Minister: I agree entirely with the Member that we are likely to face some fairly stringent cuts in public expenditure. One of the Executive's priorities will be to ensure that the cuts protect, in as far as they can, public services, particularly front line services, and the economic growth that, I believe, Northern Ireland can substantially enjoy. We need to look at ways of getting greater growth into the economy. Obviously, the Northern Ireland Administration would be in a strong position if it had a fiscal lever to reduce corporation tax.

As the coalition Government have not yet brought forward that paper, we are not in a position to consider either it or its possible implications at Executive level. If its implications are that public expenditure will be cut elsewhere to reduce the block grant to an equivalent amount, one set of considerations would have to be put in place. However, if the paper permits us to look at the reduction of corporation tax for various sectors, rather than for the whole of our economy, a different set of considerations would come into play. Until we get the full detail of the paper from the Government, we cannot have that discussion.

2.45 pm

Mr Deputy Speaker: I call Mr Stephen Bell for a supplementary question. I am sorry; Mr Jonathan Bell.

Mr Bell: On a weekend of success for Northern Ireland, with Graeme McDowell's historic US Open win, what is the First Minister's assessment of how successful it would be for Northern Ireland to be able, as has been said, to set its own rate of corporation tax? Will the First Minister continue to impress that on the UK Government and find out when they will be able to make a further announcement on the matter?

The First Minister: I congratulate the Member for his ingenuity in getting in a question that

refers to the triumph of a Northern Ireland golfer. From Thursday right through to Monday morning, I think I watched almost every shot that Graeme McDowell played. His win was a tremendous achievement and good news for Northern Ireland.

Northern Ireland would benefit substantially from a reduction in corporation tax. We have a very good product at our disposal, even under present circumstances. However, investors, particularly those who are involved in foreign direct investment, often look at the bottom line, and, very often, they look at the trendy aspect, which is the rate of corporation tax. Therefore, a reduction would help us considerably.

Unlike other parts of the United Kingdom, this part has a land frontier with a European partner that has a substantially lower rate of corporation tax. Therefore, it is very important that we deal with the matter in a way that allows us to compete on the island with a country that has one of the lowest available corporation tax rates in the European Community.

Mr Deputy Speaker: I call Dr Stephen — not Jonathan — Farry for a supplementary question.

Dr Farry: It is a pleasure to be morphed with Jonathan Bell. I cannot think of a finer person for that.

Does the First Minister think that, ahead of the autumn investment conference in Washington, there would be a strong advantage in the British Government giving at least a positive indication on corporation tax? That could be seen in the context of American companies facing the prospect of taxation on foreign profits. Therefore, a lower rate of corporation tax may be a very good way of contravening that trend.

The First Minister: It would certainly be helpful if a lower rate were available for that period of time. However, I raised the issue with the Prime Minister, who indicated that it was more likely that we would receive the paper, rather than its outcome, by the time of the conference. We need to be careful that we do not raise expectations on this issue to too high a level. The deputy First Minister and I attended a meeting with a Treasury Minister, and his view was slightly less helpful than that of the Northern Ireland Secretary of State. Therefore, different views will come forward from the Treasury. However, we know that the Treasury

frowned on this matter the previous occasion that it was considered.

Budget Cuts

4. **Mr McLaughlin** asked the First Minister and deputy First Minister what steps they are taking to protect public services and to grow the economy in light of anticipated Budget cuts. (AQO 1442/10)

The First Minister: The deputy First Minister and I continue to liaise with the Prime Minister, David Cameron, and the Secretary of State for Northern Ireland on the likely impact of Budget cuts here. We are well aware of the financial challenges that lie ahead for everyone. The size of our block grant is a key issue and of fundamental importance to our ability to continue to deliver public services and support to local businesses and people. Last month, the funding available for local public services was cut by £127 million per annum, which was the Executive's share of the £6 billion reduction in UK public expenditure in 2010-11. In addition, there are expected to be further real-term reductions in funding over the four-year period from 2011-12 until 2014-15, as part of the 2010 spending review, which will take place in the autumn. Further details on that are expected in the Chancellor of the Exchequer's emergency Budget statement tomorrow.

The result of that reduction in funding from the Treasury is that local Departments will need to make savings in the coming years to address cost pressures and fund improvements in public services. Although those savings should come from reductions in bureaucracy and administration costs in the first instance, front line services will also need to become more efficient. However, the scale of the challenge means that a fundamental assessment of the services provided by the Executive and the best form of delivery will also be required.

The Executive have taken a number of important steps to support the local economy during the recession and in its immediate aftermath. For example, to support the labour market at this critical time, the Department of Enterprise, Trade and Investment helped to safeguard over 2,200 jobs between April 2009 and March 2010. Furthermore, over the same period, Invest Northern Ireland also assisted in the promotion of over 4,300 jobs.

The Executive also recently established a subcommittee chaired by Minister Foster to prioritise and co-ordinate action on the economy. The subcommittee is currently working to develop an economic strategy for Northern Ireland that will set our priorities, actions and targets for the short, medium and longer term.

Overall, the best approach for the Executive is to support companies as they seek to improve their competitiveness in the global market place so that there is less reliance on public sector spending in the future.

Mr McLaughlin: I thank the First Minister for that very detailed and helpful answer. There was so much detail in it that I look forward to seeing the Official Report to take in all of the information that he imparted.

From the First Minister's remarks, can I take it that he is firmly of the view that further savings can be identified without impacting on public services?

The First Minister: Yes, of course. Identifying areas in which public savings can be made is one issue, and I have no doubt that there are further savings that can be made. Ask any member of the public, and he or she will be able to identify areas where the Government should be cutting back and where there is waste. However, we need to get agreement in the Executive on areas to make savings. Therefore, a consensus is required, which can sometimes be difficult.

Mr Campbell: Will the First Minister give an assurance that when there are inward investment conferences and investors looking at Northern Ireland, particularly when there is a dependence in the economy on tourism, excellent golf courses, such as the one that produced our US Open winner, Graeme McDowell, will be promoted actively to ensure that visitors come here in their tens of thousands?

The First Minister: Ingenuity knows no bounds, Mr Deputy Speaker. You would be the last one to call any Member to order on this issue.

Northern Ireland has tremendous golf courses, and the Tourist Board are well aware of that. Within the past few days, the deputy First Minister and I met a delegation of Americans who had enjoyed the use of those golf courses. I met a group of American trial lawyers who were

in Northern Ireland, almost on a tour of the golf courses.

For the first time in 40 years, a European has won the US Open, and the fact that he is from Northern Ireland will draw attention to the talent that we have and to the assets in Northern Ireland that have formed that talent.

Mr Neeson: Although I recognise that the Executive have placed a priority on growing the economy, does the First Minister agree that developing the green economy must be a priority now? For example, Harland and Wolff has taken advantage and developed wind turbines.

The First Minister: Harland and Wolff has been instrumental in manufacturing the tidal version as well.

There is a tremendous opportunity to develop the green economy, and it is something that the Enterprise Minister is very much in favour of pushing forward. Again, when we were in the United States, the deputy First Minister and I met one of the companies that are very keen to be involved with wind turbines in Northern Ireland, so developing that is clearly beneficial.

However, we need to recognise that the best way to get economic growth is through businesses that bring export potential. Ultimately, we have to encourage those businesses, not only by encouraging foreign direct investment but also by looking at our own indigenous businesses to see how they can be expanded and can grow and where they can export their products.

Joint Ministerial Committee

5. **Mr McQuillan** asked the First Minister and deputy First Minister for an update on the recent Joint Ministerial Committee meeting. (AQO 1443/10)

The First Minister: The deputy First Minister and I attended a meeting of the Joint Ministerial Committee in London on 8 June 2010. The meeting, which was chaired by the Prime Minister, was the first since the formation of the new Government and was an early opportunity for the devolved Administrations to reinforce the importance of the institution of the Joint Ministerial Committee and to seek the commitment of the UK Government to participation at the highest levels.

The agenda consisted of three items: the Government's programme, the economy and

finance, and intergovernmental relations. The meeting also discussed the Respect agenda and how the four Administrations could work together to make that a reality. The greater part of the discussion was devoted to the economy. We stressed to the Prime Minister the differential structures of our respective economies and the implications of any sudden and drastic reduction in public expenditure for our local economy, which is still emerging from recession.

There was unanimity among the devolved Administrations in impressing upon the Prime Minister the need for a fresh approach to negotiations between the Treasury and the devolved Administrations on all issues of public finance, including the need for greater flexibilities and the need to ensure that our shared commitment to protecting the economy is governed by the principles of responsible management of the public finances. We explored and identified areas of shared interest in encouraging sustainable economic growth and achieving the best value provision of public services along with maintaining and improving competitiveness.

The Prime Minister assured us of his commitment to effective and meaningful inter-Administration relationships and to improving the processes supporting those relationships, particularly those relating to finance. We agreed to continue and to maintain a regular dialogue on all those matters, and a programme of meetings under the auspices of the Joint Ministerial Committee (JMC) was agreed for the year ahead. The Member may wish to note that a copy of the agreed joint communiqué has been placed in the Assembly Library.

Mr McQuillan: I thank the First Minister for a detailed answer. Does the First Minister agree that the fact that the JMC meeting was chaired by the Prime Minister and attended by the Deputy Prime Minister will prove to be evidence of an enhanced role for the devolved Administrations in national Government?

The First Minister: On that day, we had a meeting of the JMC and of the JMCE, which is the Joint Ministerial Committee in European format. We probably met about two thirds of the Cabinet at those two meetings. That indicates that they put a very high priority on the issue. The real test, of course, is not so much about their presence; it is not even so much the fact that that was the first time such a meeting was held in Downing Street. It will be important that

we see some product from those meetings, and we look forward to seeing whether the suggestions put forward by the devolved Administrations are shaped into policy decisions by the new Government.

Mr Dallat: Will the Minister give us some indication of the joint initiatives that he and the deputy First Minister intend to bring forward?

The First Minister: I assume that we are talking about the previous question, which was about the JMC. The deputy First Minister and I put proposals to the Government in relation to getting greater flexibility in our finances, particularly over the period of the next comprehensive spending review. It is important, in our view, that we have automatic access to the end-year flexibility. In our case, that is about a quarter of a billion pounds, which would assist us with the cuts that are coming. We also asked for greater flexibility in moving money from capital into resource. There are also issues arising from the statement on finance policy that was brought forward by the Labour Administration, which, I hope, the new Administration will change and on which all the devolved Administrations would seek to have improvements.

3.00 pm

The other issue that the deputy First Minister and I are agreed on and have argued strongly for is that there should be a system of arbitration where there are disputes. For instance, the Treasury decided that although there was urban regeneration funding for the Olympics, we would not get the Barnett consequential for it. Those would have meant additional tens of millions of pounds for Northern Ireland, which, in urban regeneration terms, would have been significant for DSD.

Everyone in the devolved Administrations agrees that there was a strong, indeed unanswerable, case that we should have received that funding. When the cuts came along, the Treasury decided that that was an area in which the Olympics should be pared back. It applied negative Barnett consequential to us, having not given us the positive consequential in the first place. When that was pointed out, rather than giving us the positive consequential, the Treasury took away the £1 million or £2 million of negative consequential.

Regional Development

Mr Deputy Speaker: I advise Members that question 3 has been withdrawn. I further remind Members who wish to ask a supplementary question that they must be rising or on their feet to be called.

A5 and A8 Road Schemes

1. **Dr McDonnell** asked the Minister for Regional Development to detail the total amount spent to date on contractors and consultants for the A5 and A8 road schemes. (AQO 1454/10)

The Minister for Regional Development

(Mr Murphy): Roads Service has advised that the total amount spent to date on the A5 dualling scheme between Derry and Aughnacloy is £24,715,000. The total amount spent to date on the A8 dualling scheme between Belfast and Larne is £3,135,000. Those figures include consultants' fees, site investigations and surveys and payments to the integrated delivery teams.

Dr McDonnell: I thank the Minister for his answer. I am conscious that the Irish Government have sustained their commitment to both projects despite the serious difficulties in the Irish economy. Will the Minister confirm that our Executive will sustain both projects in spite of any threats to our Budget?

The Minister for Regional Development: The Member is correct: the A8 and A5 schemes are being part-funded by the Irish Government. I anticipate that the remainder of the funding will be made available through the normal budgetary process.

Mr Doherty: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister tell the House what is the expected timetable for the delivery of the A5 dualling scheme?

The Minister for Regional Development: Subject to satisfactory progress through the statutory procedures and the availability of funds through a normal budgetary process, it is anticipated that construction could start in 2012 and be completed in 2015. It is expected that the draft vesting and direction Orders and environmental statement will be published in November 2010. It is anticipated that a public inquiry will take place in 2011. Subject to a satisfactory outcome of the public inquiry and confirmation of the availability of funding, construction work,

as I said, is expected to start in 2012 and be completed in 2015.

Mr Elliott: Will the Minister detail how the consultants were appointed? How many applications were received, and what scoring criteria were used in the process to select the consultants?

The Minister for Regional Development: The consultants were appointed by the normal process, but I do not have details on how many applied and the scoring processes that were used. I will respond to the Member in writing at a later date.

Mr Neeson: In view of the number of serious accidents on the A8 over the years, when does the Minister anticipate that the A8 scheme will start and be completed?

The Minister for Regional Development: Again, subject to satisfactory progress through the statutory procedures and the availability of funds through a normal budgetary process, it is anticipated that construction could start in 2012-13 and be completed in 2015. The stage three assessment is under way, and it will progress the scheme towards the publication of the draft vesting and direction Orders and environmental statement by mid-2011.

Local Government

2. **Rev Dr Robert Coulter** asked the Minister for Regional Development what discussions he has had with the Minister of the Environment in relation to the devolution of functions to local government. (AQO 1455/10)

The Minister for Regional Development: The Member will be aware that the devolution of functions to local government is part of the wider proposals to reform local government under the review of public administration (RPA). That includes the transfer of a range of functions from several Departments across the NICS (Northern Ireland Civil Service). As a member of the RPA's Executive subcommittee, I am in regular contact with the Minister of the Environment, who chairs that subcommittee, as part of our role to oversee the implementation of the reforms.

Rev Dr Robert Coulter: I thank the Minister for his response. Now that local government reorganisation has collapsed, will the Minister indicate whether the Minister of Finance and

Personnel has expressed to him any views on the devolution of functions to the 26 councils?

The Minister for Regional Development: There has been a general discussion about that at the Executive over a number of meetings. Obviously, I was disappointed with the final result of the discussions, which was a decision not to proceed with the 11-council model. Ministers exchanged views across the Executive table on a wide range of matters relating to that. I have not had any specific discussions directly with the Minister of Finance and Personnel about transferring functions, but I certainly would not be supportive of the idea of transferring functions to the 26 councils, particularly given that some of the councils already abuse some of their powers. In the absence of proper governance models being introduced, I would certainly not be minded to transfer functions from the Department for Regional Development (DRD) to the 26-council model.

Mr Shannon: I am keen to ascertain whether the Minister foresees any transfer to local government of responsibility for major strategic schemes for roadways, rather than it just being responsible for minor maintenance? Has he considered that issue with the Department and, if so, does he see that happening in a rolling fashion over the next few years?

The Minister for Regional Development: As I said in my previous response, I am not minded to transfer any functions to the 26-council model. As part of a wide-ranging discussion over a number of years, we were intending to transfer some powers, including powers relating to car parks and traffic attendants, to an 11-council model. Because road schemes, more often than not, will not be confined to any one council area, it is the intention to keep Roads Service as the statutory authority over road schemes and major works and not to transfer that power to the councils.

Mr Deputy Speaker: I call Fra McCann to ask a supplementary question.

Mr F McCann: Go raibh maith agat, a LeasCheann Comhairle. The Minister has, in his last two responses, answered the question that I was going to ask.

Mr Gallagher: The Minister clearly does not intend to devolve any functions to the 26 councils in the foreseeable future. Therefore, does he accept that the RPA exercise and the

way that it has been carried out to date has been an abysmal failure?

The Minister for Regional Development: I am sure that much useful preparatory work has been done between councils. I have said publicly that I am very disappointed that the decision to move to the 11-council model was not taken at the Executive. I have made my views very clear on that. Whether anything can be picked up from that has not been put to the Executive as yet. There has been no proposition on where we go from here. With no agreement to move to an 11-council model, the default position is to stick to the 26-council model. I do not doubt that some of the work that has been done to date has proved useful in getting councils to co-operate. Whether we can revisit the issue is a decision for the Executive. I would be keen to see us move on to establishing an 11-council model, as we had agreed two years ago, but, obviously, we cannot move on that on our own.

Mr Deputy Speaker: Question 3 has been withdrawn.

Northern Ireland Water: Procurement

4. **Mr Gardiner** asked the Minister for Regional Development what steps he has taken to date to improve his Department's oversight of the procurement processes operated by Northern Ireland Water. (AQO 1457/10)

The Minister for Regional Development: My written ministerial statement on 12 March and subsequent oral statement to the Assembly on 15 March set out the immediate action that I took following the publication of the independent review team's report on procurement governance failures in NIW (Northern Ireland Water). The oral statement referred to an action plan that had been produced in response to the report findings. That was subsequently agreed as a joint DRD/NIW action plan, incorporating actions to enhance the Department's oversight of NIW. That included taking forward a process to appoint interim board members to temporarily replace the four non-executive directors who were removed, on which I hope to make an announcement soon; DRD representation at NIW audit committee meetings since March this year; an external review of the work undertaken by NIW internal audit, which has been used to inform the internal review team's (IRT) findings; a wider external review of the NIW internal audit

function; and the requirement for the Department to be informed about any proposed single-tender actions above £30,000 on a monthly basis.

Although I am confident that the chief executive has, since his appointment and subsequent to the findings of IRT's report, proactively raised the profile of governance throughout NIW, the director of the Department's shareholder unit liaises closely with him on an ongoing basis to ensure that all actions are being addressed. Delivery against the action plan is a standing item at the monthly meetings between the DRD senior finance director and the chief executive.

One of NIW's main actions was to widen the scope of the audit into procurement governance. This was described as further "deep-dive" audit work, and I agreed to keep Members informed about it as the findings become known. I can now confirm that they will be made available on the Department's website later today.

Mr Gardiner: I thank the Minister for his reply. Is he now satisfied that Northern Ireland Water is being run to the highest standards of corporate governance and that contracts are being tendered for properly?

The Minister for Regional Development: That is the point of all the actions that I have outlined, which are a consequence of the independent review team's report and which then led to a joint action plan between the Department and NIW. That has led to a much closer working relationship and to a much greater emphasis being placed on governance and procurement. I am confident that things have improved dramatically since the matter was first brought to our attention earlier this year. I am satisfied that these arrangements are now working. Experience over time will test them properly. However, there has been a very substantial improvement in relation to governance, audit and scrutiny of the award of contracts.

Mr Campbell: Will the Minister indicate what criteria and appointment processes, which were not undertaken in the first instance, which led to the problems that the independent review identified, were undertaken this time to ensure that the interim board membership process was successfully concluded?

The Minister for Regional Development: The problems that the independent review identified were much more extensive than the appointment process for board members,

although I considered board members to be culpable in their governance and scrutiny of some of the issues that were taking place at NIW. The difference with the interim appointments is that they are described as being made on an interim basis.

We had to reach agreement with the Commissioner for Public Appointments to deviate from the normal appointments process. The selection criteria for the four interim appointments were based on business and stakeholder needs. A list of the names of potential candidates was drawn up and individuals were contacted to gauge their interest, and they were asked to submit CVs. Interviews, or conversations with a purpose, were then held by a panel that contained an independent assessor. A further interview is scheduled for later in the month, and I hope to be in a position to announce interim appointments soon.

Mr McDevitt: With regard to all the problems that Northern Ireland Water faces, does the Minister rule out any possibility that he will re-integrate Northern Ireland Water as a corporate body directly into the Department for Regional Development?

The Minister for Regional Development: All options are being considered in relation to the future of NIW. It is now operating as a hybrid — between a Go-co and a non-departmental public body — as far as accountability is concerned. However, there are implications in bringing NIW back into the Department and those have to be considered. It would have an impact on the Executive's financial situation, and there would be possible financial risks around VAT and asset valuation. There would be constraints in the public expenditure system on issues such as efficiency, customer focus and long-term planning to maximise return on investment. We are considering the course of action to take to secure the best governance of NIW, but whatever we do will have implications.

Airports

5. **Mr Beggs** asked the Minister for Regional Development what influence his Department has, through the regional development strategy, on proposals for airports and their associated transport infrastructure requirements.
(AQO 1458/10)

The Minister for Regional Development: The regional development strategy (RDS) recognises the significant role that airports have in accessing markets, encouraging inward investment and boosting tourism. The RDS is material to decisions on development proposals for local airports and their associated transport infrastructure. That means that when DOE is processing planning applications, it must give due consideration to the policies set out in the RDS.

Mr Beggs: Does the Minister agree that it would be helpful if there were greater responsibility for and greater influence on the development of airports, so that we end up with the right investment in the right place and that road and rail infrastructures are meshed appropriately? Does he also agree that there is a need for greater responsibility over a wider geographical area and that responsibility should be devolved?

The Minister for Regional Development: There are a number of factors involved. One is an ongoing discussion on aviation strategy. Responsibility for that lies at Westminster, and I have said that I am happy to explore and to discuss with Executive colleagues whether that is something for which we can accept responsibility. The Member should also bear in mind that airports are privately owned and decisions about investment and infrastructure are matters for the owners.

Given that we live on an island, airports are important gateways. That is reflected in the regional development strategy and will be reflected, possibly even more strongly, in the new regional development strategy that is being processed. There is a clear recognition that the infrastructure that gets people to and from the airports is important. Given our geography and the nature of our economy, access to the airports is important, and we will continue to bear that in mind.

3.15 pm

Mr Leonard: Go raibh maith agat, a LeasCheann Comhairle. When does the Minister intend to publish the revised regional development strategy?

The Minister for Regional Development: I intend to seek Executive approval to publish the revised regional development strategy for consultation by this autumn.

Ms Lo: Given the scope of the regional development strategy, I presume that the

Department will submit the Minister's response to the public inquiry on the proposed extension of Belfast City Airport. Will the Minister assure me that he and his Department will take into account the local residents' ongoing opposition to that proposal?

The Minister for Regional Development: The inquiry and the decisions that flow from it are a matter for the Department of the Environment. However, on a number of occasions, I have had the opportunity to meet with residents and with groups and, indeed, with some of the elected representatives from the areas that are affected by Belfast City Airport. I wrote to the Minister of the Environment encouraging him to hold a public inquiry before taking his decision. I am not sure that there is a formal role for DRD in that inquiry, but, nonetheless, we will be keeping an interested eye on it.

Mr G Robinson: If and when the Budget will allow such schemes to progress, will the Department examine the possibilities of having railway links and halts at Londonderry and Aldergrove airports so that a truly integrated public transport network can be achieved?

The Minister for Regional Development: Those issues have been raised with me before. The standard benchmark for the viability of rail halts at airports is if they serve around 10 million passengers. I think that Aldergrove serves around seven million, and the City of Derry Airport does not serve numbers in that region at all. However, we will continue to keep that under review. Current and anticipated finances would not allow us to make any moves in that direction in the near future, but I will continue to listen to that argument as time goes on.

June Monitoring Round

6. **Mr Kennedy** asked the Minister for Regional Development to outline his Department's response to the June monitoring round. (AQO 1459/10)

The Minister for Regional Development: My Department submitted seven bids in the June monitoring round exercise, six of which were resource bids totalling £22.2 million and one that was a capital bid for £41 million. The bids totalled £63.2 million overall and covered a wide range of the Department's activities.

Details of the resource bids are £12.6 million for pressures arising from environmental work

and contractor disputes in NIW; £2.3 million to maintain the existing level of subsidies for concessionary fares schemes; £1.3 million to meet the increased railway public service obligation; £0.6 million to meet the increased cost of the transport funds resulting from the dial-a-lift service; £4 million to meet the costs of maintaining the street lighting stock; and £1.4 million to meet the increase in fuel duty rebate costs.

There was one capital bid for £41 million for Roads Service structural maintenance. If that bid is met, the allocation for 2010-11 would match the level recommended in the independently assessed Snaith structural maintenance funding plan. Members should also note that the backlog of structural maintenance on our roads was measured at an unprecedented £720 million in the September 2009 report. My Department also sought £4.5 million in capital funding as part of the approved integrated development fund pilot project that Ilex submitted for the A2 Broadbridge scheme.

Mr Kennedy: I am grateful to the Minister for his reply. As regards the resource bid of £2.3 million for the concessionary fares scheme, will the Minister outline the budgetary position of the scheme and what he intends to do if no funding is available from the Department of Finance and Personnel?

The Minister for Regional Development: The Executive consider the concessionary fares scheme to be important. I certainly consider it important. The bid for £2.3 million is to maintain the existing levels of subsidy for that scheme. Fare concessions that are available to those over the age of 60 and other vulnerable groups have been successful in encouraging those groups to use public transport services frequently in preference to private transport. That shows the benefit of having affordable and accessible public transport services in achieving modal shift.

However, the scheme is demand led and inescapable pressures have arisen, which explains the bid for additional funds. At this stage of the year, that bid represents an estimate of the reimbursements required to Translink for the scheme. As I said, I consider the scheme to be important, as, I believe, do my Executive colleagues, and, therefore, I intend to secure the finances necessary to ensure that it continues.

Mr Dallat: Given that the Minister will be under severe financial pressures, has he any plans to seek equity release from any agencies or bodies under his control?

The Minister for Regional Development:

There has been some discussion — I am not sure whether it was at a previous Question Time — during which the Minister of Finance and Personnel referred to equity release in relation to Belfast port. I am told that that is not possible under the terms in which it was described. Therefore, it is not something that we have considered. I do not consider myself to be under severe financial pressure. The budgets are being challenged; we will probably know more about that tomorrow. Nonetheless, the Executive need to have a mature discussion about continued investment in the infrastructure as a way to help us to endure the economic downturn and to put us in a better position to take advantage when the situation improves.

Cairnshill Park-and-Ride Facility

7. **Mr A Maskey** asked the Minister for Regional Development when the Cairnshill park-and-ride facility will open and what measures will be put in place to facilitate public transport from the site to Belfast city centre. (AQO 1460/10)

The Minister for Regional Development:

Plans for the introduction of a new park-and-ride facility at Cairnshill are well advanced. Although the construction work on site is largely complete, the procurement of bus services, together with the introduction of further bus priority measures, must be finalised before the site becomes fully operational. I hope to be able to announce the outcome of the procurement in the autumn. In the meantime, I have asked officials to investigate opening the car park as a park-and-share site and to consider how existing Translink bus services could be used to benefit access to the city centre.

Mr A Maskey: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his reply. He has visited the constituency and spoken to residents' associations and other local representatives about overall traffic management in the area. Is the Minister able to assure the House that this project will be given every priority to ensure that it and the necessary procurement are completed, so that it can make an important contribution to traffic management in that overall area?

The Minister for Regional Development: As I said, work on the site is largely complete, and we expect it to be fully completed by the end of June, that is, within the next week or so. The site has space for 730 vehicles. Although the dedicated service has not yet been procured, there is the potential to open the site for a park-and-share scheme in the interim and to link its users with existing Translink services that pass the site.

I agree with the Member that it is an important part of traffic management for the Ormeau Road area and for the city as a whole. In the initial phases, as we give more priority to quality bus corridors in that area, private car users will feel the impact, and that may lead, initially, to their experiencing some congestion. However, the purpose of park-and-ride sites is to encourage private car users to leave their cars there and take public transport into the city. I believe that such sites will eventually be highly successful in that regard.

Mr Cree: The Minister will be aware of many park-and-ride facilities throughout Northern Ireland, but they are often used by people who do not get on a train or a bus. Has the Minister considered introducing controls for existing park-and-ride facilities?

The Minister for Regional Development: I am not aware of any specific complaints about particular facilities at which people park but do not use public transport, unless that is a park-and-share facility, and some park-and-ride sites include park-and-share facilities. However, if the Member brings any specific complaints about the operation of some of the sites to our attention, my officials and I will ensure that the operators of those parks deal with the issue.

Mr D Bradley: Go raibh maith agat, a LeasCheann Comhairle. Given that the latest figures show that single occupancy journeys increased by 14 million in 2006-08, does the Minister accept that his policies are failing to get people out of their cars and into more sustainable forms of transport?

The Minister for Regional Development: No, I do not accept that my policies have failed. I am not sure what Mr Bradley's policies are, but I would be interested in hearing from him about them. If he has some better ideas, I encourage him to let me hear them.

Very significant investment is going into infrastructure, such as park-and-ride schemes and the plans that are being developed for a rapid transit system around Belfast. Although private car ownership is increasing, as it is all over the world, and congestion is an ongoing issue, the correct policies are being followed, namely, to provide a better, more efficient and higher priority public transport network and to make it progressively more difficult for private cars to access urban centres. That is the policy that we are pursuing. At a time when making investments is not easy, the policy requires significant investment in public transport and more restrictive measures for private cars. I think that that is the correct policy to follow. If the Member has a better one, I would be interested to hear about it.

Mr McHugh: Go raibh maith agat, a LeasCheann Comhairle. The Minister's comments about park-and-ride facilities and the number of people travelling into the city centre are encouraging. The quality of life of pedestrians, given the movement of buses in the city centre, is also important, and there have been some severe accidents and serious incidents. The speed and type of buses —

Mr Deputy Speaker: Question, Mr McHugh.

Mr McHugh: In relation to the control and management of buses within the city centre itself, will the Minister look to the future in relation to the type of buses, the noise that they create and, indeed, the speed and control with which they are driven? Has that been brought to the Minister's attention?

The Minister for Regional Development: It has, and I recall the tragic accident in Belfast city centre that resulted in young Ciara Park being killed by a bus. Work between Departments was already ongoing, and the Member will know that the streetscape work in Belfast city centre is the responsibility of the Department for Social Development. DOE also has an interest, and there have been joint discussions and meetings about Belfast city centre's immediate and longer-term future between the three Departments. That is an ongoing piece of work. In the long term, we intend to remove buses from the immediate city centre area. At the moment, in certain parts of the city centre, their movement is restricted to one way. Obviously, given that the area is becoming increasingly pedestrianised, the greatest attention possible

is being paid to safety issues. Pedestrian usage and bus usage can lead to a conflict. There are long-term plans to progressively remove vehicles from the city centre. In the interim, a great deal of attention is being paid to pedestrian safety.

A6 Randalstown to Castledawson

8. **Mr McLaughlin** asked the Minister for Regional Development to outline the current position on the proposed A6 Randalstown to Castledawson road upgrade. (AQO 1461/10)

The Minister for Regional Development: Roads Service has advised that it is continuing to develop the A6 Randalstown to Castledawson dualling scheme. It plans to make two direction orders later this year to facilitate the construction phase. It is anticipated that work will commence on site in the 2011-12 financial year, subject to the availability of finance at that time.

Mr McLaughlin: I thank the Minister for that information, and the fact that his budget is not under especial pressure gives us confidence that the project will proceed. Given that work on the scheme will commence in the 2011-12 financial year, when does the Minister expect it to be completed?

The Minister for Regional Development: The dualling scheme has been procured by way of a design-and-build contract, and it will take about 24 months — two years — from the start of construction to completion.

Mr T Clarke: I am disappointed by the Minister's last answer. Given present financial constraints and public opinion about the loss of farmland, I was hoping that the Minister would tell us that the scheme will be put on the back burner for some time. Even at this late stage, will consideration be given to looking at another route or to putting the scheme off for some time?

The Minister for Regional Development: No. I am afraid that the intention is to go ahead with the scheme. There are landowner issues, as there are with any road scheme, big or small, particularly with respect to farmers' access and compensation. In any major infrastructure scheme, those are all difficult issues to deal with. Nonetheless, the process is under way, and the benefits to members of the public who travel to and from the north-west, between Belfast and Derry, will be great, so the intention is to go ahead with the scheme.

3.30 pm

Mr Kinahan: The Minister is probably aware that there is disagreement about whooper swans and the building of the new road. Are studies on the swans ongoing, and will we be supplied with up-to-date facts?

The Minister for Regional Development: Many issues will be raised about the construction project, of which that is one. Stringent environmental guidelines are in place for any roads that are being built, and I am sure that the environmental agencies will apply strict guidelines about what can and cannot be done. I do not have a specific assessment of the ongoing examination of that issue, but I am happy to write to the Member with any details that may be available.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. What assurances can the Minister give that local contractors will be involved in the work on the proposed upgrade of the A6 from Randalstown to Castledawson?

The Minister for Regional Development: We must adhere to European rules on major procurements. However, we will try to ensure that, where possible, local contractors have the opportunity to tender for that type of work. Contract awards for the A5 were broken into three pieces, which perhaps made it more attractive to local contractors and not so attractive to international organisations. To date, we have had good local contractors who are capable of undertaking such work. Over the past number of years, schemes arrived on time, on budget and, in many cases, ahead of schedule. I am sure that local contractors will be aware of the potential for work. Given the difficult situation that they face, I very much hope that they are able to secure that work.

Executive Committee Business

Budget (No. 3) Bill: Final Stage

**The Minister of Finance and Personnel
(Mr S Wilson):** I beg to move

That the Budget (No. 3) Bill [NIA 26/09] do now pass.

The passing of the Budget (No. 3) Bill will set the limits on expenditure and the use of resources in 2010-11 and will enable the Assembly to hold Departments accountable for managing and controlling that spending and for the use of those resources within those limits. As the Excess Votes for 2008-09, which are in the Bill, demonstrate, any excess or excesses will be identified during the audit of the departmental resource accounts and will be reported by the Comptroller and Auditor General to the Public Accounts Committee (PAC). In turn, the PAC will examine the reasons for the excess and make recommendations to the House.

I will continue in the vein of accountability to the Assembly and take this opportunity to focus the Assembly's attention for a few moments on the issues that it is now time to address. The current financial process, which we inherited from direct rule, commenced with the Budget and went through the legislative stages of Estimates and Budget Bills, which is where we are today, to the out-turn of the departmental resource accounts. It has existed for many decades in Northern Ireland and is based on the Westminster model. Various components of the process serve different purposes and have developed over the years in individual directions. That has resulted in a significant misalignment between Budgets, Estimates and accounts. In past debates, Members commented on that misalignment, which is especially demonstrated by the different figure work in the Budget document and the Estimates. That misalignment is an area that should be reformed to improve transparency and Assembly control. In addition, the revenue stream in the form of rates legislation is taken forward as a separate process and, arguably, should be linked with the expenditure process.

One main area that requires radical reform is the lack of transparency in the publications presented to the Assembly, in particular the Estimates. In the past, Members commented that the publications did not lend themselves to

the easy scrutiny and challenge of spending proposals by the Assembly. Departments' spending proposals should be set out clearly in Budget and Estimates publications not only to be scrutinised and challenged by the Assembly but to enable accountability at a later stage for spend against those proposals. Take, for example, education and health, which are two of the biggest spending Departments. In the Budget document that was approved on 20 April and in the Estimates before us today, the majority of the spend in each Department is contained in one or two lines. An expenditure line of over £1 billion should be unacceptable to the Assembly, and it is time the Assembly demanded greater transparency, with expenditure being split over different spending programmes.

Finally, the financial process is lengthy, convoluted and repetitive — very repetitive on some occasions. I hope that it will not be repetitive today, but I suspect that it might. Consultation, scrutiny, debate and agreement of a Budget is followed by debates reopening the same Budget issues during the legislative process. I enjoy a good debate, and, while it is important in a democracy to debate the issues, especially important issues such as public expenditure, the repetitive purpose of those debates is worth examining, especially since a lot of the debate is about something that has been agreed anyway.

(Mr Speaker in the Chair)

At this stage of devolution, it is time to discuss, consult on and agree a process and publications that better suit the needs of the Assembly. To that end, perhaps it is time for a review of the entire financial process. We recently had a review of the Budget process in order to improve the first stage of our financial process, but should we not look at the entire financial process and at the various publications throughout that process with a view to having a process and publications that will meet the needs of our devolved Administration? The objectives of such a review could be to improve transparency and the alignment between Budgets, Estimates and accounts; radically simplify the Estimates; revise the budgetary structure of Departments in order to achieve clarity in spending proposals and programmes; and streamline the Budget, Estimates and legislative process.

Reform must be driven by the needs of the Assembly, and I cannot stress that enough. A review taken forward by DFP or by the Executive without the engagement of Members would not achieve its goals; in fact, it might be regarded with some suspicion. The Assembly should consider its needs in relation to the entire process and the publications laid before it. Extensive consultation with the Assembly on reform would be imperative. The official avenues for consultation would be the Committee for Finance and Personnel and the Public Accounts Committee. However, I welcome the constructive views of individual Members today or in the coming months on the matter. In addition, my officials would need to consult the Comptroller and Auditor General on the issues impacting on his office, on accounts and on his role as the controller of the Northern Ireland Consolidated Fund. I issue a challenge to the Assembly today to consider major reform of our financial process to meet the needs of the Assembly. The desire for reform must come from the Chamber, and I welcome Members' views in that regard.

In conclusion, as we come to the final debate in this legislative process, I remind the House that the amounts of cash and resources sought in the Budget (No. 3) Bill for 2010-11 are substantial on top of the Vote on Account approved in March, bringing the total cash to more than £13 billion and the resources to more than £14 billion. However, as stated in earlier debates, the Chancellor's announcement on 24 May has already dented those amounts, and the Executive are dealing with that as part of the June monitoring round. As we await the Chancellor's emergency Budget tomorrow, we can be certain that the financial road ahead will be rough. However, Members have been elected to deliver high-quality public services to the people of Northern Ireland, and we must still do that within our reduced resources. That is the challenge that lies ahead, and I look forward to hearing Members' views today in that vein.

The Chairperson of the Committee for Finance and Personnel (Ms J McCann): Go raibh maith agat, a Cheann Comhairle. I want to speak first as the Chairperson of the Committee for Finance and Personnel and then as an MLA.

As I stated in an earlier debate on the Bill, the Committee for Finance and Personnel is aware of the potential consequences for departmental spending and front line services should the Bill not progress through the Assembly before the

summer recess. In that regard, the Committee was content for the Bill to proceed under accelerated passage. However, the Committee continues to be mindful of the concerns raised by other Statutory Committees about the lack of engagement with their respective Departments throughout the latest Budget process. Therefore, I am pleased that the Minister has called on his Executive colleagues to engage early and meaningfully with their Committees as we move into the 2010 Budget process, which will establish departmental baseline expenditure for 2011-14.

Following a request for assurances about improved consultation and transparency in future Budget processes, the Minister provided the Committee with an early timetable for the 2010 Budget process, and that has been shared with the other Statutory Committees. On 30 June 2010, the Committee for Finance and Personnel will take evidence from DFP officials on their initial plans and priorities for the Budget 2010 process. I encourage other Departments to engage with their Statutory Committee at the earliest opportunity, because it is imperative that Committees are afforded adequate time to properly perform their scrutiny role. Having reiterated those key concerns, I support the motion that the Budget (No. 3) Bill do now pass.

As an MLA, I welcome the Minister's earlier comments. There is a view that we are facing a situation in which we will have less money to spend on public services. I apologise in advance if I repeat myself a little today, but we must have the debate on how we can protect essential front line services and ensure that the families and businesses that need help from the Executive get that help. We often get caught up in the argument about where we will find new money, but that is not always what is required; it is about using the money that we have more wisely.

Sometimes I feel like a parrot because I repeat myself so much, but public procurement is one area that we can influence to ensure that all public spending in that area maximises the wider economic and social benefits to our community. I am aware that the Minister is looking at the Committee's recommendations on public procurement, but that type of procurement must be opened up to smaller businesses and the social economy sector to enable them to access contracts in the same way as larger firms. Social clauses must also be inserted. It is essential that we look at how

we can target areas of disadvantage and need and how we can ensure that companies that are awarded contracts meet the basic conditions, including providing good wages and employing apprentices and the long-term unemployed.

Mr F McCann: A number of weeks ago, I attended a conference in County Down with the Chairperson of the Committee for Social Development and other members of the Committee. At that conference, a representative from the Welsh Assembly spoke about how the Welsh have used procurement contracts to open up apprenticeships and about how social clauses were included in those contracts. The representative said that that approach has had a great impact on how things are dealt with. There still seems to be some hesitancy here about adopting those procurement ideas. Does the Member agree that, particularly in the current economic climate, we should tap into the expertise in Wales and use it here?

The Chairperson of the Committee for Finance and Personnel: That is certainly an issue that we could look into. I also hope that the Minister and the Central Procurement Directorate give weight to the 30 recommendations in the Committee's report on public procurement.

Those recommendations will go a long way to helping the public procurement spend be used as the strategic tool that we have discussed in the Chamber.

3.45 pm

I want to concentrate on areas in which money is already there, as opposed to looking for new money. Credit union legislation is going through Westminster. Credit unions have expressed an interest in investing in social economy enterprises in local communities. Targeting social need would generate employment and regenerate those communities. It is important that, when that legislation has passed through Westminster, the Assembly and the Executive take the necessary steps to ensure that credit unions' financial investment powers are brought into the arena. Credit unions are currently investing their money in banks, which are coming in for criticism for not lending to businesspeople here. We need to look at banks' failure to address their failings, because, we must remember, they were given public money. I know that we have talked about that issue before, but the banks were given that public money to try to kick-start the economy, and some businesses cannot get

loans from the banks or are having loans called in by them. It is imperative for business that we look at the credit unions and at the way in which they can make financial investment in areas such as the social economy.

We need to look at all the different areas. We are facing public spending constraints, so it is essential that we consider whether we are getting the outcomes from spending that we need and that are set out in the Programme for Government. I know that an opportunity is coming for the Programme for Government to be reviewed, and it might be timely for that review to reflect the current economic climate.

Whether we choose to engage in that level of debate, we need to engage with communities. The poverty in those communities is very real. There are still 100,000 children living in poverty in the North of Ireland. It seems that, no matter what we do to deliver services, we are not bringing children out of poverty. Those children are still getting up in the morning and going to school hungry because their parents do not have the money to pay for electricity when the meter runs out at 8.00 am on a Monday. They do not have the money for electricity to provide light and heat and to cook a breakfast. Generational poverty is perpetuated, because those children are never given a fair chance in life from birth. Children who are born into a household in which two parents do not work or who are born in an area of social need should be given the same life chances as a child from a more affluent area or family. We need to take a strategic approach and put money into those families, children and schools for early intervention. We need to look at that holistically and do something for those children at a very young age to lift them out of poverty. One of the main ways to lift a child out of poverty is to give the child's parents a job. Public procurement can be used in a way that will create employment opportunities for parents.

As I said, there are ways to spend our money more wisely. However, we need to measure that. We must also measure the outcomes. I sense that, after government money has been invested in a service, there is no measurement of whether it has worked and whether the targets have been reached. When we consider the entire budgetary process, it is essential that we build into it the cross between the Programme for Government and the Budget. We should also

build in a tool to measure whether the money that we spend delivers the set priorities.

We will, I hope, be given the opportunity to discuss that issue in more detail. I hope that the Assembly and the Executive will take on board the disadvantage and need in our communities and target spend on the families, businesses and communities that need it.

Mr Hamilton: On behalf of my party, I welcome the seamless and fairly painless passage of this essential legislation. In doing so, I welcome the debate so far. The Minister's criticism of the process is absolutely justified. We have gone through the same process time and time again. In fact, I probably could have reread a speech from the Final Stage of a previous Budget Bill, and no one would have batted an eyelid.

The Minister of Finance and Personnel: How do we know that you will not do that?

Mr Hamilton: I will repeat this speech next year to see whether anyone catches on. Given that the process has many failings, which I want to touch on, it allows us to have a debate. I hope that the Minister appreciates that today's debate has been a little more mature than some previous Budget Bill debates. The debate will be even more mature given the absence of certain Members. As the Chairperson said and as the Minister mentioned in his opening remarks, the context in which we now discuss Budgets has changed from that of three years ago. We all know the context of public spending restraints, if not cuts, that we must face. That has encouraged Members to be a bit more mature and more measured in their comments.

Several Members mentioned the need to reform our entire budgetary process, and I was glad to hear the Minister's comments on that today. It is, perhaps, typical that, during the Final Stage of a Budget Bill that could have gone through easily, the Minister threw down a challenge to Assembly Members. However, if I have read the comments from all parties in the Committee for Finance and Personnel correctly, many of us will seize that challenge with relish. The Minister is absolutely right to make those comments. There is a growing sense of dissatisfaction among Members and a feeling that the whole process is, in many respects, pointless. That is borne out of many reasons and frustrations. The Minister has spoken of his frustration at the lack of departmental engagement with Committees, the incompleteness of the

information provided to Committees and, at times, the complete lack of transparency even when the information is provided. We should all be critical of our own performance and question whether we truly test the expenditure that comes before us. Even were all the available information provided in a timely way, would our testing of expenditure be thorough enough? Sadly, the answer is no. Budget Bills and monitoring rounds come around again and again, and I fear that we fall into automatic pilot when scrutinising Budgets and expenditure in the Assembly.

There is that fear or frustration that Members cannot change anything. That has got to rub off on the general public and stakeholders who may think that they cannot change anything either. Therefore, given the context of the public spending constraints that we face, there is a deep desire to change that process so that we are as thorough as possible and can walk away from every Budget process and say that we tested everything with the degree of scrutiny that was absolutely required. Therefore, the challenge that the Minister has thrown down is one that I wish to seize with relish.

Even though there is a sense of doom and gloom about Budgets in Northern Ireland, it should be noted that this Budget still allows for considerable investment in our public services, not least in ongoing record investment in our infrastructure right across Northern Ireland.

I welcome the Final Stage of the Bill. It is, at least, one Budget this week that we will all welcome; I am not too sure about the one that we will hear about tomorrow. In fact, I suspect that we will run a million miles away from it in respect of some of the pain that it will cause. Nevertheless, I welcome the Final Stage and the challenge that the Minister has thrown down to everybody in the House.

Mr McDavitt: I apologise to you, Mr Speaker, to the House and to the Minister for missing his introductory remarks. I hope that nothing I say retrospectively steals his thunder. It might, but I will go ahead anyway.

We are at the Bill's Final Stage. I have huge sympathy with many of Mr Hamilton's remarks and with some of Ms McCann's. We seem to be in a perpetual cycle of sameness, debating the same pot of money and the same sort of issues in the same sort of way. Therefore, it may be opportune to take a few moments to talk about

what we might do differently during this Final Stage debate.

I suppose that it boils down to two basic questions. The first is how we raise our money. There is a little bit of what we will want to spend that we are able to raise ourselves. The second is a matter of negotiation, for those who are much better at that than me, with the powers that be in other places. However, I think that it is an opportune time, possibly in light of tomorrow's Westminster Budget, after we come back after the summer break and think about the next Assembly, our comprehensive spending review and the heads of the new Programme for Government, to reflect on some of the big questions that we need to pose about how we raise revenue in this region.

The first question that I would like to pose is about the rating system as it stands and whether it is fit for purpose. We have ended up in a debate about water charges on the periphery of this Budget, a debate that will continue to raise its head until, somehow or other, we settle the question of that £200 million that we keep pushing down the pipe — pardon the pun — and find some mechanism for being able to fund it.

Dr Farry: I am encouraged by the tone that the Member has taken in facing up to the reality of revenue-raising. That has not always been the case on the part of his party. In respect of the comment about pushing the issue down the pipe and the implications of that, is the SDLP, in essence, now facing up to the reality that water charges have to be introduced?

The Minister of Finance and Personnel: No.

Dr Farry: If Mr McDevitt is also saying no, what is the point of the line of argument that he is taking?

Mr McDevitt: Like the Minister, the SDLP says no. We do so proudly and consistently, because water charges in the current budgetary structure are not the solution. That is part of the point that I am in the process of making.

We are probably at the point where we need to ask fundamental questions about our rating system per se, because it is clear from where we are sitting that it should accommodate the cost of water. However, it is clear from where other people are sitting that it does not. It is certain that every householder and, I suspect,

most of us sitting in the Chamber pay rates, but none of us feels that we get particularly good value out of what we pay. None of us gets a sense of what we are actually paying for. We do not really know or understand where our regional contribution goes, and we certainly do not know where our local government contribution goes.

The Minister of Finance and Personnel: I understand the point that the Member made about the regional rate. So far as the Bill goes, there will be a separation. However, as far as the district rate is concerned, most councils now detail, with quite a lot of information, exactly what the money is spent on. The regional rate does not go into pockets of money; it goes into general expenditure and is a bit more difficult to define.

4.00 pm

Mr McDevitt: They do so at a corporate level; the Minister is right in that regard. There is still a significant disconnect between the ratepayer or the customer of government services — be that at local government level or at regional government level — and the rate bill. It may be a time for us to take a look at what we believe falls within the rate envelope and to ask ourselves whether the bodies, structure and policies that we have around rating are suitable for that purpose.

I hear a lot of criticism, and I am sure that colleagues do too, about the rating agency and whether it is able to do its job on a day-to-day basis. I know that that matter has been debated at other times in the Chamber, so I will not dwell on it too much, but now is the time for us to start asking that first question about where our money comes from. Is it time to start a conversation about what rates are, what they should pay for and how we should formulate a policy around them?

The second matter is about thinking of smaller, imaginative innovations that could be used as revenue-raising opportunities. In the Minister's reply, I would be most interested to hear his opinion on Mike Smyth's suggestion of a levy on text messages, for example. We never seem to think outside the box when considering how revenue could be raised elsewhere, and I will come to that in the second part of my comments.

There is the question of asset leverage. The investment strategy sits slightly outside the Budget that we are talking about today for

obvious and important reasons, but again, in that regard, we stumble along. I suppose that we can forgive ourselves for doing so over the first seven or eight years of this millennium because of the bigger politics of the situation, but we are yet to come to terms with the opportunity to leverage our asset base. There also needs to be a big conversation on the broader question of equity release. Although the Minister took a strong view during the Bill's previous stage on the opportunities to release equity from such bodies as the Harbour Commissioners, only 20 minutes ago and 10 yards from where I stand, the Minister for Regional Development took an opposite view on whether that was possible, never mind whether it was a good idea. As an Assembly, we should have the debate about how to raise money; we owe it to ourselves and to the people who sent us here.

The second debate relates to what we do with the money and how we spend it. Ms McCann made a very important point when she talked about need and the fact that, at every level in our society — be it at the most deprived levels, where support is most needed from the state; at the level where young people are leaving school or college and looking for work with no prospects of finding any; at small businesses and their frequent argument to us that they do not feel that the region is rolling behind them; or the other government services, in which people argue that they are not being funded in the way that they should — the question of whether our Budget is about funding Departments or funding need is begging to be asked. If it is about the latter, does continuing to fund Departments in the traditional, old-fashioned way enable us to fund need or is it becoming an obstacle to it?

The SDLP has talked about my next subject in the past, but I have not, so I will indulge myself briefly. The first Executive had a mechanism called the Executive programme funds. It was abolished the minute that the first Executive fell. I know that, privately, the Minister is not averse to us returning to the idea of programmatic funding. We need to stop allowing Departments to act as gatekeepers rather than enablers, and we need to return to this place, in the autumn or after the next election, with imaginative ways that will allow us to send a signal to the people — the young workers, those who need health and social services, carers — that we can fund need. That need is not merely social, it is also economic. It is about innovation and linking up what the Department of Education, the

Department for Employment and Learning (DEL) and the Department for Enterprise, Trade and Investment (DETI) need to do in order to realise the employment opportunity of this region.

At the last level, we also need to be able to bring the compassion and the opportunity to use regional funding and regional spending to help those who are most on the margins of society.

For most county towns in rural areas, nothing is more important than investment. It is important in the cities too. Capital investment means that jobs can be created, but when people in local communities do not see themselves getting jobs when the road project or big regeneration project comes through, they get disillusioned about the value of devolution.

I agree with Jennifer McCann that social clauses are hugely important. My only regret is that, to date and for whatever reason, we have not been able to get the most out of social clauses. Only last week, I asked the Minister for Regional Development for figures. He has been able to produce only eight jobs for long-term unemployed people in the past two years. It is not that he does not want to produce more jobs, so it must be because there are barriers in the process. If devolution is to mean something to me and to most of us, we need to begin to address those barriers.

I thank the Minister of Finance and Personnel for his time and efforts over the past couple of weeks. However, rather than talk about a Budget, I agree with the Chairperson of the Committee for Social Development that this is the easy part of what will be a very difficult conversation in the months ahead. It is important at this stage that we reflect on the points that have been made on the matter. How can we raise money differently? More importantly, when we do so, how can we spend it in a way that changes lives?

Dr Farry: Once again, I welcome the opportunity to comment on the Budget (No.3) Bill. In some respects, this is a landmark, as it is the last formal debate on the authorisation of the three-year Budget that the Executive and the Assembly agreed. My party did not agree to it, because we were in opposition then. However, today we are not.

Of course, as the Bill becomes law, some tidying up will still need to be done through the monitoring rounds and, eventually, through the spring

Supplementary Estimates. Over the year, those monitoring rounds may take on considerable importance in the context of what we have to do to implement the cuts from the Treasury.

I want to make a number of points, but I will do my best to avoid repeating what was said during the debates on the preceding stages of the Bill. The process has gone relatively smoothly overall. I emphasise the importance of the economic interface in our approach to public expenditure in Northern Ireland. Obviously, a lot of the macroeconomics lie outside the Executive's direct control, but there are implications for the way in which we spend money. In the light of the ongoing economic situation, that has to remain our primary concern.

I reiterate the point that I made last week about the importance of rebalancing the economy by balancing demand-side intervention with the supply side to free up the costs for companies and individuals so that they can spend money. I would tend to focus more on the supply side, because investments in that area can have an impact on demand. However, as we emerge from recession, it is important that we take every available opportunity to try to shift the terms of the debate on our economy locally. Our economy has major structural problems, not least the dependency on both the public sector and a relatively small private sector with low productivity. To simply free up money for the demand side often does not tackle those fundamental structural difficulties. We must be mindful of the balance when we pitch the economic assistance that we give through public expenditure, which is limited.

Having reflected on some of the comments that were made last week, in particular those of the Minister of Finance and Personnel in his winding-up speech on the Second Stage of the Budget (No.3) Bill, I particularly acknowledge what he said about North/South co-operation. I hope that I will not get him into too much trouble with his party for saying this, but I found his comments to be particularly encouraging. I apologise if I misquote or misrepresent him, but, leaving aside the issue of structures, which may be important in some cases and unimportant in others, he said that, in essence, where there is logic in doing something on either an all-island or a more limited cross-border basis and it makes financial and economic sense, there is no good reason not to do it, as long as we respect and abide by our constitutional

situation. That is encouraging, and there should be scope over the next few months for having more rounded debates in the Chamber and elsewhere on how we can take that agenda forward for our local benefit here in Northern Ireland, leaving aside any other benefits that may accrue from that.

I also want to take up the comments made by Conall McDevitt on revenue raising — he has gone quiet all of a sudden. It is important that we are realistic about the need to raise revenue. I was encouraged by the start of his comments but became more disappointed as he went along, because he was raising the issue in a tantalising way, but not actually grasping some of the essentials. When he was challenged about the issue of water charges, he ducked it and said that it is a flat no. The fundamental reality we have to face in this society is that the continued deferment of water charging — or, as Conall McDevitt described it, the funding that we keep “pushing down the pipe” — costs our block grant around £200 million every year. The deferral of water charges is not covered by the block grant; it is a decision we have to take, and it comes at an opportunity cost for revenue that could be invested elsewhere.

Mr McDevitt: Mr Farry seems determined to have the debate within the confines of the status quo and on the assumption that there is nothing wrong with the rating system, that it is absolutely fit for purpose and delivers exactly what it was designed to do. However, there is the opinion, not just on the SDLP Benches, but outside, and probably across the House, that, in fact, the rating system has some big problems. My question is not about whether we need to fund water. We all agree that we need to fund water, but differ on the question of how. That is the issue. Does Mr Farry agree that the rating system is, at very best, just about fit for the job it does?

Dr Farry: I am grateful for those comments as they have teed up some of the comments I need to make on the issue. Whether we raise revenue through a standing charge based on the value of property or we simply add the cost of water on to the rates, in effect, the overall net impact is fairly similar: households will be paying more. It could be done as part of the rates or as a separate charge, but the overall net effect is fairly similar. That particular point is something of a distraction.

The one downside about making that increase in order to fund water as part of the regional rates process is that essentially it is being said that the only way of funding water is according to the value of property. That does not take into account the potential for reflecting usage of water in households through metering, for example. There may well be advantages in doing it separately.

The Minister of Finance and Personnel: There is, of course, an additional problem that has not been considered: as rate payments are subject to housing benefit opportunities, I imagine there would be a difficulty with Treasury if we were to include a charge for a service in a tax on which people could obtain some alleviation through housing benefit. Therefore, leaving aside the charges that were mentioned, whether funding for water should be raised through rates is another matter that we need to take into consideration.

Dr Farry: Further to the Minister's comments, the other consideration has to be the implications in relation to the European Union, and what the expectation would be from that source on how income for water is going to be raised. I appreciate that the Minister is not a fan of the European Union, but I understand that Conall McDevitt and I share a common interest in supporting it.

It is worth bearing in mind that we have had a significant discussion in the Assembly regarding rates. It was one of the first issues raised during this mandate back in the spring of 2007, and we have had a comprehensive piece of legislation since then. In some respects, the issue of rating reform has now been settled, at least for a decade or so. I do not think there is a huge appetite for returning to that. There were certainly aspects of that that I was uncomfortable with. I have always said that I would rather that we levied rates or local charges based on people's income as opposed to the value of their property. Although property is a fairly good measure of ability to pay, it is a blunt instrument in some respects. Given the problem of people who are asset rich but income poor, an income-based approach would be better. That may be what Mr McDevitt intended when he suggested that we need to reform the basis on which we raise revenue. However, his party was not prepared to entertain such a suggestion when rating reform was discussed a matter of months ago.

4.15 pm

I wish to make a final point about rates. If we go down the line of, as was suggested, explaining for what the regional rate is used, that rate will become, by implication, a hypothecated tax, which means that it is raised for particular purposes, rather than for general revenue. The current approach is the fairest one, because money can be spread across all Departments. If revenue were raised for particular areas, flexibility in the management of resources would be curtailed. That could create some distorted and bizarre outcomes and lead to certain areas that receive public money being regarded as privileged, and vice versa. I have concerns about that.

Mr McDevitt raised the issue, but I do not want to be completely unfair to him in my comments. Therefore, to widen my comments, I must say that I detect a lack of maturity in this debate from a whole host of quarters in the Assembly. Economists are saying in public that the Executive and Assembly simply have to bite the bullet and raise additional revenue. Householders here are not being asked to pay at the same levels as people elsewhere, and, as a consequence, our ability to invest in public services and to improve the economy is being compromised. Parties that stand up and complain about cuts need to put their hands up and say that they are not prepared to take the leap. They must be realistic and accept that, in return for providing better public services, we need to ask people to pay more. That is the only honest and frank way in which we can approach the issue.

It is worth reinforcing the point that the method used for raising additional revenue will be linked to ability to pay. The measures that we have at present may not be perfect, but that broad relationship exists. However, the inverse is true in another respect. The vulnerable in society depend proportionally more on public services, particularly the Health Service. We need only look at the issue of health inequalities to see those figures appear in stark relief. We are robbing those services by continuing with what is, in effect, a subsidy for the better-off in society. Water charges, if they are introduced, will be linked to ability to pay. The approach that not only certain political parties but trade unions have taken to the issue of water charges is utterly baffling. They cannot have it both ways. We have to make tough decisions and choices. It is about more than rhetoric. We must

be prepared to put our hands up for some very difficult choices that we must make to move the situation along.

The final issue that I wish to talk about is health. I was most disturbed by comments that the Health Minister made during last Tuesday's Question Time when I asked him about consultant provision. He referred to the justice budget and made disparaging remarks when he spoke about his attitude to healthcare for prisoners and that for the ordinary population.

Mr Kennedy: The Minister's points were not in any way disparaging of health provision for prisoners. It seems to be a priority for the Alliance Party Minister and Members from the Alliance Party to spend money on prisoners rather than on protecting the budget for patients.

Dr Farry: First, Mr Kennedy needs to go back and read Hansard. His comments confirm the point that a number of Members made, in particular Carál Ní Chuilín. There are circumstances in which prisoners are patients, and not either prisoners or patients. The Department of Health, Social Services and Public Safety is responsible, through the South Eastern Health and Social Trust, for healthcare in the Prison Service. The implication of the Minister's remarks was that certain patients will be prioritised over others who happen to be prisoners.

That was the intent that most Members took from the comments made by the Health Minister. He was skirting a very fine line around his equality responsibilities to all people in Northern Ireland who use the services provided by the Department of Health, Social Services and Public Safety.

Mr Kennedy: He is the victim of a political ambush.

Mr Speaker: Order.

Dr Farry: Thank you very much, Mr Speaker.

When the issue was raised, I said that I recognised the importance of ring-fencing the budget for the Department of Justice in the short term, not least given the dissident threat. I draw Mr Kennedy's attention to the fact that his party, along with many others, is lobbying hard for the Chief Constable to be given the correct resources to take on the dissidents. However, I regard ring-fencing as a short-term solution. In the medium term, the

Justice Department will have to compete for scarce resources and, therefore, cut its cloth accordingly, just as every other Department has to. The Executive will have to decide between the prioritisation of health, education and justice services. That is the situation in which we find ourselves at present.

Mr Kennedy: I hope that the Member is not indicating that his party is being complacent about the threat posed by dissidents, particularly in south Armagh in my constituency.

Dr Farry: Far from it. I must point out to the Member that it was his party that cast aspersions on the ring-fencing of funding for the Department of Justice, which is critical to ensuring that resources are passed on to the Police Service. The Member cannot have it both ways. He knows quite well that the Justice Minister is standing four-square behind the Chief Constable on the resources that are required to take on the dissidents, not just in south Armagh, but across Northern Ireland.

I want to focus on the health budget. Last week, I said that we needed to compare spending profiles in Northern Ireland with other areas to find out whether we are spending proportionately more in areas such as health and education and proportionately less in areas such as transport and the environment. We must try to learn the lessons from that while respecting our ability to make our own priorities. We must draw on what is happening elsewhere for guidance. That also applies within Departments. Given that the Health Department receives such a large proportion of our Budget, MLAs should focus most of their attention and debate on that in the coming months. As the Westminster cuts come in greater force over the coming years, the situation will become more acute.

Mr McDevitt: I go back to my remarks about funding need rather than funding Departments. Does the Member accept that the Health Department is, in fact, the best possible example of that? Health is a massive bureaucracy, which includes the NHS with all its layers, the Department and the ancillary agencies that have an input. Does the Member agree that we should identify priority areas of health and social service need and prioritise those areas in financial terms? To do that, we need to acknowledge that the solution may not just lie in the Health Department's budget. For example, in the area of public health, money from the education

budget may be needed for investment, or, in other areas, money from the DETI budget, the DEL budget or the Department for Social Development (DSD) budget may be needed. That is why, from the point of view of transforming societies, a programmatic approach to funding will always be more effective than a departmental silo approach.

Dr Farry: Having been very critical of Mr McDevitt earlier, I now agree with every word that he has said — I say that to encourage him. In health, there is a need for focus on areas such as early intervention and prevention, and many of those initiatives require co-operation between Departments and an ability to think outside the context of narrow silos. Therefore, I am more than happy to concur with the thrust of what the Member said.

In a similar vein, we need to look at the spending profile in the Health Department. In Northern Ireland, we spend less per capita on mental health — about 9% — than the UK average of 13%. In other areas of health, local spending profiles are different from profiles elsewhere in these islands. That begs the question; what are we doing more of or spending disproportionately more on than is the norm elsewhere? In examining that, we will find some immediate savings, which can be reinforced by the trend of how we approach outcomes, as Mr McDevitt outlined.

I want to reinforce the point that health is an important service. In Northern Ireland, our health spending per capita is well ahead of the UK average. That is justified on the basis of our having health needs which are much greater than elsewhere in the UK.

However, our investment in health has been flatlining during the three-year Budget period that we are coming to the end of, so we have been falling behind in our level of health investment. Despite that, I have great difficulty with the Health Minister coming here time after time and lecturing other parties for saying that he has to take his share of the cuts. We have to remember that the Health Minister referred to the final Budget settlement that was agreed in February 2008 as a good deal for health. What was a good deal back then cannot be a bad deal today. I thought that it was a bad deal, but he thought that it was a good one. By saying that it was a good deal, he was putting his money up front.

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

Leaving that aside, it is important that we be realistic about how we take health forward in the context of falling budgets. I reiterate that it is not productive to ring-fence the health budget. That is a difficult thing for people to say, but the budget realities suggest that that must be the situation. There are two reasons for that. First, we need to encourage changes in the Health Service, just like everywhere else, and if you fix a budget, the prospects of reform are diminished. Secondly, if the health budget is ring-fenced, the implications for all other public services will be tremendous. So, there are huge issues there that we need to get to grips with within health.

We need partnership between MLAs, rather than a situation where we keep hitting a brick wall because the Minister simply says that he wants his budget ring-fenced and that he is not prepared to entertain or discuss how he will manage cuts that are agreed by the Executive until they are forced upon him. That is not a productive way forward, and in the area where the Executive are spending the greatest amount of money we need a much more productive relationship than we have at present.

I welcome the Minister's comments about looking at a new way of budgeting. No doubt, that will be the subject of much greater discussion, and he has given us plenty of food for thought. Given that the hour is passing on, I will not entertain myself on that subject now. I look forward to returning to that debate in due course.

Mr F McCann: Go raibh maith agat, a LeasCheann Comhairle.

I support the Bill. In the past, in the Committees that I am on, I have spoken out against the use of accelerated passage. However, when there is no other option, we need to support its use. This is one such time.

I realise the difficulties that Committees have faced in trying to get information from Departments. I certainly believe that that information was required at the Committee Stage to allow a good and constructive debate. By the time we finally received that information from Departments, there was not enough time to scrutinise the departmental budgets.

Given the nature of many of the issues that we deal with at the Committee for Social Development, the lack of time that we had to debate our departmental budget caused problems for all of us. The Committee deals with issues such as poverty, social deprivation, housing in its many elements, social security, community regeneration and town and urban regeneration. In many ways, those are issues that go to the heart of service provision for those in society who are most in need.

Members of our Committee felt that they had been treated shabbily and short-changed when it came to the proper scrutiny of the departmental budget. That was made all the more difficult because of some of the issues in terms of where the reductions in budgets will fall and the impact that they will have on front line services. We ended up with a figure of how much will be cut, but it contained nothing on how that would affect those who rely on that money or how the reductions would impact on those organisations that provide front line services.

I have heard MLAs on other Committees saying the same thing about the lateness and lack of information from Departments. Such behaviour is wrong at any time, but it is doubly wrong in the present economic climate. Ministers and Departments need to understand that we are all in this together. People expect us to work efficiently. Departments should not see Committees as enemies; they should see them as additional assets that will make good suggestions and observations and, at times, raise concerns that will help Ministers and Departments to come to the right decisions. That will also ensure that issues are taken on board, especially in the dire economic times in which we find ourselves.

The Committee for Finance and Personnel recently received a briefing from NISRA on its findings on deprivation throughout the North, and it was quite shocking.

Those areas that have suffered from generational deprivation, unemployment, poor health and poor educational attainment are getting worse, and there is always a fear among many organisations that work in those areas that the services that they provide are the first to be targeted for cuts.

4.30 pm

I heard the Health Minister, who receives more than half the Budget, saying that he should be getting more of the block grant or that his budget should be ring-fenced against cuts. It is his right to say that, but people who live in areas that suffer from serious community safety problems also face severe deprivation, unemployment, lack of housing, poor educational attainment, lack of proper childcare, poor diets, and poor health and low life expectancy because of their postcodes. All those issues must be tackled.

If areas that have nothing in the way of services are not dealt with, it will cost the Health Service many millions of pounds to deal with the serious consequences of poverty and deprivation. A strategy to deal with that will lead to huge savings not only for the Health Service but for other Departments. Those who live in areas of high social deprivation should have an equal shout for additional resources, even in times of financial hardship, or such resources should, at least, be ring-fenced against cuts.

Budgets should be allocated on the basis of need. We need to deal with those issues by targeting social need and deprivation in their many facets. If we fail to do that, the next NISRA report will show that the same areas are continuing to get worse, and we will again have failed those most in need. We have the power to make change, but what we need is the will to make that change. That can be done by the proper targeting of resources to those areas of severe need, which have, for generations, been left out of the boom times and the times of plenty.

When Ministers are looking to cut their budgets, I appeal to them to ensure that those services that deal with areas of social deprivation and front line community services are not the first port of call when the cuts axe falls. We all know that we are in tough times and that tough decisions will have to be made, especially in the aftermath of tomorrow's Budget. However, I appeal to Ministers to ensure that, whatever happens, we keep in mind those most in need and take on board that even a small cut to those services could have a devastating impact on the communities that depend on them. I support the motion.

Mr McHugh: Go raibh maith agat, a LeasCheann Comhairle. Not so many are interested in following the debate today, but the interests

and issues are exactly the same. It is vital that although we are taking a new look at the whole business of strategy or, indeed, how we go about the Budget in the future, we look after those most in need. That is the key.

Last week, I spoke about the cutting of the cake. If anyone looks at the pie chart of any Department, they will see that, year on year, the area on the chart for capital spending or anything else, outside salaries and looking after the departmental budget, gets smaller and smaller. It is for Departments to look at how that can be reduced, and also for the Minister or, indeed, perhaps us all.

The Minister mentioned that if the public think that the money that is available is not being used effectively, they will frown upon what we do here. The public have been asked by a number of people here to take more cuts or, indeed, to accept an increase through something such as water charges. Domestic bills, and the number of bills that come into an average household, have increased enormously over the years. A lot of people will certainly look badly upon what we do here if that does not change.

I tried to find figures for various Departments. There is no single document concise enough to show the cost of salaries and privileges in each Department or the minutiae of spend in departmental budgets. There are more than 100 different bodies in the public sector — some would call them quangos. Other bodies, such as those that deal with IT in health, and so on, may not be referred to as quangos, but there can be as many as two people for every nurse, or maybe three in some instances. Those are the kinds of things that raise costs.

Someone from the UK mentioned on a news programme over the weekend that some people receive salaries of as much as £200,000 or £250,000. That eats into the pensions budget for years to come, and we need to watch it. No one is able to tell me exactly how many salaries are at that level and how many we will have to carry in the years to come. The Assembly has not looked at that area so far. Many will not like to hear it, but I am sorry to say that if cuts are to target everyone, we must look at everything.

Early intervention was mentioned. Our approach to obesity, type 2 diabetes and other chronic illnesses that are costly to society and the health of society is to try to fix them. We focus on fixing problems rather than on early

intervention, educating kids at school, and so on. We need to operate in a manner that will bring about future savings and efficiencies. We must look long and hard at issues such as water charges. We cannot introduce water charges unless we have already looked at everything else. It is important that we do not raise our revenue artificially just to prop up and bolster the ever-increasing impact on budgets so that people can milk the system even more than they have done in the past.

I support Jennifer McCann's point that there has not been a tremendous change for people in the have-not category. Those who live in poverty now lived in poverty through the boom and into the bust. The lot of those people, in the North and South of the island, has not really improved that much. Some communities, such as west Belfast and parts of Enniskillen and wider Fermanagh, have improved through their own efforts, but that needs to be sustained. Areas must not lay as wasteland for another 10 years while we make up our mind about what we want to do in the future. People who do not have fortune must be included.

Mr F McCann: I am glad that the Member mentioned west Belfast. Although many communities in west Belfast and right across the North have built fairly good community infrastructures, recent NISRA statistics show that the lot of people in areas of west Belfast, Derry, Strabane and north Belfast has worsened rather than got better. Resources must be targeted to ensure that those people catch up with the rest.

Mr McHugh: I agree entirely. It is easy for people at arm's length and in paid government positions to make cuts in the areas that Fra McCann mentioned. It is easy for them to say that that is the extra that we do not need and that we do not need to get into all that social stuff, because we do. That is quite an easy way in which to improve an area, and including those areas is quite an easy way in which to improve them. It is important that families and kids in those areas feel that they are included in society as a result of the peace dividend and the Assembly. It is intolerable that NISRA figures prove that that is not happening, and we must tackle that.

I agree that that area should not be targeted, because it is cheap to pay people who work at a community level. As many people do an

enormous amount of voluntary work, and others do an enormous amount of work for very low pay, community services are not particularly costly. It could be expensive to deliver similar services through government and the Civil Service. Many people who work in the community sector have little pension provision, but they still deliver a tremendous product at a low cost, compared with almost anything else, to government. The private sector could not match it.

From a DETI point of view, the elements of job creation and growing the economy are also important. The Minister might say that I am simply looking for fewer cuts and not providing the mature level of debate that is required. I want a mature debate, and I am all for dealing with the issues and making the tough decisions on how to increase the amount of money that comes into our budgets, but I will not give way on job creation and the strategy for growth over the next 10 years, because they are important. We must not resort to making cuts and living in an increasingly downward situation for the next number of years, because that will not get us anywhere. To get back to a proper financial position, we will have to make savage cuts, but the lowering of the standard of living in certain areas would not resolve the situation.

Although our aim is to reach a financially sustainable position, it is important that the Minister realises that there are areas in which it would be crazy to make cuts. The management of the entire Civil Service and throughout government should be examined thoroughly, not just on the surface. When it has been determined that everything is correct and in place, we can consider other ways of increasing our budgets.

The Minister of Finance and Personnel:

We are at the end of a long and, as I said, repetitive process, but it has been a valuable one. I appreciate all Members' contributions, particularly those made over the past week. I appreciate the role that the Committee played in the process. Its members demonstrated that they wanted to be constructive during the discussions, and the fact that they agreed to accelerated passage helped the process.

I note the Chairperson of the Committee's point that some people had expressed concern that accelerated passage might mean a lack of engagement, but that has not been the case. We have had three debates, without time limits,

on the Bill. Perhaps, as was a constant theme in a number of Members' contributions, the lack of engagement was at the stage at which Committees should have been scrutinising their Departments' proposals. It is sad that many Departments and Ministers did not provide the information that they should have provided. Even when information was provided, it was not always in a sufficiently timely manner to allow for discussion. A number of Members, including Mr McCann, raised that point. I hope that doing so will not get him into trouble because, of course, when he criticised Ministers, he criticised his party's Ministers, just as I criticised some Ministers in my party.

I see that Mr McCann wants me to give way. Perhaps he wants to dig himself into a deeper hole or to extract himself from that hole.

Mr F McCann: I cannot stand here and criticise the former Social Development Minister and her Department for not providing the information that would have allowed the Committee to have a proper debate without including all Ministers, because they are probably all guilty.

4.45 pm

The Minister of Finance and Personnel: I am glad that the Member has clarified that he is in a hole and that he is happy for his comments to apply to all Ministers. He can rest content that he will sit on the Back Benches a while longer.

However, it is an important point and one that I have indicated that I want addressed through the process that we will follow. I have already laid out with the Committee a very strict timetable in which we want Departments to bring forward spending plans, which we want an opportunity to discuss with Ministers during August. In the autumn, there should be an opportunity for Committees to talk to Ministers about those plans.

That is only one part of the process. The other is the debate that I hope that I have started today about how we can ensure that, even if Ministers agree to co-operate and play ball in a way that many of them have not been prepared to do so far, Assembly Members and Committees are equipped to question their proposals. It is important that we look at the information provided, the way that that is done, the breakdown of that information and how it is presented, so that we can get to the point to which Mr McCann and others have referred. We

want to get to a point whereby, when a Minister says that he that will reduce a certain part of his budget, Members know what that means for programmes and projects in their constituencies. Mr McHugh made the same point.

As that information is available, why should it not be made available to Assembly Committees for scrutiny? It may make life more uncomfortable for a Minister and his officials when he attends the Committee to speak about budgetary proposals, but that is the only way in which the Assembly can do its job. At a time when we are faced with constrained Budgets, that type of information is essential because it allows Assembly Members to find out whether money is being spent on things that it should not be spent on and whether it could be spent on something different? Could matters be handled better on a cross-departmental basis because we can see how they interlink?

I made a genuine appeal to the Assembly, and some Members have responded; others may not have had time to think about it. Assembly Members are the people who have to scrutinise departmental budgets, and I want to know the kind of information and approach that Members and Committees believe would be most appropriate in helping them to do their job. The outcome may prove to be uncomfortable at times, but everyone should benefit from it, especially at a time such as this. I suppose that we do not care too much about how we spend money when we have stacks of it, but we need to be very careful about how we spend it when we do not have as much. That is one of the things that we will have to face in the future.

Let me turn to another couple of points made by the Chairperson of the Committee. Again, she raised the issue of social procurement. In last week's debate, I outlined the kind of things that we have built into procurement policy with respect to the long-term unemployed, apprenticeships, etc. I accept that the scope is limited, but nevertheless it is there. Departments have to seek to get best value for money when it comes to procurement and, therefore, the more restrictions one puts into the procurement process, the more difficult it is to achieve that particular objective. Also, we all recognise that we must move away from dependence on the public sector. We do not want to build a bias into the procurement process that reinforces the bias towards the public sector in the economy.

The Chairperson of the Committee for Finance and Personnel: Does the Minister accept that, when we talk about the social value of procurement, we are not necessarily saying that economic value, or value for money, should not be measured as well? If social clauses are included in the procurement policy, there will be better economic effects in the longer term.

The Minister of Finance and Personnel: That conflict will not always exist. However, sometimes it will, and we have to bear that in mind at a time when we are trying to get best value for money. If we want to help people in poverty, the best thing that we can do is to grow the economy and ensure that we provide employment across the board. We need to grow the economy in all areas and be aware of the skills that are available, as well as the lack of skills.

The Chairperson of the Committee also mentioned child poverty. I emphasise that that is the responsibility of all Departments. It should be part of their programmes, and there are targets that we will be required to meet. Having proper detail of the budgets will enable Committees to scrutinise and work out whether Departments are meeting those objectives.

Mr Hamilton raised the issue of the Budget process. I have made clear what I believe the changes in the process should be for: they should be designed to help the Assembly to do its job. I am sure that I will be given plenty of ideas from his Committee and others as to what they believe is essential to ensure that the Ministers and departmental officials that are being scrutinised are held to account and required to give the greatest level of detailed information on budgets. I look forward to his support on that.

I must admit, I shared Mr McFarry's view of Mr McDevitt.

Dr Farry: — *[Interruption.]*

The Minister of Finance and Personnel: Sorry, Mr Farry.

When Mr McDevitt started by saying that we need to look at how we raise our money, I was looking forward to some juicy thinking on that issue. At least he raised the point, although it was a bit disappointing how that panned out. He immediately said no to water charges; that is the safe option. He said that we need to look at the rating system, which has been revised and

is now based on capital values; it is just settling in. Mr McDevitt did not develop the point, so I do not know whether he was suggesting that we should try to re-revise and look at the whole rating system again, or that we keep the current method, but seek to raise revenue through it.

Mr McDevitt said a lot of things. He asked whether we could raise money through the rating system. I have pointed out to the Assembly before that a full 1% increase in domestic and business rates would raise around £5.8 million. He can see, as can others, that if we are simply relying on the current rating system and increases in rates to raise the kind of money that we are talking about, the required increase would be enormous and, of course, would have a political impact.

He was quite right to say that people like to know what their money is going to be spent on. However, given the fact that the regional rate simply goes into the pot, it would be a retrograde step to simply say that rates will be raised only for certain items of expenditure, before sending people nice glossy publications with pie charts stating that 10% of their rates go on this, 10% on that, and 50% on the other.

It is not so difficult for councils, for which the main source of revenue is the district rate. Councils know what their range of services is and can say how they are divided, but it would be a bit difficult for the Assembly to do that. Although we would like to have that transparency, unless we were prepared to ring-fence rates for certain purposes, it would not be technically possible to provide that information.

Mr McDevitt: I fully acknowledge that there was a significant debate during the early part of this mandate about rating. I am still deeply sceptical about whether the system is fit for purpose in meeting our needs in the next decade. Given that he is slightly better able to have a sense of confidence about the changes that took place, how confident is the Minister that the changes made to the rating system in the past couple of years will deliver the outcomes that we all believe are needed? More particularly, how confident is the Minister that those changes will deliver increased public confidence in our rating system? I take his point about the regional rate, but most consumers do not separate them. They just see the rates — in which their confidence remains low.

The Minister of Finance and Personnel: If the question is how confident I am that the rating system can be used as a source of revenue to overcome the financial difficulties and fill the financial hole that we will face over the next few years, the answer is that, for the reason that I have given, it cannot. It would require huge increases in rates to enable us to raise the amount of money that we will need. That is one of the reasons why I have emphasised that we must make tough choices about what we do about our current spending patterns and the way in which we deliver some services in Northern Ireland.

Although I understand and have put on record that I believe that raising some more money from the public in Northern Ireland — whether through charges, limited tax increases or services that we sell — has a role to play, the scale of the problem is such that we are going to have to rely on changes in the amount that we spend. However, the one thing that I am fairly sure of is that we cannot look again at a radical change in the rating system. We would be criticised for doing so. Charging for water through the rating system, which seemed to be what the Member was suggesting, would create massive difficulties, some of which have been fairly well rehearsed. The Member went on to talk about asset leverage, but did not really develop the point. Those are issues that we need to look at again in the future.

Mr McDevitt, Mr Fra McCann and Mr McHugh made the point that we should be spending to fund needs rather than Departments. That is the whole point of public spending. It should not be to sustain a system, structure or whatever. It should be to provide things that the market does not and the public purse, therefore, must. Once implemented, some of the changes that I have recommended in the Budget process and sharing of information will, hopefully, help Members to drill down to see exactly whether money is being directed towards particular needs.

If sufficient detail is there, Members will be able to see whether the way in which a Department spends its money changes as needs change, or whether it is simply, as he suggested, for the benefit of the Department: “There has always been somebody who has done that job, we have always used money in that way and really we do not want to change it so we just keep on doing it.” Having that degree of information should enable Members to make that kind of

judgement. Hopefully, that will be one of the benefits of the changes that I have suggested, albeit that they may be a bit uncomfortable for Departments.

Mr McDevitt raised Mike Smyth's idea of taxing text messages. The one thing that I remember from my teaching days is that one of Adam Smith's canons of taxation was that a tax should be collected cheaply. I do not know the administrative cost involved in distinguishing between phone calls and text messages.

As far as I know, my monthly mobile telephone bill — Mr Deputy Speaker, I apologise for going off on a tangent in the middle of the debate — is a summation; it is not divided between text messages and phone calls. Therefore, administratively, I do not know how that would work or, indeed, whether it would be within the competence of a regional Assembly to gather money in that way.

5.00 pm

Mr Farry spoke about North/South co-operation. I repeat: although I have no political ambition for greater union between Northern Ireland and the Irish Republic, I recognise the fact that, where there is a land boundary, services can be provided more cheaply or there are other advantages, and it makes sense to explore them. There is no constitutional point of contention; it is simply a case of good economics. Therefore, ideas that come forward should be considered. However, that is a job for individual Ministers; it does not need to be done through expensive North/South structures. In fact, such co-operation can sometimes be an impediment, because it introduces the suspicion that things are being done for the wrong reasons. Sometimes, direct departmental or ministerial contact might be a better way to achieve North/South co-operation.

Mr Farry also raised the Health Minister's attitude towards his Department's funding. When I spoke about whether the Assembly is fit to look after the Budget, I had the Health Minister in mind. When someone is head of the biggest-spending Department, it is the height of irresponsibility to don the cloth cap, join the protesters against the cuts and then claim to be a responsible Minister. Many members of the public would regard that behaviour either as juvenile or the height of cynicism. All the studies indicate that savings can be found in a budget as large as the health budget. The

McKinsey report into the health budget in England identified savings of 15% to 22% over the next four years. Given that productivity in the Northern Ireland Health Service is lower than that in other parts of the United Kingdom, it must be possible to find at least that level of savings, if not more. If such savings can be found, the opportunity to direct money towards providing extra services will always be available. Therefore, people should not be afraid to look for savings, because resources can then be released to provide more services, and that benefits everyone.

Mr Farry also raised the policing and justice budget, which, of course, is not part of the Bill. Although the Executive agreed to ring-fence the budget this year, I agree that that cannot be sustained. As time moves on, we will have to consider all budgets in the round. In the future, the Executive will face new challenges, so we must have total flexibility in how we spend our money.

Mr McCann and others raised the matter of Ministers' engagement with their respective Committees. I repeat: as far as I am concerned, Ministers should engage. I have done my best to force them to do so. I have written to them, raised the matter at Executive meetings and named and shamed them, no matter from which party they come, and I will persist in doing that. However, it is up to Committees to insist that they be allowed to fulfil their role, and Ministers who do not co-operate should be dealt with robustly by the Committees.

Mr McCann also raised the need to prioritise areas of deprivation. I cannot remember whether he or someone else from his party raised the issue during Question Time, but the way to address pockets of deprivation across Northern Ireland is to ensure that, through economic growth, we create employment opportunities for all. That means doing two things. First, some people cannot access the labour market at present because they do not have the skills or the education; perhaps they have been institutionalised as far as unemployment is concerned. We must address that, and the Department for Employment and Learning and the Department for Social Development, through some of the welfare reforms, have sought to do that. Secondly, once those people have the ability to access the market, we have to make sure that we provide the opportunities for jobs to be created. That

is why one of the priorities in the Programme for Government was the growth of the economy and small, medium and large firms. Does that mean that we should direct employment towards areas of deprivation? It is not always possible to do that. Perhaps Fra McCann will intervene at this point. Sometimes, getting firms to look at Northern Ireland is all we can do, rather than tell them to locate their business at the ends of certain streets. The international market is now so competitive that one does not have the ability, through grants, cajoling or whatever, to push people towards particular locations. That may well mean that some people have to travel to find opportunities, but that may not be such a bad idea as it may stop the kind of ghettoisation that sometimes reinforces deprivation.

Mr F McCann: In north and west Belfast, the IDB has a very poor record of encouraging industry towards areas of high social deprivation. One of the difficulties is that most of that deprivation is ingrained; it has been there for generations. Besides work on the economy, which is right, interventions need to be made to ensure that those who suffer from poor health because of deprivation, poor housing and a wide range of other factors are targeted. Resources are needed to take them out of that situation.

The Minister of Finance and Personnel: The record of the Executive in that regard has been very good. Last year, we had the highest number of new social housing units built for 15 or 20 years, and many of them were directed towards the areas about which the Member talked. Ultimately, although we can provide programmes to give people the skills to get them off benefits and into employment, it is not possible — there is no point in pretending that it is — to ensure that we can direct companies to set up in particular areas, especially in areas that have a long history of terrorist activity. Sometimes, the image of the past still lives with us as a legacy.

Ms J McCann: Will the Minister give way?

The Minister of Finance and Personnel: I will give way in a minute or two.

In addition, businesses may not be happy to locate in a certain area because of its crime rate. Perhaps the Member will have a go at me, but I find it difficult to understand how some people say that they find it impossible to travel a mile outside the area in which they live, into the city centre or whatever, to take up

employment opportunities. There is a level at which we must cease to indulge people who come up with those arguments against taking up employment.

Ms J McCann: I thank the Minister for giving way. He talked about people travelling. This is not about travelling across other parts of Belfast; it is about not having jobs to travel to. We are talking about equality of opportunity so that people can access those jobs.

The Minister has said that we cannot ask for investment in particular areas, but Invest NI's corporate plan states that it tries to encourage FDI to be located within a 10-mile radius of an area of disadvantage and need. Does the Minister agree that a way around that would be to put that financial investment into the social economy sector? We have talked about that, and we have paid lip service to it. The social economy sector, in all areas of disadvantage and need, creates employment opportunities for those who can access them, and it regenerates communities. However, until now, only a small proportion of money has gone into the social economy sector. Would that be a way to lift those families and areas out of deprivation and need that the Minister and his Executive colleagues would be prepared to look at as a way forward?

The Minister of Finance and Personnel: The first thing to say is that the final decision does not rest with me. Other Departments, including DSD and DETI, will make those decisions. Secondly, although there are many examples of companies in the social economy sector that do good and valuable work and contribute to what goes on in their area — I can think of many in my constituency and many that I have visited — those tend not to be very high-value jobs. One must bear in mind the fact that we are trying to lift not just the number of jobs but the quality of jobs and to give good opportunities to individuals. Thirdly, there are limits to what can be done in the social economy. Although some of the enterprises have been very inventive and have done good service to the local economy, the point is that many of them are still dependent on the public purse. There must be a reconfiguration of the economy. When enterprises lose contracts or grants from the public sector or lose European money, they are in difficulty. We all know that because we have heard the stories. The Member must accept that there is a limit to what we can do through the social economy if we are trying to rebalance the economy.

The last Member to speak was Mr McHugh, who talked about the difficulty that increasing domestic bills would have on hard-pressed households. That is one of the reasons why I have said that, if we are to raise revenue, we must ensure that we have demonstrated to people that we have used their money in the most effective way so far. That is a big challenge for the Assembly. However, we cannot ignore the fact that there are two sides to the equation: how we spend the money and the amount of money that we raise. There must be a balance to that equation, as Mr Farry reminds me continually. The issue is where that balance rests.

I will draw my remarks to a close. There are difficult days ahead and difficult choices to be made, and that has been a recurrent theme in these debates. The Chancellor will deliver his Budget tomorrow, but I do not know whether it will give us a clear picture of where we will be with Budget 2010 and the CSR period to 2014 or 2015. It may well be a month or two before we get the detail of the picture for Northern Ireland. I have noted the genuine concerns of Members. They want to best serve the people whom they represent, and they want to safeguard our public services. That is the goal towards which we must all work. Of course, there will be differences of opinion at times, but I hope that we will approach the issue responsibly. We should not have the attitude of letting someone else take the tough decisions, which has, unfortunately, been the approach taken by some parties over the current period. They see a tough decision and decide to let the other parties vote it through while they vote against it. If that is the way in which we conduct the process over the next number of months and into the new Budget period, we will not be serving the people of Northern Ireland very well.

As we vote on the Final Stage of the third Budget Bill of this session, I ask for Members' support to vote those resources in cash to enable the continuation of services throughout the remainder of 2011. I commend the Bill to the House.

Mr Deputy Speaker: Before we proceed to the Question, I remind Members that the vote on the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That the Budget (No. 3) Bill [NIA 26/09] do now pass.

5.15 pm

Pensions Regulator Tribunal (Transfer of Functions) (2010 Act) (Consequential Provisions) Order (Northern Ireland) 2010

Mr Deputy Speaker: The next five items of business are motions to approve Statutory Rules.

The Minister for Social Development (Mr Attwood): I beg to move

That the Pensions Regulator Tribunal (Transfer of Functions) (2010 Act) (Consequential Provisions) Order (Northern Ireland) 2010 be approved.

In advance of outlining what the Order will achieve, I want to thank the Business Committee for tabling these five items en bloc this afternoon and the Committee for Social Development for considering these matters during its recent meetings. Some of the proposals are technical in nature but necessary; some are about setting new rates and are essential; and some represent significant adjustments to the regimes that currently exist in the North. As with the Welfare Reform Bill, which had its Consideration Stage last week and will have its Final Stage next week, the proposals before the House today deal with matters of parity. We have had that debate before, and I am sure we will have it again.

The Pensions Regulator Tribunal was an independent appeal tribunal established to hear appeals against determinations of the Pensions Regulator, such as the imposition of financial penalties, suspension or prohibition of a trustee, a contribution notice or a winding-up order. Unlike the appeal bodies for social security, the Pensions Regulator Tribunal operated on an UK-wide basis.

The Lord Chancellor, by way of a transfer Order made under the Tribunals, Courts and Enforcement Act 2007, transferred the functions and members of the Pensions Regulator Tribunal to the new unified Tribunals Service with effect from 6 April 2010, and from that date the Pensions Regulator Tribunal structure ceased to exist. However, the Lord Chancellor did not have the power to affect the transfer of the tribunal's functions in Northern Ireland.

The functions of the Pensions Regulator Tribunal in Northern Ireland were transferred to the new

Tribunals Service structure under the Pensions Regulator Tribunal (Transfer of Functions) Act (Northern Ireland) 2010 simultaneously with the transfer of the same functions in England, Scotland and Wales, which ensured that the right of an independent appeal tribunal was maintained for people here. Section 2 of that Act provides for the Department to make consequential amendments, repeals or modifications to any statutory provision for the purposes of giving full effect to the transfer of the functions of the Pensions Regulator Tribunal.

This Order does not make any policy changes. It merely makes minor technical consequential amendments to UK-wide provisions, in line with corresponding amendments made by the Lord Chancellor for England, Scotland and Wales to give full effect to the transfer of the Pensions Regulator Tribunal functions to the new Tribunals Service structure.

The Chairperson of the Committee for Social Development (Mr Hamilton): The Committee for Social Development considered the Pensions Regulator Tribunal (Transfer of Functions) (2010 Act) (Consequential Provisions) Order (Northern Ireland) 2010 during its meetings of 4 March 2010 and 25 March 2010. Prior to that, the Committee had considered the related 2010 Act, which was subject to accelerated passage through the Assembly. As the Minister has indicated, the related primary legislation transferred the functions of the Pensions Regulator Tribunal in Northern Ireland to the Tribunals Service.

The Committee was satisfied that the transfer will have minimum adverse impact on the services that were previously provided by the Pensions Regulator Tribunal in Northern Ireland. Most Committee members welcomed the fact that the Order will continue the long-standing principle of parity between Northern Ireland and the rest of the United Kingdom in pensions matters. Consequently, the Committee agreed that it would recommend that the statutory rule be confirmed by the Assembly.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I am sure that the Minister and Committee members will be pleased to learn that Sinn Féin voted for the statutory rule; that can be checked in the Committee minutes and in Hansard.

As has been stated, the statutory rule unifies the appeals system. As far as I am aware, an

appeal never went to the Pensions Regulator in the North, so it was not used widely anyway. The legislation will benefit people here in that they will continue to have the right to an independent tribunal on their pensions. On behalf of my party, I agree with that.

The Minister for Social Development: I thank Mr Hamilton and Mr Brady for their support, and I thank the House and the Committee for their consensus in support of the legislation. I have only one comment to make, and I am not saying that it will be relevant at all. The issues of pensions and pensions regulation are vital, and they become more vital during an economic recession when there may be pressure on pension funds.

In my constituency there continue to be major issues around the pension entitlements of Visteon workers, a matter that is under investigation in Britain by the appropriate authorities. I am not saying that that matter will come across the desk of the tribunal here, but it captures the importance of the proper regulation of pensions and of the proper conduct of those responsible for the management of pensions, including trustees. Therefore, as Mr Brady said, an appeal does not arise often, but it is vital that we have the power to regulate the structure.

I am pleased that Members recognised the importance of the technical and consequential amendments that the Order makes to give full effect to the transfer of functions. I commend the motion to the House.

Notice taken that 10 Members were not present.

House counted, and there being fewer than 10 Members present, the Deputy Speaker ordered the Division Bells to be rung.

Upon 10 Members being present —

Mr Deputy Speaker: Now we may proceed.

Question put and agreed to.

Resolved:

That the Pensions Regulator Tribunal (Transfer of Functions) (2010 Act) (Consequential Provisions) Order (Northern Ireland) 2010 be approved.

Social Security Benefits Up-rating Order (Northern Ireland) 2010

The Minister for Social Development (Mr Attwood): I beg to move

That the Social Security Benefits Up-rating Order (Northern Ireland) 2010 be approved.

The Order certainly has the potential to invite a little bit more controversy, and it very much impacts upon the lives and welfare of people in the North. It is an annual Order that sets out the rates of contributory and non-contributory benefits, together with the various premiums that form part of income-related benefits. In general, the amounts are based on changes to the relevant price indicators over the 12 months ending in September.

Income-related benefits are increased in the usual way by the Rossi index, which is the retail prices index (RPI) less housing costs. That index is used because housing costs are usually met separately from those benefits. For example, jobseeker's allowance, employment and support allowance and incapacity benefit are increased by 1·8% this year. Members will be aware that it is usual to increase the state pension and most social security benefits in line with the retail prices index. However, in September 2009, the retail prices index showed negative growth of -1·4%. In order to uprate a number of benefits that normally increase in line with the RPI, a proportion of next year's expected increase has been brought forward. For example, certain benefits, such as carer's allowance, attendance allowance, disability living allowance and the severe disability premium in income-related benefits, are increased by 1·5% this year.

The basic state pension, which for many is the foundation of income in retirement, is increased by 2·5% in line with the commitment that was given at Westminster. That means that, this year, the basic state pension for a single person is increased by £2·40 a week to £97·65 and that the standard rate based on a spouse's or civil partner's contribution is increased to £58·50. That gives a pensioner couple a total of £156·15 a week. Increases in pension credit mean that no single pensioner will live on less than £132·60 and that no couple will live on less than £202·40 a week. The above-earnings increase in the pension credit guarantee underlines our commitment to tackling pensioner poverty. I am sure that Members will welcome those increases.

The total cost of the new benefit rates for this year is approximately £46·3 million. I hope that all Members will wish to ensure that people in Northern Ireland, including some of the most vulnerable in our society, can continue to receive those new rates of benefit, and I hope that they will join me in supporting the Order.

The Chairperson of the Committee for Social Development (Mr Hamilton): The Committee for Social Development considered the Social Security Benefits Up-rating Order (Northern Ireland) 2010 at its meetings on 18 February 2010 and 25 March 2010. As the Minister said, the Order is part of the annual cycle of statutory rules, which, in this case, uprates benefits in line with inflation generally.

The uprating of benefits is usually a simple matter of measuring inflation and increasing payments accordingly. In this case, as inflation was less than 0% for the measurement period, the Department for Work and Pensions chose to adopt a different approach. I am pleased to report the Committee's approval for the fact that, for certain benefits, the decision was taken to anticipate some expected increases from next year. Consequently, carer's allowance, attendance allowance, disability living allowance and the severe disability premium were increased by 1·5%. The Committee was also pleased to note that the basic state pension and some other benefits increased by 2·5%.

As the House is aware, the majority of Committee members support the maintenance of parity of social security, pensions and child maintenance matters with the rest of the United Kingdom. Our adherence to the principle of parity sometimes means that the House must adopt unwelcome welfare provisions. In this case, with the exception of the reduction of incapacity benefit age additions, for example, the measures in this statutory rule are generally very welcome. Therefore, the Committee was happy to recommend that the Assembly confirm the rule.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. It is essential that benefits are uprated annually. The problem is that people are still being left to live on subsistence level, and, although there is an increase in state pension, we still have the meanest pension scheme in the entire developed world.

That is no great solace to people who are expected to live on it, if we consider that couples in receipt of pensions, as well as

pension credit, are left to live on £202.40 a week, considering fuel, electricity and transport costs, which are much higher here than in Britain. That puts things into perspective. However, if those benefits are not uprated, people will suffer. Therefore, I support the uprating. Sinn Féin Committee members voted in favour of the statutory rule.

5.30 pm

The Minister for Social Development: I

thank the Committee and the House for their consensus in support of the Order. I do not think that anybody will disagree with the sentiment that was expressed by Mr Brady — whatever our issues might be on parity and social security — that proper and adequate income for vulnerable people, including pensioners, whose only source of income in many instances is their pension, is something that we all sympathise with. If we compare social security rates in this part of Ireland with the Republic of Ireland, we can see how the differentials have grown over recent years. However, there needs to be a health warning, because we may be comparing apples with oranges, given that the costs in the Republic of Ireland on many of the indices are higher than they are in the North. Therefore, the differential between pensions in the North and the South are not what they might appear at face value.

Although we have a lot further to travel in respect of pensions, pensioners' incomes rose by about 29% in real terms between 1996-97 and 2005-06. That is not a reason for complacency, but, to some degree, a path has been travelled in recent times in respect of addressing historically low pension rates for those who have served our society so well.

Question put and agreed to.

Resolved:

That the Social Security Benefits Up-rating Order (Northern Ireland) 2010 be approved.

Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2010

The Minister for Social Development

(Mr Attwood): I beg to move

That the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2010 be approved.

The regulations are made under the Mesothelioma, etc., Act (Northern Ireland) 2008, and increase the compensation payable under the Act to persons who are diagnosed with that diffuse condition, or, if the person has died, to their dependants. The increases in the amount payable under the Act maintain parity with the corresponding scheme in Britain.

I will outline briefly the purpose of the scheme. The scheme provides financial support within a matter of weeks, without the need to establish an occupational link or any causal link. Many people who previously were not eligible for help — for example, those who were unable to pursue a civil claim or to claim a lump sum under other legislation — will, for the first time, have access to financial help for this terrible disease. That means that sufferers are eligible for a payment whether they are employees, self-employed, or, indeed, have never worked, provided that they have not already received a compensation payment from another source.

The Act provides for lump sum payments made under the scheme and the 1979 scheme to be recoverable from subsequent civil compensation. The scheme payments are set so that the overall expenditure is estimated to match the recoveries from civil compensation. In light of that, when the scheme was introduced in 2008, the lump sum payments were set at a lower level than those under the 1979 scheme — the intention being that payments under the scheme would be increased over time to the same level as those under the 1979 scheme.

In line with this year's uprating of industrial injuries benefits, the Assembly agreed, on 22 March, regulations to increase the amounts payable under the 1979 scheme by 1.5%. In addition, to reduce the differential in the amounts payable to sufferers and dependants, the regulations increased the amounts payable to dependants under the 1979 scheme by up to £5,000. That was widely supported across the House.

The regulations that we are considering today increase the amounts payable under the scheme to sufferers and dependants up to the level of those payable under the 1979 scheme from April 2010. That is in line with the commitment given by my predecessor, Margaret Ritchie, during the passage of the Bill to provide even greater help to sufferers of this terrible disease at the earliest opportunity. Therefore, the amount payable to a person aged 37 or under at diagnosis, for example, will be increased from £52,772 to £75,176. That is an increase of £22,404 or 42%. I am sure that Members across the Assembly will warmly welcome that uplift in payments to the level of the 1979 scheme, particularly the significant increase in the amounts payable to dependants only 18 months after the introduction of the scheme.

The Chairperson of the Committee for Social Development (Mr Hamilton): The Committee for Social Development considered the Department's proposal to make the Mesothelioma Lump Sum (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2010 at its meeting on 18 February 2010 and considered the statutory rule at its meeting on 15 April.

As the House has heard from the Minister, the rule increases the payments to sufferers and their dependants. Although no amount of money can compensate for the misery and suffering caused by such diseases, the amounts payable offer some assistance to sufferers and their dependants. As the rule provides more money for those people, the Committee for Social Development is happy to recommend that the statutory rule be confirmed by the Assembly.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I want to say “mesothelioma” early in my contribution and get it out of the way. The Committee has had a lot more practice saying it than the Minister has had, because we have discussed it over a period of time. Mesothelioma is a terminal condition. Most sufferers are, unfortunately, dead within six months of their diagnosis. The regulation is to be welcomed, because it makes access to compensation easier for the sufferers and their dependants, among whom will be the victims' wives, for instance, who will have been involved in washing clothes that were contaminated by asbestos, etc, which is the cause of mesothelioma. The regulation is to be welcomed.

Mrs M Bradley: I welcome the benefit and thank the Minister for bringing it forward again this year. I hope that the people who suffer from the awful illness will get some comfort from the benefit. I think that everyone in the Chamber will know families — parents and children alike — who are affected by mesothelioma. It is a very severe illness. I hope that those families can get some comfort from this regulation, and I thank the Minister for bringing it forward again.

Mr G Robinson: I support the motion. I am sure that most Members have constituents who suffer from the disease. It is a most distressing and disabling condition and one for which, we must remember, there is no cure. The cause is most likely to be exposure to asbestos, with 90% of cases being asbestos-related. Sufferers and their families are in need of special consideration due to extra expenses that they have as a result of the disease.

A sad fact of the disease is that it is rarely caught at an early stage. Therefore, it is only when the condition becomes advanced that a diagnosis can be made. I note that some of the outlay will be recovered from compensation awards, so that will, hopefully, lessen the impact on departmental budgets. That will also help to fund the scheme in the long term. I believe that the lump sum is to be a payment instead of, or in advance of, compensation. I support this crucial motion, and I have great pleasure in doing so.

The Minister for Social Development: Those four contributions captured the importance of the issue. As Mrs Bradley and others indicated, Members will have heard in their offices about individuals who have the condition and the acute situations that they are in as a consequence.

The Mesothelioma, etc., Act (Northern Ireland) 2008 provided for a scheme to break the link with workplace exposure to asbestos and provided upfront financial support to those people who have not already received compensation in connection with the disease. That is an important principle, and we can see the outworkings of it. As Members said, it concerns not only the person who contracted the disease at work, because it could affect the spouse of that person. There has been more than one case in which the disease was passed to the children in the family. Therefore, it is a devastating disease that has immediate and

serious consequences and crosses generations within families. The regulation is particularly useful, because, among other things, it reviews the rates of compensation, and those will be reviewed annually hereafter. I commend the motion to the House.

Question put and agreed to.

Resolved:

That the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2010 be approved.

Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010

The Minister for Social Development (Mr Attwood): I beg to move

That the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010 be approved.

In my judgement, this is an important set of regulations. Given the situation across the social security framework and the potential for changes and adjustments to that, allied to the fact that some people are calling for a review of pensions, pension entitlements, pension payments, and so on, it is important to create a level of stability in the management of pensions. That applies particularly to those who, historically, may not have had access to pensions, may not have been offered pensions or may have been denied pensions. It is important to create some certainty in the system for people in such situations. That is why I ask that the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010 be approved.

The Pensions (No.2) Act (Northern Ireland) 2008 and the corresponding provision in the Westminster Pensions Act 2008 introduced a duty on employers to enrol eligible jobholders on a qualifying workplace pension scheme and to make minimum contributions to that scheme. Under the legislation, employers will be able to choose the qualifying workplace pension scheme that they adopt to discharge that duty. A qualifying scheme is one that meets specific criteria, such as occupational pension schemes, including the National Employment Savings Trust (NEST) that was established on a UK-wide basis under the Pensions Act 2008, or a workplace personal pension scheme. In enacting the Pensions (No.2) Act (Northern Ireland) 2008, the House has already agreed the policy of automatic enrolment. Although the 2008 Act set out the framework underpinning the automatic enrolment requirements, the detail is set out in the regulations that are before the House today.

It may be helpful to explain briefly that no one will be forced into workplace pension saving; everyone will be free to opt out, should they so wish. However, the intention is to make it as easy as possible for those who choose to opt out and those for whom automatic enrolment

is not appropriate at a particular time to enter pension saving when the time is right and to ensure that the processes by which they can do so are simple. Equally, it is important for individuals to have confidence in the continuity of pension provision. The aim is to allow as many existing schemes as possible to meet the required standard, thereby making it easy for employers who already have good schemes in place to meet the requirements and to protect good, existing provision.

The intention is to make it as simple as possible for the pension industry to provide schemes of sufficient quality and to keep a level playing field between schemes. The new automatic enrolment regulations, which form part of a comprehensive package of regulations, set out the practical arrangements underpinning the Pensions (No.2) Act (Northern Ireland) 2008. In particular, they outline the process for employers to achieve active membership for jobholders and the time limits that apply; the information flow that is required between employers, pension schemes and jobholders; the process and arrangements that apply when a jobholder chooses to opt out of pension saving; the arrangements and time limits by which the employer must re-enrol eligible jobholders who opted out or left pension saving; the arrangements by which jobholders or workers who are not eligible for automatic enrolment can voluntarily opt in to pension saving; and additional scheme quality requirements for certain schemes whose main administration is outside Britain and Northern Ireland.

5.45 pm

Automatic enrolment is being introduced in stages. New employers established after October 2012 will have a bit more breathing space to prepare for the duties, and will be staged between March and September 2016. The automatic enrolment regulations set out arrangements for employers who already operate a higher-quality scheme to postpone automatic enrolment for three months if they so wish. They also outline the arrangements and time limits by which the employer has to re-enrol eligible jobholders who have opted out of, or left, pension saving.

The regulations also amend two other sets of regulations to extend the due date by which an employer must pay over employee contributions deducted from earnings to a pension scheme and to specify how the Pensions Regulator

can determine that both employer and worker contributions are overdue for the purposes of issuing an unpaid contributions notice. We are aware of the problems posed by the aging demographic and likely constraints on public spending in the years ahead. Many people are currently not saving enough to deliver the pension income they are likely to want or expect on retirement. Under the reforms, for the first time, many people will have access to a private pension scheme and will have their own contributions boosted by contributions from their employer and from the state through tax relief.

The Chairperson of the Committee for Social Development (Mr Hamilton): The Committee for Social Development considered the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010 at its meetings on 4 March and 22 April. The Committee has spent quite a lot of time considering the new occupational pension scheme arrangements. Although the Committee welcomes a new opportunity for the low-paid to save for their retirement, members are concerned about how some of the set-up costs of the National Employment Savings Trust scheme will have to be borne by savers on low to medium earnings.

Members have also taken some time to consider how the new requirement for all employers to provide work-based pension schemes will actually be implemented. It is anticipated that, as these new and welcome measures are brought forward, the Committee will be hearing more from all stakeholders on how they are actually being delivered.

The regulations in question provide welcome guidance on automatic enrolment and opting out for occupational pension schemes. The regulations also set out rules in respect of the payment of employee pension contributions. As I have indicated, the Committee welcomes the prospect of a work-based pension option for everyone. That said, the Committee does not underestimate the challenge for employers or for those charged with implementing the new retirement savings option. The Committee believes that the regulations provide necessary guidance and rules for employees and employers. Despite the reservations that I have identified, the Committee is content to recommend that the rule be confirmed by the Assembly.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I agree with what the Chairperson of the Committee has said in relation to the regulation. The important thing is that it gives people who would previously not have had the opportunity to go into an occupational pension scheme that opportunity, particularly people who are on low pay. I agree with the regulation.

The Minister for Social Development: I welcome the endorsement of the Committee, the Members who spoke and the House.

Question put and agreed to:

Resolved:

That the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010 be approved.

Social Security (Contributions Credits for Parents and Carers) Regulations (Northern Ireland) 2010

The Minister for Social Development

(Mr Attwood): I beg to move

That the Social Security (Contributions Credits for Parents and Carers) Regulations (Northern Ireland) 2010 be approved.

I suppose by this stage the Business Committee is beginning to wonder whether it was wise to table all these motions at the one time. This is the final regulation.

The Pensions Act (Northern Ireland) 2008 introduced a new class 3 national insurance credit for parents and carers. The regulations are necessary to give full effect to the new credit and to provide the detailed provisions that enable the credit to be awarded. In part, they are the outworking of a childcare strategy not just in Britain but in Northern Ireland to help people in that particular situation.

The new carer's credit replaces and builds on the existing home responsibilities protection provisions that help carers to qualify for the basic state pension and bereavement benefits. The new credit will ensure that caring counts for state pension and bereavement benefit purposes by crediting the parent or carer with class 3 contributions for each week that they are engaged in caring. A full year spent caring will provide one qualifying year towards basic state pension entitlement. Additionally, part years spent parenting or caring can be combined with a period spent working and earning in the same year to make it a qualifying year.

The Act provides that a class 3 contribution will be credited for each week in which a person is awarded child benefit for a child under 12, is an approved foster parent or is engaged in caring as defined in the regulations. The regulations define a person engaged in caring in four different categories, and, if Members wish me to do so, I will place that information in the Library. The contributions will also be available for a 12-week run-on in circumstances where care ceases, for example, due to the permanent admission to residential care of the person being cared for.

The regulations also set out the application and certification process and the time limits within which applications must be made. The range of

people who are able to certify the need for care is designed to be as broad as possible. Foster parents, the partner of a person in receipt of child benefit and people caring for 20 hours or more a week will be required to complete an application form. Together with other pension reforms, such as the reduction in the number of qualifying years that a person needs to get a basic state pension and the introduction of a single contribution condition that will enable a person to build up entitlement based on credits only, the regulations form part of a package of beneficial measures that will enable people who take time out of work to provide care to build up entitlement to a state pension.

The Chairperson of the Committee for Social Development (Mr Hamilton): The Committee for Social Development considered the Social Security (Contributions Credits for Parents and Carers) Regulations (Northern Ireland) 2010 at its meetings on 25 February and 15 March. The Committee was pleased to consider the regulations, which, as has been indicated, introduce credits for carers and parents to ensure that time spent caring will count towards eligibility for a state pension and bereavement benefits. As I indicated earlier, maintaining parity with the rest of the United Kingdom in respect of welfare provision can often be challenging. The majority of the House will agree that the social security and pension benefits that we have heard about today go some way to justifying the position taken by most Members on the issue of parity.

The Committee noted that the Department had undertaken some publicity in relation to the credits, and members trust that that has generated interest in them and in the uptake of related benefits for carers. The Social Development Committee and other Committees have spent some time considering how best to improve the lot of carers, who do a great deal of work for often little reward. Consequently, given that the regulations are expected to be beneficial and will contribute to the process of giving recognition to carers, the Committee is pleased to recommend that they be confirmed by the Assembly.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. The regulations are beneficial to parents with young children and to carers as they give them the opportunity to access state pensions eventually. I hope that Members have noticed that I have not used the word

“parity” once today. We have all agreed today on legislation that is beneficial to people. However, I feel that it is our duty as members of the Committee for Social Development to oppose legislation that is prescriptive and not beneficial to people and to try to make that better. I just wished to make that point.

Mr Armstrong: I wish to speak on the regulations that the Social Development Committee agreed, in February of this year, should become statutory rules. It is important to recognise the role and service of parents and carers in Northern Ireland in this way. Under section 23A of the Social Security Contributions and Benefits Act 1992, the regulation provides the definition of those involved in caring. Importantly, part 2 of the regulations provides a definition of “foster parent” and “engaged in caring” for the purpose of section 23A.

I draw attention to regulation 5, which provides that credits will be awarded to a person who provides 20 hours’ care each week for an individual who receives disability benefit and to those people receiving income support who care for a sick or disabled person.

Regulation 7 allows for a person who is caring for an individual still to be considered as engaged in caring during periods of sickness, respite care and holidays of up to 12 weeks. I am pleased that the Bill recognises and allows for those periods.

I am also pleased that, in the framework of the Bill, caring will act towards qualifying years for pension credits. That flexibility is to be welcomed. Therefore, I am pleased that, under section 23 of the 1992 Act, a class 3 contribution will be credited for each week in which a person is either awarded child benefit for a child under the age of 12, is an approved foster parent or is engaged in caring.

I welcome regulation 12, which specifies that the time limit for making an application will be the end of the tax year following the tax year that is the subject of the application.

The Minister for Social Development: I again thank the Members who spoke in the debate and the House and the Committee for their endorsement of the regulations.

I want to confirm what was said by the Chairperson of the Committee for Social Development. In 2009, a communications

campaign commenced on the main state pension reforms, and that went live in April 2010. The new carer credits were one of the reforms that were part of that communications activity. My predecessor, Margaret Ritchie, wrote to all MPs, MLAs and councillors to raise awareness of the reform package. Details of that package, and of this measure in particular, can be found on the NI Direct website.

I concur with Mr Brady. What he said need not detain us now, but it will come up next week during the Final Stage of the Welfare Reform Bill. However, even in the past few days, I have met officials and others to identify whether there are ways and means, operationally, by which we can assist people in need in the North without prejudicing the Assembly when it comes to parity. I do not want to be prescriptive. Operationally, I want to be as flexible as I can be, but in a way that does not do damage to people in need in the North. We will take the benefits when they come, and, where they exist, exploit the opportunities not to be prescriptive. That is the principle by which I work. Therefore, I have absolute sympathy with Mr Brady's position. I commend the motion to the House.

Question put and agreed to.

Resolved:

That the Social Security (Contributions Credits for Parents and Carers) Regulations (Northern Ireland) 2010 be approved.

Committee Business

Allowances to Members of the Assembly (Repeal) Bill: Accelerated Passage

The following motion stood in the Order Paper:

That the Allowances to Members of the Assembly (Repeal) Bill proceed under the accelerated passage procedure. — [Rev Dr Robert Coulter.]

Motion not moved.

Mr Deputy Speaker: The motion on accelerated passage for the Allowances to Members of the Assembly (Repeal) Bill has not been moved. The Second Stage of the Bill cannot, therefore, proceed.

Ms Ní Chuilín: On a point of order, Mr Deputy Speaker. I am keen to find out why the Bill cannot be moved today. Given the discussions that all parties were privy to, the Bill was about making sure that there was an independent scrutiny body for pay and allowances for Members.

Mr Deputy Speaker: That is not a point of order. The matter raised by the Member is one for the Commission. My understanding is that its members collectively agreed not to move the motion.

6.00 pm

**Construction Contracts (Amendment)
Bill: Extension of Committee Stage**

The Chairperson of the Committee for Finance and Personnel (Ms J McCann): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 26 November 2010, in relation to the Committee Stage of the Construction Contracts (Amendment) Bill [NIA Bill 16/09].

Go raibh maith agat, a LeasCheann Comhairle. The Construction Contracts (Amendment) Bill completed its Second Stage on 17 May 2010 and was referred to the Committee for Finance and Personnel for its Committee Stage.

The Bill has nine clauses, and its purpose is to improve payment practices and access to adjudication in the construction industry. The Committee engaged closely with the Department of Finance and Personnel in its public consultation on the Bill and on its development.

The Committee received several briefings, during which members raised a number of issues. Overall, the Committee was generally satisfied with the briefings and the clarification provided by the Department. However, the Committee's work programme is heavily committed, and it has had to prioritise its business.

In the current economic climate, it was considered important and timely to press ahead with an investigation into efficiency savings in the public sector. The House will debate the Committee's report on that issue in a few moments. Also, in view of the forthcoming Budget 2010 process, which is likely to come to the Assembly and its Committees in the autumn, the Committee considered it essential to aim to complete the next stage of its Budget scrutiny inquiry in advance of the summer recess.

The Committee has liaised with the Department of Finance and Personnel, which has confirmed that it is content with the proposal to extend the Committee Stage to 26 November 2010. I assure the House that the Committee will endeavour to complete its work well in advance of that date, and I ask Members to support the motion.

Question put and agreed to.

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 26 November 2010, in relation to the Committee Stage of the Construction Contracts (Amendment) Bill [NIA Bill 16/09].

Preliminary Inquiry into Public Sector Efficiencies

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

The Chairperson of the Committee for Finance and Personnel (Ms J McCann): I beg to move

That this Assembly approves the report of the Committee for Finance and Personnel on its preliminary inquiry into public sector efficiencies; and calls on the Minister of Finance and Personnel, in conjunction with Executive colleagues, to implement, as applicable, the recommendations contained therein.

Go raibh maith agat, a LeasCheann Comhairle. I thank the Committee and the Committee Clerks for the detailed report that we are debating today.

I welcome the opportunity to debate the Committee's report on its inquiry into public sector efficiencies. At all times, governments should be examining ways to make the most efficient and effective use of public funds. Given the increasing pressure on Departments to deliver more with less money, the report is timely and makes a positive contribution to the debate on how our public sector can meet the challenge.

The Committee decided to undertake the inquiry at its meeting on 14 October 2009. As part of its role to scrutinise strategic public issues, the Committee agreed to examine the efficiency programme for Departments with a focus on how savings can be maximised without affecting priority front line services. Committee members also agreed to seek advice from expert witnesses on a range of matters. Such matters included the nature and definition of efficiency savings and how they differ from other savings and budgetary measures; approaches to measuring and reporting on efficiencies, including possible improvements to departmental efficiency delivery plans; advice to Assembly Statutory Committees on the scrutiny of departmental efficiencies; and opportunities for realising further savings in the future.

The purpose of the preliminary inquiry was to help to establish a framework for examining the efficiency agenda locally, inform approaches

to identifying further savings and monitor departmental delivery.

Once the quantum of the savings required becomes clear, it will be for the Executive and Departments to identify the areas of spending where they can be realised; it will be for the Assembly and its Committees to scrutinise delivery.

To inform its work, the Committee received evidence from expert witnesses with experience in efficiency programmes locally and in other jurisdictions. Oral evidence was received from Victor Hewitt, director of the Economic Research Institute; Kieran Donnelly, Comptroller and Auditor General, and other senior Audit Office officials; and Professor Colin Talbot of Manchester Business School, University of Manchester, who was a special adviser to the House of Commons Treasury Committee in its recent inquiry evaluating the efficiency programme. Written submissions were received from the Chartered Institute of Public Finance and Accountancy and from Professor Arthur Midwinter, who has undertaken major studies of local government finance and devolution finance and who was recently a Budget adviser to the Finance Committee of the Scottish Parliament.

Having concluded its inquiry and in bringing forward these recommendations, the Committee in no way underestimates the scale of the challenge facing the Executive as they seek to deliver the recently announced savings and to tackle further budgetary reductions for 2011-14. The Committee has acknowledged the fact that Departments have been striving to achieve efficiencies of between 2% and 3% over each of the past six years. Extra pressure will be put on Departments by the Westminster Government.

There are various predictions about the quantum of additional savings that will be required of Departments here during 2011-14, ranging from £150 million to £300 million a year. The Committee recognises that the scale and immediacy of public expenditure pressures means that efficiency gains alone are unlikely to be sufficient and that straightforward budgetary savings will also be required. The Committee believes that those savings can and should be achieved without having an adverse impact on essential public services and strategic policy priorities. The existing annual budget baselines for Departments total more than £9 billion in current expenditure and about £1.4 billion in

capital expenditure. No one can reasonably claim that that funding is being utilised completely efficiently or that there is no waste in the system.

A number of important themes emerged from the inquiry, including the need for clarity and consistency in what is meant by efficiency savings; the need for transparency in how savings are achieved and applied; the need for a strategic approach to targeting the areas where real efficiencies can be realised, to prioritising the services and policies that must not be affected adversely, and ensuring that the savings being claimed at a departmental level are not counterproductive to the efficiency of the wider public sector; and the need for a systematic approach to verifying and monitoring the achievement of efficiencies. All of us need to be clear about the difference between straightforward budget cuts and valid efficiency gains and the implications of both.

The Committee is of the view that for Departments to plan, deliver and monitor efficiency savings effectively and for proper scrutiny by the Assembly through its Committees, the Department of Finance and Personnel (DFP) should set down a formal, central definition of what is meant by efficiency savings. The lack of consistency and transparency in that area risks confusion in the public sector, and controversy in the political and public domain with regard to a rationale and outworking of the efficiency programme. In addition, without a clear audit trail it is impossible to gain any assurance that the savings deducted from Departments' budgets have been allocated to key front line services and Programme for Government priorities.

Money saving initiatives should be more than just cuts to the quality or level of important public services; the impact of those savings must also be visible in a way that can be clearly understood by the Assembly and wider public. That is why the Committee has recommended that the Executive develop a co-ordinated strategy to protect essential front line services and strategic policy priorities and avoid the crude salami slicing of departmental budgets.

In developing the strategy, Executive Ministers should undertake a fair assessment of spending programmes to identify those that have not achieved or are no longer fulfilling their intended purpose and those that are the lowest priority

and, therefore, offer scope for savings that can be allocated elsewhere.

That is also the advice of the Audit Office, which in conjunction with its counterparts in Scotland and Wales, recently published a good practice efficiency checklist. It sets out the key elements to securing greater efficiency and productivity, including the adoption of a priority-based approach to budgeting and spending. The Audit Office has also advised that there will be a need to segregate policies and services into three categories: those that are absolutely essential to delivering agreed outcomes and are already being delivered as efficiently and effectively as possible; those that should continue but need to be redesigned or reshaped to deliver them more efficiently and effectively; and those that could stop without significantly affecting public services and outcomes.

The Programme for Government is due to expire in the current financial year. It is vital that the Executive review it urgently and set out clearly the services and policies that should receive the highest priority during the upcoming period of further budgetary savings and efficiency gains. Following the requirement to achieve 3% efficiency savings in the Budget period 2008-2011, DFP issued guidance for the development of departmental efficiency delivery plans. Professor Arthur Midwinter considered that guidance and stated in a written submission to the Committee:

"The Guidance Paper on Efficiency Delivery Plans (EDPs) is mostly concerned with inputs – how financial savings will be delivered and monitored. Whilst there is reference to impact on services and the need 'to provide evidence there has not been a detrimental impact on services to the public' ... this is not a systematic approach."

He went on to say that, in the main, the approach reports economies and not efficiencies.

Professor Midwinter also considered the responses to a series of Assembly questions, which asked each Executive Minister what services in their respective Departments had been affected by efficiency savings in the 2008-09 financial year and in the first six months of the 2009-2010 financial year. He concluded that the responses were not fit for purpose and did not facilitate robust scrutiny of current practice. Professor Talbot also considered the responses to the Assembly questions and told the Committee that he thought that there was a

certain amount of laxity around the definitions and descriptions of efficiency savings. He also told members that he saw little evidence in the responses of any Department measuring any aspect of service delivery.

While gathering its evidence, the Committee learned that, across the 11 Departments, more than 80 efficiency delivery plans are published on departmental websites, with varying levels of detail provided. Therefore, it is with some urgency that the Committee calls on the Department of Finance and Personnel to facilitate a process whereby a single efficiency delivery plan for each Department is published in a central location to allow effective monitoring of the plans centrally by DFP and by the Assembly's Statutory Committees.

The role that Assembly Committees have to play in scrutinising the efficiency delivery plans for their respective Departments cannot be emphasised enough. The Committee heard much practical advice from the expert witnesses that could assist in that regard. Professor Talbot stressed that Committees must act as counterbalancing forces that put pressure on Departments to deliver effectively and efficiently. He told the Committee:

"If no such countervailing forces exist, the services tend to go their own merry way"

and

"are operated in the interests of the people who run them, rather than in the interests of those to whom they deliver services."

I could go on to discuss the need to embed a culture of efficient delivery into the routine responsibilities of public sector managers or the additional efficiencies that can be achieved through further use of shared services, better management of government accommodation and assets and more collaborative procurement. However, I will allow others to explore those matters in more detail during the debate. I look forward to hearing Members' contributions. I commend the report to the House.

6.15 pm

Mr Hamilton: The term "efficiencies" has characterised discussions about budgets and spending since the restoration of devolution in 2007. It is not new, unique or novel; it has been focused on for some time, and we should note this Executive's achievement in realising

3% savings, equating to nearly £1 billion. Even though we are told that that has happened, and I accept that it has and that it should be welcomed, it is very difficult for us as individual Members to put our finger on exactly where that has been achieved and the quality of the achievement of it, to the point where many who hear the term "efficiencies" believe that it is a euphemism for cuts.

A basic first principle is that we all support the idea of efficiencies. When I talk about efficiencies, what I mean is certainly not cuts, and definitely not cuts to front line services. Sometimes cutting projects or programmes that are not delivering or have delivered is no bad thing. However, when we talk about efficiencies, we are not talking about cutting front line services. We are talking about doing more with less or spending money upfront to allow savings in the longer term. That is what most of us mean when we talk about efficiencies, but, as the Chairperson highlighted, there is no clear definition.

The lack of a clear definition has given Departments the breathing space or the wriggle room to come up with their own definitions, and we sometimes see very different interpretations of efficiencies, compared with what the rest of us believe them to be. We see very differing performances by different Departments. I do not have time to go through deficiencies in every Department, but I think that, at times, we have all been concerned by what has come forward from various health trusts and through the Health Department, masquerading as efficiencies when they are very clearly cuts to front line services. The reduction in ambulance cover is one example.

Recently, when asked to come forward with its efficiencies in respect of the revised expenditure plans, the Department for Social Development simply took the 2.6% adjustment in its total budget and apportioned it to each of its main budget headings. There was no discernable attempt by that Department to look at each individual line within each section of its budget to decide what could take less. That was in complete contravention of what had been agreed at the Executive, when some Departments took bigger hits than others.

As the Chairperson highlighted, questions put by Members to Ministers about efficiencies and where they have had an impact on our individual

constituencies have, at times, been answered completely ineffectively. I can personally recall asking questions of one Minister about efficiencies within their Department; I asked the same question every possible way to the point where I just gave up. That is not right, I should not be giving up; I should be getting the answer and the information that I require the first time. I should not have to repeatedly ask the same question to the point of exasperation.

As the report highlights, there is evidence of Departments charging more for services and saying that that is an efficiency. Yes, it might sometimes be required that we raise the price of services being bought from the public sector by the public, but sometimes that masks inefficiency. More money coming in is not an efficiency and does nothing to drive further efficiency into the system; in fact, sometimes it can encourage inefficiency. We have also seen evidence of technical movements or reclassifications of money, which do not mean that any more real money is produced. I could go on and on; for example, about there being no clear evidence trail between the money that has been saved and reinvestment back into Departments. I could talk at length about investment delivery, efficiency delivery plans and whether they are any use, given the number of them that there has been and the fact that some were not published in good time. However, given the context of reduced spending, more efficiencies and more cuts —

Mr Deputy Speaker: I ask the Member to bring his remarks to a close.

Mr Hamilton: We are going to have to learn many of the lessons that are included in this report if we are to achieve what all of us want to achieve, which is actual efficiencies, not cuts to front line services.

Mr McDevitt: Like Mr Hamilton, I thank those who sit on the Finance and Personnel Committee for their work in bringing forward this report. It is undoubtedly an important topic. In the brief time available to me, I want to focus on a couple of the recommendations and some of the issues that emerge from them.

It is important to note the flaws that are now appearing in the way we do our Programme for Government and public service agreement (PSA) planning and the inability of the PSAs to drive the change that we all hoped for when they were

agreed. I am glad to see that picked up on by the Committee, which says that it:

“believes that the 2008-11 Programme for Government and Public Service Agreement framework is cumbersome and overly complex in terms of the need to prioritise at a time of exceptional budgetary constraint.”

It is also worth noting that the culture in the Civil Service may pose a difficulty in delivering the sort of behavioural change and outcomes that the report seeks. On page 18 of the report, the authors consider that at some length. I was struck by the recommendation at the bottom of that page, which states:

“The Committee recommends that, in its central personnel role, DFP should ensure that the skills exist and are marshalled within departments and their arms-length bodies to effectively examine systems and processes for the purpose of identifying valid efficiencies; and, more generally, that a culture of efficient delivery is embedded into the routine responsibilities of public sector managers. The Committee also believes that assurances are required in terms of the capability of departmental boards and the governing bodies ... to lead and oversee the efficiency drive.”

That is my experience of the system, too, which I have gained during a previous role as a special adviser in the first mandate of the Assembly when I worked as an official and since returning to the Assembly. Furthermore, it was certainly my experience of the public service when I worked outside it in private commerce.

No organisation becomes efficient without a significant change in its own culture. No amount of targets will make it efficient; no amount of pieces of paper will drive efficiency. What those will do is lead the system to find its old way of fixing the problem. It will find an old type of solution to what is being presented to it as a new problem. Therefore, I hope that, in his response, the Minister acknowledges that there may be some capacity issues but also that there will undoubtedly need to be considerable internal leadership, not just at senior departmental board level, as is indicated by the report, but also at management level throughout the Departments and the public bodies under this Assembly's responsibility, to adopt a culture of efficiency.

Throughout the report there is ample evidence that, whilst we talk about efficiencies, we really engage, as Mr Hamilton alluded to, in cuts.

We just make them through the back door — stealthy, subtle cuts. I am sure that Mr Storey, who is looking at me intently from across the Floor of the Chamber, can find plenty of examples in education of stuff that is called efficiency but is actually a cut. It may suit Members to walk into the Chamber and make a political argument about that, but the truth is that it is probably an administrative or systems failure. It is a capacity failure. When the system is told to find a saving, it only understands one or two ways of being able to do that. What is really welcome about the report, and what it says to me, is that it is time to think differently about the way we manage our public service budgets and to think differently about the type of manager we need in the public service in order to deliver more efficient — rather than less — government to the people.

Like previous Members who spoke, I could give ample anecdotal examples of where efficiencies may be found, but, since I do not speak for the SDLP on health any longer, I resist the temptation to go down that route. However, in my new portfolio of regional development, one specific area jumps to mind: rural transport. We have an education transport system, a health transport system and Translink, all of which run buses around the country, and they do not pick up the same people. That is not a cuts question; it is an efficiency question. It is about how the system behaves differently —

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

Mr McDevitt: In order to guarantee a service for the people whom it should be serving.

Dr Farry: It is a privilege to follow on from Mr McDevitt, who is doing a grand job as the SDLP's unofficial acting spokesperson on finance, if I have put that correctly. The debate and, more importantly, the report, have been sparked by widespread concern about the difficulties Departments have had in wrestling with the initial round of efficiency savings, in this case cash-releasing efficiencies, as part of the 2008-2011 Budget. That concern is not just within the Assembly but the wider community.

The real concern is that, in many cases, what have been billed as efficiency savings have become cuts. There have been real drops in and consequences for services. The implications in the recommendations of the report are not just of relevance in looking at how things could

have been done better; they are now much more relevant as a useful starting point for how we can begin to grapple with the looming challenges that will come to us over the lifespan of the next comprehensive spending review (CSR) period and over the course of this financial year.

The starting point is the question of what is meant by efficiency savings and the distinction between those savings and cuts, which a number of Members commented on. Another aspect worth stressing is that, when the Government centrally, whether through Finance Departments or Executives and Cabinets collectively, make decisions and ask for efficiency savings, there is no real policing of what happens from there on. The expectation is that Departments will rise to the challenge, but there is no understanding or clarity around what they will do in practice. The realisation of efficiency savings is a bottom-up process within government, and the patterns, policies and practices used can vary greatly. There is a desire to see greater policing at a central level to try to reach common understandings in government.

As an aside, there is concern among some members of the Committee, and no doubt elsewhere in the Assembly, about the use that has been made so far of the performance and efficiency delivery unit. It may not be perfect, but it is a useful tool to assist Departments. The willingness of different Ministers to engage with the unit and avail themselves of its services is patchy. Sometimes, the Departments doing better with efficiency are more willing to engage than those that have struggled and have been least willing to engage. There is clear irony there.

Productivity is important because it is at the heart of what is meant by efficiency savings — getting greater levels of outputs with less input and avoiding the temptation to have what are, in effect, false efficiencies. Simply increasing charges for a particular service is not an efficiency. Doing away with something that has been on offer is not an efficiency; it is a cut.

In the Budget debate earlier, we mentioned the new opportunities that may arise in things like prevention work, early intervention and better joined-up action among Departments in more rounded ways of finding efficiencies and better ways of reaching the outcomes and focusing on them as being the way forward. Too often, the difficulty for Departments is that they fall

back on their statutory responsibilities and functions. The way they operate is to draw the wagons around what they want to protect. It is often the core costs, or at least what the Departments view as core costs, that are more expensive. There is not the same legal authority or responsibility to do early intervention work or co-operate with other Departments. That is viewed as voluntary, and so does not happen. In many respects, that type of action can, in itself, be a better way of doing things or avoiding the cost pressures, which are ever arising for Departments.

From the Alliance Party's perspective, tackling the costs of division in this society is part of an efficiency drive. Those costs are a major distortion in our public finances. They are a major inefficiency in the same way that the existence of a land border on the island of Ireland may create inefficiencies in the provision of some public services. Those are areas where we need to take the recommendations of the report and turn them into practical reality to tackle those distortions.

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

6.30 pm

The Chairperson of the Committee for

Education (Mr Storey): As Chairperson of the Education Committee, I have already reported to the House that the Committee was not in a position to give its views on measures to address the savings and budget pressures facing the Department of Education in the review of spending plans earlier this year. That was because the Committee was not provided with the information that it needed to assess the impact that potential reductions in spend might have on education services, particularly front line classroom services.

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

I will speak about this in my capacity as a private Member later, but, to date, the Committee for Education remains uninformed of the impact of the current cuts in the Minister of Education's budget for 2010-11. For that reason, I believe that the Committee for Education will welcome this very timely report from the Committee for Finance and Personnel on its preliminary inquiry into public sector efficiencies and will support its conclusions and recommendations.

The Committee for Education has been briefed on the Department of Education's efficiency delivery plans by departmental officials on a number of occasions. In 2008-09, those efficiencies totalled some £63 million and £124 million in 2009-2010, and they will amount to £184 million in 2010-11. More than half of those efficiencies — some £215 million in total — came or will come out of the aggregated schools budget. The Committee asked how that impacted on schools' staff numbers year on year. The Committee was informed:

"it would be difficult to assess the impact of the overall efficiencies as this could differ from school to school."

The Committee was also told:

"it would be difficult to assess the direct impact of the efficiencies on staff numbers"

in schools.

That situation, coupled with the fact that the Committee has not been provided with information to assess the impact on schools of the current cuts in education, leads me to conclude that the Department of Education's school report on the subject might read "could do better". I note and welcome, in paragraph 4 of the Committee for Finance and Personnel's report, the call for DFP and the wider Executive:

"to make the necessary arrangements to ensure that, in future, the requisite information and transparency is provided to enable the Assembly and the wider public to track how such savings are applied."

In that context, I remind Members of a recommendation, which I hope will be actioned, that the Committee for Education recently put to the Committee for Finance and Personnel on the Budget process. My Committee recommended that standard guidance to Northern Ireland Departments on the timing and the provision of relevant information to Assembly Statutory Committees be drawn up by DFP, in consultation with Statutory Committees, and submitted to the Executive Committee for consideration and agreement. Such guidance could and should include a requirement that Departments provide timely and clear information to Statutory Committees on efficiency savings, particularly their impact on front line services. The commitment of individual Ministers to that guidance would be essential, and DFP, again in

consultation with Statutory Committees, would monitor adherence to the standard guidance.

I will conclude by commenting as a private Member. It is imperative that we do not allow Departments to move away from their responsibilities. Although I appreciate and accept much in the report on the need for the Executive to take a lead, it is imperative that each Department be in a position to provide relevant information to its Statutory Committee. It is very difficult for the Education Committee to scrutinise the possible impact of any efficiencies, without the relevant information about issues that were raised by, for example, Mr McDevitt.

Mr Deputy Speaker: I ask the Member to bring his remarks to a close.

The Chairperson of the Committee for Education: Therefore, Mr Deputy Speaker, I commend the Committee for Finance and Personnel's report to the House.

Mr Deputy Speaker: Mr Mitchel McLaughlin.

Mr McLaughlin: Thank you, Mr Deputy Speaker. I was in the middle of writing my speech.

I welcome this debate. I want to develop a theme that emerged from the earlier discussion this afternoon and that has been reflected again in this debate. Informed debate about, and ownership of, the decisions and policies that emerge in the Assembly require that common language, parameters and definitions are deployed when we are challenged to respond to budget reductions.

People have a view that budgets were very challenging even during the more benign circumstances that pertained when the Assembly was restored. We have to be realistic and accept that our region is very small. Many county councils and, indeed, cities in Britain and elsewhere have larger budgets, provide more services and have more constituents than we represent. We must address the question of efficiencies with the corporate vision that has been referred to in previous discussions, and we must recognise that further efficiencies can be identified. I was pleased when, during Question Time this afternoon, the First Minister affirmed that greater efficiencies can be identified.

Members, as I have said in previous debates, have set out their difficulties in relating to Executive decisions or departmental efficiency

targets and the definition of "efficiencies" as achieving the same output for less input, which is a fairly straightforward formula that should help to eliminate the confusion that is sometimes deliberately contrived to mask what are in fact cuts, as opposed to genuine efficiencies. A related issue, and a major contradiction for the Assembly to consider, is the hard evidence that the per capita cost of delivering front line services here is higher, sometimes considerably higher, than elsewhere. Other regions are much closer to achieving the axiom of the same output for less input. Indeed, in some instances, they provide better services than us for less input. We must ask ourselves why that is the case and what we can do about it in a practical way. Even if it has to be a strategic approach that has to be dealt with over a period of time, achieving parity over time is a genuine and measurable goal.

Another interesting word that crops up is "inescapables". In my opinion, it is a neat way to divert Ministers and Committees. What does it actually mean? Should we accept the argument that efficiencies do not include inescapables? I do not think that we should, especially as it often refers to issues that have been dealt with over a considerable period of time, long before the Assembly came into being. If we are to take responsibility for, and ownership of, our Budget, we should set our own definitions and ensure that we have relevant, measurable and transparent guidance that works across all Departments to determine bona fide inescapable costs. Surely that is something that the Assembly, rather than departmental officials, no matter how senior, should decide at a political and policy level.

Sometimes the Assembly is diverted by jargon and the confidence with which people argue that money cannot be touched because it is already committed. That is a form of ring-fencing and, I believe, of ring-fencing inbuilt efficiencies. I am not arguing that the Assembly has to take responsibility for how that situation emerged, because, as I said, sometimes there is a considerable period of time involved. However, we should take responsibility for examining it and for deciding whether we will stand over it. We should start that process.

Finally, there has been much talk about the cost of division — it came up during this debate and earlier this afternoon. We do have to address historic underdevelopment and underinvestment

in this tiny region. The range of disparities is a challenge. If it is not addressed, we will not heal those divisions.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I commend the Committee for Finance and Personnel for undertaking this report. It raises major and important issues that need to be addressed not only about the efficiency of government but that of the Civil Service. However, I will come to that later.

It is the Assembly's duty to debate such ideas. The SDLP has been calling for such a debate for the past two years. Indeed, it was the Finance Minister who, in the first instance, stubbornly refused to admit that there was a problem with the finances. He then refused to redraw the Budget to deal with the problem, and, last week, he claimed that MLAs needed to recognise that the good times were over. Any MLAs who are in touch with their constituents know that the good times have been over for quite a considerable time. That includes people in my constituency. Mr Deputy Speaker, you will know that the construction and light engineering trade has been very badly hit. That is not something new or sudden and it is not something that has emerged out of the air recently and hit us bang in the face. Anyone who is in touch with their communities knows that.

The Minister asked the Assembly to come up with proposals to assist in the downturn. However, he refuses to recognise the SDLP's proposals. We have stated continually our willingness to take on the challenges of scoping the Budget to ensure that front line services are protected. Perhaps the DUP and Sinn Féin should end their policy of exclusive government and engage with us on that.

As we outlined in previous in-depth finance documents that we published, we must restructure and redefine the Budget process to recast Budget lines. Those lines should be demarcated according to the degree to which they support front line services. As the report highlights, and as the SDLP has said constantly since we voted against the current Budget, crude and disjointed salami slicing will get us nowhere. Rather, it will simply put the most vulnerable at risk. It is apparent from the report that there has been a failure to achieve such demarcation throughout government. The report outlines the Committee's concerns that there is no clear audit trail and that arrangements

must be made to ensure that the requisite information and transparency be provided to enable the Assembly and the wider public to track how such savings are applied. To do that, the Assembly should consider establishing new Committees. One such Committee should be in the style of the Westminster Public Accounts Committee and should permanently interrogate the cost of government, and another should be charged with tracking and proofing performance on capital investment across Departments and the Strategic Investment Board.

The Chairperson of the Committee for Education:

Rather than the SDLP suggesting that we have another Committee, would it not have been in its interests to have supported Members on this side of the House last week when I said that we should have fewer Committees? We do not need 108 MLAs or 12 Departments. Instead of setting up another Committee, let us get rid of a lot of the ones that we have. That would bring some efficiencies.

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

Mr McGlone: I do not need any lectures from Members on that side of the House, given that, last week, his party colleague blew £9.3 million on the review of public administration, which was supposed to create efficiency around this place. If a Committee had appropriately advised his colleague on such efficiencies, I am sure that we would have been in a position to have done something about the reform of local government and would have been able to achieve efficient, accountable good governance about the place as opposed to blowing millions of pounds. Anyway, I shall move on.

I welcome the proposals in the report to provide Committees with the expertise to better scrutinise departmental budgets. A Committee can be efficient and effective in delivering efficient good governance for us. I assure the House that we have seen the best of the Civil Service, but we have certainly seen the worst of it. We have seen foot-dragging, inefficiency and, at times, the inability to make a decision. That is not because people in the Civil Service can blame their political masters; they are just unable to make decisions and, therefore, are unable to deliver the proper good governance that we are supposed to represent.

The problems that the report outlines with Peter Robinson's flagship PEDU projects illustrate the overall difficulties that exist with efficiency. It is damning that the report has to conclude:

"the delay in publication of the PfG progress and delivery reports severely hinders the ability of Assembly statutory committees to scrutinise departmental performances against PSA targets."

That brings us back to the question of public sector efficiency.

6.45 pm

The report highlights what many of us have known for some time, and what has been shielded by direct rule, which is that the Executive are failing to work together and Departments are working on a silo basis. When the Assembly was in its infancy, the SDLP implemented Executive programme funds to encourage better joined-up working between Departments and to help to protect the vulnerable. I urge the Executive to consider reinstating such an approach of good, efficient governance in the interests of the entire community to deliver what we all should be here to do: to deliver proper, effective and transparent good governance.

Lord Morrow: First, I will comment on some of Mr McGlone's remarks. Some of the stuff that he trotted out was amazing, bearing in mind that, for a long period of the time that he spoke about, he was Chairperson of the Committee for the Environment, which was supposed to be policing and shadowing the Minister and making him accountable. Nevertheless, he came into the House today to tell us that £9.3 million has been blown. That just goes to show how well he was holding everybody to account, which is what the Committees are supposed to do.

Mr McGlone: Will the Member give way?

Lord Morrow: Just sit down a minute and listen a bit more. He ranted on about Sinn Féin and the DUP not talking to anybody else. I was not aware that the SDLP had left the Executive. I was of the clear understanding that the SDLP still held on to its ministerial post, even after it changed its leadership and its Minister. However, perhaps that is something that Mr McGlone wishes to forget when difficult decisions have to be made and difficult times have to be faced. Everybody knows that we are in a difficult climate. It is no different in Mid Ulster than it is in Fermanagh and South Tyrone

or, I suspect, in any other constituency. I can assure Mr McGlone that he does not have the monopoly on hard times down there. They are all around for us to see on a daily basis.

I welcome the report on the preliminary inquiry into public sector efficiencies by the Committee for Finance and Personnel. The Justice Committee will be receiving a detailed briefing on the Department of Justice's budget and the financial position on any emerging pressures at this week's meeting on Thursday afternoon.

The Department of Justice has a budget of £1.4 billion, of which 95% goes to arm's-length bodies, mainly the Police Service. It is, therefore, important that the Committee familiarises itself quickly with the various budget strands so that it is in a position to closely monitor the Department's performance. For that reason, I welcome recommendation 12, which should enable Assembly Statutory Committees to better assess departmental efficiency delivery plans. I hope that Mr McGlone is listening: recommendation 12 will allow Assembly Statutory Committees to better assess departmental efficiency delivery plans and will ensure that we are kept informed of any changes to those plans, which is equally important.

Furthermore, given the current economic climate and the undoubted need to reduce costs substantially, I will ensure that the Committee for Justice follows up on the Department of Justice's efficiency plans and measures. The Committee will be seeking clear, quantitative and qualitative evidence of the services provided by the Department to enable the delivery of any proposed efficiency measures to be accurately measured.

The Committee has already identified at least two areas of spend — the cost for each prisoner place and legal aid funding — which it is clear are much more expensive than most other countries. Although there may be some unique features to our systems, they are not sustainable in the longer term, given the economic realities that we all face. The key for Committees is to have clear, timely and accurate information on spending plans, efficiency targets and performance. The report's recommendation that there should be more robust central monitoring of departmental efficiency plans, with the outcomes reported to Assembly Committees on a timely basis, is helpful and should be implemented as soon as possible.

On behalf of the Committee for Justice, I commend the report of the Committee for Finance and Personnel to the House. I am delighted that Mr McGlone has taken such a keen interest in listening to the debate. It is obvious that he had not been doing so in his Committee, even when he was Chairperson.

The Minister of Finance and Personnel

(Mr S Wilson): I thank all the Members who took part in the debate. It was a constructive debate, with the only sour note being introduced towards the end by Mr McGlone, who, I suspect, is a bit miffed at not being asked to replace Mr O'Loan as the finance spokesman for the SDLP. However, having listened to his speech I can understand why that decision was made. He did not seem to understand what the debate was about, because he spent most of his time telling the House how wonderful the SDLP's alternative Budget plan was. It seems that I know a bit more about that plan than he does, because a lot of it was not about efficiencies. It was about how money should be redirected in one direction or another.

Indeed, had Mr McGlone listened to what other Members said during the debate, he would have immediately recognised that one of the core conclusions of the report was that efficiencies are not about cuts, redirecting money or raising revenue, which were all part of the SDLP's alternative Budget plan. That plan was created two years ago. Nevertheless, he has got the wrong end of the stick.

Mr McGlone also said that if Committees were supervising their Ministers properly, situations such as that which occurred with RPA would not have happened. That was surprising, because he was the Chairperson of the Committee for the Environment when I was Minister of the Environment, and I do not remember him challenging the Minister too much then. In fact, he got involved in trivialities and spent half his time investigating my views on climate change, rather than looking at what I was doing in other parts of the —

Mr McGlone: Will the Minister give way?

The Minister of Finance and Personnel: I knew I would provoke him. *[Laughter.]*

Mr McGlone: I am aware of the Minister's views on climate change, but will he accept that it is not a triviality?

The Minister of Finance and Personnel: As far as I am concerned, the view that it is man-made is a trivial response to an important issue.

Mr Deputy Speaker: I remind all Members to return to the subject of the debate.

The Minister of Finance and Personnel: I had to say that, because you let him off with five minutes of wandering away from the report. *[Laughter.]* I only took two minutes to respond to him.

The report is very timely and helpful. It is also pragmatic, thoughtful, does not seek to score points and brings forward many recommendations that we would do well to adhere to and examine.

The report is timely because we are facing a period — as we talked about during today's debate on the Final Stage of the Budget (No. 3) Bill — in which there will be far greater resource pressures on Departments, and we will need to examine how Departments do things and make changes. It is also a period in which we must examine how Departments continue to deliver services, what types of services they deliver and whether the current model for delivering those services is the most efficient. We will have to try to get more results from the money that we spend. Given that we are going to experience a real reduction in budgets, with increased inflationary pressures placed on Departments, new demands being made of them, and the current 3% efficiency savings possibly increasing to 5% or more, the issues addressed in the report are very important.

A number of Members raised issues that I want to respond to. Mr McDevitt and Dr Farry raised the issue of how we drive forward efficiencies. Mr McDevitt made the very important point that it is all about culture, and it is important that the culture starts with the Minister. As the report indicated, there is no point in Ministers closing their eyes to the fact that there must be changes in Departments, saying that things cannot be done, or that their Department is too important. It must start with the Minister.

Secondly, it must be driven, and the Minister has to know that he is being scrutinised by the Department. Thirdly, I understand that, sometimes, Departments will need help. At that point, PEDU can come in. I have been a Minister in two Departments where we brought PEDU in. In one case, I made the decision, and, in the other case, I inherited the outcome that resulted from a decision that was made by my

predecessor. Therefore, I know about the real work that can be done by an outside pair of eyes in identifying the efficiencies, delivery and performance of Departments.

In turn, that can help to generate the culture of thought that is required to look at it as more than a one-off exercise. Mr McDevitt made an important point when he said that this is not about fixing a problem now. It is about continually looking at how things can be done better. That requires a change in culture at lower management level, and there is no easy answer to how that is done. In any big public sector organisation there will be a degree of inertia, the attitude that because this is the way that something has been done, it is the only way that we can do it, and we should not forget that if we try to do things differently, it will have an impact on the people we have worked with for years, and everything else.

However, if there is no direction from the top and no help with building the capacity, the change will not happen. That is another reason why Committees must be continually involved in asking questions and looking at what is being done. I am going to come to that point in a moment or two.

The second point that has been made generally is on the question of how efficiencies are measured and whether efficiencies are simply about scaling back what Departments do. Is it simply about giving new charges and raising money, saying that they become more efficient because they are spending less money? What are pure efficiencies? There has been some criticism of the way in which the efficiencies have been measured. One of the reasons why the whole budgetary process is important here is that we do drill down and get Departments to explain where savings have been made, what they have done with the money, where front line services have been affected and where additional savings have been made from them.

I disagree with the report's point that perhaps we needed more central control over how efficiencies were measured, recorded and driven. Mervyn Storey made the point, and it comes back to the point that Conall McDevitt made as well. I believe that efficiencies should be under the ownership of individual Departments. That would reinforce the culture that is being talked about, and Departments would not be able to run away from their

responsibility and blame DFP: "They are imposing this on us, and, anyway, what do they know about the way our Department operates?"

For that reason, it is important that individual Departments should retain control and oversight over efficiency savings. They can be published centrally, but the role of the Department of Finance and Personnel is to issue guidance so that there is a uniform measure and a uniform way of looking at efficiencies and at what the content of any report should be.

Mr McDevitt: As the Minister rightly points out, in large public sector organisations, a documented, processual approach to management is needed. One of the key attributes of successful efficiency is that it is often organic. It is by empowering middle-ranked managers, who know their area most and best, that we find solutions — a health solution to a health problem, or a transport solution to a transport problem. By empowering them and giving them an incentive to think outside their normal area of work and outside the box, they will find the answer. Therefore, although I welcome the idea of formalising the process, I hope that the Minister is not suggesting that we become bureaucratic in dealing with efficiencies. That would become counterproductive.

7.00 pm

The Minister of Finance and Personnel: That is right. The guidance must be flexible enough not to be ignored and, at the same time, it must recognise that the approach in different Departments might vary. Organisations and the efficiencies that they must find may well be different. The debate has shown that the guidance cannot be so loose that people do not know the meaning of an efficiency and simply interpret it in whatever way they want. They may stop doing something and call it an efficiency when, of course, it is not. The guidance must be structured in a way that allows that kind of flexibility but, at the same time, ensures that real measures of efficiency are obtained.

I agree with the important point about the role of Assembly Committees in dealing with the issue. The report is very strong on that. I am a bit worried about the proposal for monitoring and audits and for having Committees to look at all of this. Mervyn Storey challenged Mr McGlone on that point. That takes the role away from the Assembly Committees, and the report rightly recommends that Assembly

Committees should take a more prominent role in scrutinising the efficiencies on a more regular basis and in calling Ministers to account. Such an approach will also avoid bureaucratic problems.

As I have said time and time again in the Assembly, it is very easy for Members to call for more audits here and more information and scrutiny there. That involves costs and has resource implications. It means that data must be collected and reports must be written. There is no point in making recommendations if we do not scrutinise them and ensure that they are being implemented. Of course, that adds another layer on top of the work of Assembly Committees. It may well stop Assembly Committees that are skirting around the issues from taking up frivolous issues and may encourage them to get on with the real job of doing the work that is required to ensure efficiency savings.

Many of the recommendations are not only for DFP. They are for the Executive and for Ministers right across Departments. As we have done with the procurement report, we want the Executive to consider how all Departments could engage with and respond to the report as it has been presented.

I thank Members for, by and large, the constructive way in which they have dealt with the issue, their endorsement of the efficiency programme, their desire to ensure that the efficiency programme delivers what it is meant to deliver and their support for the role of PEDU. Given that every party — I have not heard from the Ulster Unionist Party, although I am sure that Mr McNarry will give his view of PEDU during his winding-up speech — has given a ringing endorsement of the proposals, I hope that those Ministers who have been reluctant to allow PEDU to look at issues in their Departments will reconsider the matter. I hope that the points about an outside group looking at Departments will filter back to the Ministers in each of the parties, some of whom have resisted the involvement of PEDU so far.

Thanks very much to all those who have taken part in the debate. We will look at the recommendations in the report and come back to the Committee with a more considered response.

The Deputy Chairperson of the Committee for Finance and Personnel (Mr McNarry): With the Minister in the House, it is a rare occasion

on which I have the last word. Indeed, it is rare for anyone else to have the last word. It is tempting to take advantage of that situation, but, reluctantly, I must concede that the report is more important even than my using such an opportunity, appealing as it is.

The Committee report contains some constructive criticisms. They were printed not for the sake of it but to elicit a response and, the Committee trusts, action by the Department. It is clear from the debate and from the Members who spoke that five minutes was not sufficient to allow most Members to cover the extensive, wide-ranging nature of this excellent report. I was pleased, on the Committee's behalf, that some Committee Chairmen participated in the debate and brought to it the issues specific to their Committee. However, this evening's significant debate was all the poorer for not having enough Committee Chairmen participate in it. All Members know how the five-minute rule works. If any Members feel the need to add to their comments, I am sure that they will write to the Committee, which will welcome them and take them on board. Even though the report is finalised, there remains work in progress.

Minister Wilson paid attention, as he demonstrated in his response to the debate, and the Committee is grateful that he gave his time and participated in the debate in a constructive manner. I am not sure whether he would want that theme to be taken up — particularly by me. Nevertheless, he is present for the debate, and he probably considers, given the nature of Committee reporting, that it is his duty to be here. The Committee wants any of his ministerial colleagues who were not listening to the debate to make it their business to do so. We will see to it that their officials bring them a full briefing on what has been said today and on their analysis of the report. I am sure that the Hansard report will fulfil that role.

It goes without saying that the debate was extremely useful. I thank Members and the Minister for their contributions. As the Committee Chairperson said at the outset, we intend the report to provide a useful and positive contribution to the discussions on the best way forward in driving on further public sector efficiencies. Today's debate has given all of us an opportunity to consider those matters, and I trust that the Minister and his Executive colleagues will take on board the views that have been expressed as they deal with the

pressures that will be made known to us in the coming days.

Before turning to the various issues that arose during the debate, I will speak briefly about the performance and efficiency delivery unit (PEDU) in DFP, which was mentioned by some Members. In April 2008, when the former Finance Minister made a statement to the Assembly on the creation of PEDU, he told the House that it would have a twin focus on efficiency and delivery. Members were told that PEDU would fulfil the efficiency aspect of its remit when invited by an Executive Minister to investigate a particular departmental business area. At the time of PEDU's creation, the Committee was broadly supportive of the intention behind it. However, only two Departments have commissioned its services for two specific business areas, and the Committee, therefore, has concerns about the outworking of the unit. Perhaps an external figurehead, as originally envisaged, would have enhanced the willingness of Departments to engage with PEDU, as it would then have been regarded as having more independence. In its report, the Committee has, therefore, called on DFP to bring forward options that would seek to improve the uptake of PEDU services among Ministers.

I turn to some of the key themes that have emerged from the inquiry and this evening's debate. I shall endeavour, on behalf of the Committee, to link any key points made by Members with the themes that we have raised, rather than simply rehearse each contribution to the debate.

The first theme that we wanted addressed was the need for clarity and consistency in terminology. When we talk about efficiency savings or when that term is used by the media, terms such as budget cuts and value-for-money savings are used interchangeably to describe approaches to addressing public expenditure pressures. At the same time, there is increasing concern over the impact of delivering more with less on priority public services. Efficiency savings can be effectively delivered only when the Executive and DFP establish a clear and consistently used definition of valid efficiency savings. In simple terms, efficiencies are about achieving the same with less or achieving more with the same, and that is what the report calls for. I think that that is the point that the Minister was making earlier. The report has highlighted the work of the National Audit Office,

which makes it clear that efficiency is not about reducing costs if it compromises the quality or quantity of outputs. That point is worth making.

Our second theme focused on the need for transparency in how savings are achieved and applied. The Chairperson has mentioned the helpful contribution of the Northern Ireland Audit Office, alongside its counterparts in Wales and Scotland, in producing a good practice efficiency checklist. That can be used by board members and senior managers in their oversight function and can be used to self-assess an organisation against good practice and to identify actions for improving efficiency and productivity. In the Committee's opinion, the use of such a guide, alongside a clearer definition of valid efficiencies from DFP, can only help to improve the transparency of information that is available. That will be a useful tool for elected representatives as we seek to effectively scrutinise departmental activity. Importantly, it will also help the wider public to understand what Departments are seeking to deliver and how efficiency savings are being redirected to fund the services on which they rely.

The third theme is the important need for a strategic approach. I think that all of us agree that a strategic approach is required to achieve the savings that the Executive have been tasked to deliver. That confirms the view of Professor Colin Talbot, to whom the Chairperson referred. Professor Talbot told the Committee that the worst way to implement efficiencies is by top-slicing across the board, because it damages what one wishes to keep and protects what one does not want to keep. Although that may represent, to some, a quick fix, Professor Talbot also warned Members that it can be extremely damaging to public services, especially in the long term. We have taken note of that. He also advised that some areas of the public sector will find it easier to achieve efficiency savings and a system should, therefore, be developed to identify where major efficiencies could be made and, conversely, areas where no efficiency savings are achievable. It is vital, therefore, that that strategic approach is also adopted by individual Members and, collectively, by the Executive to avoid salami-slicing, a term which Members have used.

Whatever the Executive finally decide on the matter, robust safeguards must be in place to ensure that there is no reduction in the level and quality of service provision in priority areas.

Furthermore, it is vital that efficiencies being claimed at a departmental level are not having a negative effect on the efficiency of the wider public sector.

7.15 pm

The fourth theme of the report on the Committee's inquiry concerns effective monitoring. During its evidence sessions with DFP officials, the Committee learned that primary responsibility for planning and delivery of the 3% efficiency savings that were required after the 2007 comprehensive spending review lies with individual Ministers and their Departments. The role of DFP, it seems, is only to monitor the delivery of savings and collate information.

I am not speaking personally in this debate; I am speaking for the Committee. However, I will deviate from that slightly: one thing that I would like to see changed is the role of the DUP — DFP when it comes to savings. *[Laughter.]* I would also like to see the role of the DUP changed, but as I am not into predictions any more, I will probably have to wait to see what happens this time next year.

The Minister of Finance and Personnel: Will the Member give way?

The Deputy Chairperson of the Committee for Finance and Personnel: I will give way. May I ask a question to which you know the answer, Mr Deputy Speaker, if you would be so obliging? Do I lose time if I give way, or do I not?

Mr Deputy Speaker: You do not gain any time.

The Deputy Chairperson of the Committee for Finance and Personnel: Aye, all right. I am still having the last word, whatever the Minister says.

The Minister of Finance and Personnel: The Member makes an important point. Is the danger of going down the route that the Deputy Chairperson suggests not that Ministers then lose responsibility and can say that the responsibility lies with DFP and not them?

The Deputy Chairperson of the Committee for Finance and Personnel: Perhaps we will get to that debate on another day. Part of the problem has been that Ministers have been passing the buck. I exclude the Minister of Finance and Personnel from that because he seems to be taking a stand at present, and

more power to him. The Committee is saying that, if decisions are to be taken, Ministers will be held accountable. Other Members made the point earlier, as did the Minister, that scrutiny Committees have a role in holding all Ministers to account. That is what we have got to do.

The Committee's report makes an important point about where we are now. I can answer the Minister's question by saying that Departments must provide quantitative and qualitative evidence — I heard that phrase being used earlier — of the inputs and outputs that are associated with the specific services that they provide for the purpose of ensuring more effective valuation and measurement of efficiency gains.

The fifth and final theme of the report concerns the scope for further savings. That is crystal ball-gazing stuff, but the challenges are right in front of us and the Executive now, and they are not here for only the short term. There must be and we believe that there are benefits in achieving real public sector efficiency gains in the medium to long term, as that will assist in minimising and managing any further expenditure pressures in the year ahead, and that is key.

The evidence presented to the Committee's inquiry pointed to several broad areas where additional efficiencies could be achieved, such as measures to further reduce bureaucracy, eliminate duplication of services and improve human resources management practice; further use of shared services, not just across Departments but covering arm's-length bodies and local government; more strategic co-ordination of the public procurement functions, including collaborative purchasing between the different levels of government; measures to achieve savings from accommodation expenditure, including a central policy on remote working and fundamentally good practice; and asset management and capital realisation, including the urgent establishment of a comprehensive mandatory central asset register for all public bodies to assist in identifying surplus property.

As we move into a period of constrained public spending, there is much more work to be done. Input will be required from key stakeholders, other Statutory Committees and the wider public to allow for fuller exploration. I can do nothing else as a keen and proud member of

the Finance Committee but ask the House to support the Committee's motion.

Question put and agreed to.

Resolved:

That this Assembly approves the report of the Committee for Finance and Personnel on its preliminary inquiry into public sector efficiencies; and calls on the Minister of Finance and Personnel, in conjunction with Executive colleagues, to implement, as applicable, the recommendations contained therein.

Adjourned at 7.20 pm.

Northern Ireland Assembly

Tuesday 22 June 2010

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

Members observed two minutes' silence.

Ministerial Statement

Capital Review

Mr Speaker: Order. The first item on the agenda was to be a statement from the Minister of Education. The Minister is not here and that business will fall.

Executive Committee Business

Clean Neighbourhoods and Environment Bill: First Stage

The Minister of the Environment (Mr Poots):

I beg to introduce the Clean Neighbourhoods and Environment Bill [NIA 31/09], which is a Bill to make provision for the gating of certain minor roads; to make provision in relation to vehicles parked on roads that are exposed for sale or being repaired; to make provision in relation to abandoned vehicles and the removal and disposal of vehicles; to make provision in relation to litter and graffiti, fly-posting and the display of advertisements; to make provision relating to the control of dogs; to make provision in relation to noise; to restate the law on statutory nuisances and improve the summary procedures for dealing with them; to increase the maximum penalty in relation to certain pollution offences; and for connected purposes.

Bill passed First Stage and ordered to be printed.

Mr Speaker: The Bill will be put on the list of future business until a date for its Second Stage is determined.

Housing Amendment (No. 2) Bill: First Stage

The Minister for Social Development

(Mr Attwood): I beg to introduce the Housing Amendment (No. 2) Bill [NIA 32/09], which is a Bill to amend the law relating to housing.

Bill passed First Stage and ordered to be printed.

Mr Speaker: The Bill will be put on the list of future business until a date for its Second Stage is determined.

Welfare Reform Bill: Further Consideration Stage

Mr Speaker: I call on the Minister for Social Development to move the Further Consideration Stage of the Welfare Reform Bill.

Moved. — [The Minister for Social Development (Mr Attwood).]

Mr Speaker: As no amendments have been selected, there is no opportunity to discuss the Welfare Reform Bill today. Members will, of course, be able to have a full debate at Final Stage. Further Consideration Stage is, therefore, concluded. The Bill stands referred to the Speaker.

Because of the non-appearance of the Minister of Education, business has moved forward much more quickly than expected. I, therefore, ask the House to take its ease before we move to the Second Stage of the Safeguarding Board Bill.

Assembly Business

The Chairperson of the Committee for Education (Mr Storey): On a point of order, Mr Speaker.

Will you advise the House on the status of the statement that the Education Minister was due to make this morning? As Chairperson of the Education Committee, I received a copy of the statement just two minutes before coming into the Chamber. However, no copies were available for other Members, which is totally unacceptable. Given that the Minister is unable to be here for whatever reason, will you rule on the status of her statement and explain what action you plan to take in respect of her handling of the situation?

Mr Speaker: I thank the Member for his point of order. First, the statement has not been delivered to the House. Secondly, Standing Orders are absolutely clear: a Minister must, as far as possible, provide Members with his or her statement at least 30 minutes before he or she is due to deliver it in the House. If that is not possible, the Minister concerned must explain the reason to the House.

I am sure that the Minister may wish to make the statement to the House in future, and those are questions that the Member and other Members may wish to ask her. Certainly, the Minister owes the House an explanation as to why she was absent this morning and could not, therefore, make her statement and why Members did not receive the statement 30 minutes before it was due to be made. As we know, the statement has not been made.

Executive Committee Business

Safeguarding Board Bill: Second Stage

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I beg to move

That the Second Stage of the Safeguarding Board Bill [NIA 25/09] be agreed.

The importance of safeguarding children and young people in our society has long been recognised by government and is a matter that I and my Executive colleagues take extremely seriously. We are all only too well aware of the high-profile cases and inquiries that have demonstrated the need for system improvements, not least to the way in which agencies and organisations work together to safeguard children.

Historically, social services and the PSNI have been viewed as the lead agencies that intervene to protect children who are at risk. It is for those agencies to continue to do so — the establishment of the Safeguarding Board for Northern Ireland (SBNI) is not needed to dilute those services. However, I emphasise that safeguarding children is everyone's business: Ministers; Departments; local government; the statutory, voluntary and community sectors; and the public all have an important role to play. It is essential that all agencies and organisations, and all who provide services on their behalf, are clear about their responsibilities towards children. There is a need to ensure that collective responsibilities are reflected in our systems and structures and that safeguarding children and promoting their welfare remains high on everyone's agenda.

The current arrangements for a regional child protection committee supported by the five health and social care trust child protection panels were established as administrative arrangements only. In the past, under the legacy boards, area child protection committees and panels were criticised for lacking focus and strategic perspective. Therefore, it is fundamental that we put in place the very best structures to facilitate interdepartmental, inter-professional and inter-agency co-operation, with an emphasis on prevention and keeping children safe.

As an Assembly and an Executive, we need to be mature about the difficult choices that

we face. How we invest in and protect our children speaks volumes about the type of government and community we are and hope to be in the future. I firmly believe that the Bill to establish a new statutory Safeguarding Board is a significant milestone for Northern Ireland. The Safeguarding Board will embody the truly joined-up approach that is needed to tackle all factors that have an impact on children's safety and welfare.

Today, many agencies work with families who are very often overwhelmed by economic circumstances, physical health problems, mental health problems, dependence on alcohol or other substances, experiences of domestic or sexual violence, or, perhaps, by the complex and difficult task of being a parent in today's society. More than 21,000 children in Northern Ireland are referred to social services every year. At any time, approximately 2,500 children are in care and more than 2,000 children are on the child protection register. Those statistics tell only part of the story of the number of families and children who need help and of the help that they are getting. In Northern Ireland, 40,000 children live in families in which there are substance abuse problems. At least 11,000 children live with domestic violence on a daily basis and, every year, more than 1,000 children are added to the child protection register.

It is important that we invest in the future fabric of our society so that fewer families reach crisis point and fewer children suffer harm. The Bill supports the wider safeguarding agenda, which includes prevention and early intervention. It is also about acknowledging and understanding that protecting children is very often about helping to address the needs and problems of vulnerable adults and many parents whose ability to care for their children has been compromised.

10.45 am

If we are serious about prevention and early intervention to protect children and to deliver wider benefits to society, we have to prioritise services in that area. That is why I have invested in that area and strengthened front line child protection services by establishing gateway teams in every trust in Northern Ireland. That includes addressing broader structural issues about how agencies and organisations that deal with housing, education, social care and criminal justice as well as issues such as mental health,

substance abuse, domestic violence, sexual violence and neglect, work together strategically to improve outcomes for children.

First, I want to stress that the establishment of the Safeguarding Board is not a rebranding exercise; it is a tangible commitment from us to be there for children and to put them at the heart of everything that we do. The creation of the Safeguarding Board is a critical step in strengthening our current arrangements for inter-agency co-operation on protecting children. That will ensure co-operation on safeguarding arrangements at the highest level within Departments, local government and the statutory, voluntary and community sectors.

Of course, the creation of a new organisation will not, in itself, change things. A fundamental shift in thinking is needed to make sure that all children receive the services that they need as those needs arise. The establishment of the Safeguarding Board will bring that required change of thinking, practice and culture, and ensure that agencies that work with children and families discharge more effectively their responsibilities to safeguard and promote the welfare of children and to work together to improve outcomes for children.

There has been a full public consultation, which overwhelmingly endorsed the policy proposals and informed the Bill. My Department has also undertaken further engagement with key stakeholders, which has been of great help in refining the detail of the Bill. A broader stakeholder reference group has also been established and includes statutory organisations and a greater number of NGOs.

The Safeguarding Board Bill will provide the necessary legislative framework for the creation of the new regional Safeguarding Board for Northern Ireland to be sited within, and supported by, the Public Health Agency. The objective of the Safeguarding Board for Northern Ireland will be to co-ordinate and ensure the effectiveness of what each person or body represented on the board does for the purposes of safeguarding and promoting the welfare of children.

I will highlight some of the key elements of this important piece of legislation. Clause 3 sets out the functions that the Safeguarding Board must undertake, which include developing policies and procedures to safeguard and promote the welfare of children in Northern

Ireland; promoting an awareness of the need to safeguard and promote the welfare of children; keeping under review the adequacy and effectiveness of what members do to safeguard and promote the welfare of children; undertaking case management reviews in such circumstances as may be prescribed; reviewing such information, as may be prescribed, in relation to the deaths of children that are normally resident in Northern Ireland; advising the Health and Social Care Board and local commissioning groups on safeguarding and promoting the welfare of children; taking reasonable steps to promote communication between the Safeguarding Board and children and young people; and making arrangements for consultation and discussion on the safeguarding and promotion of the welfare of children.

Clause 7 places a duty on the Safeguarding Board to establish three specific types of Committee. First, a safeguarding panel will be located in each health and social care trust's geographical area. The safeguarding panels will play a vital part in providing the necessary support for the Safeguarding Board. The role of the safeguarding panels will primarily be co-ordinating and operational in nature. Their membership will come from a wide range of interests, disciplines, agencies and providers of children's services.

Secondly, in respect of case management review panels, we are proposing that SBNI assumes responsibility for case management reviews when a child has been seriously harmed or has died, and abuse is a known or suspected factor.

Thirdly, the child death overview panel will take forward two interrelated child death review processes. The first will consider information on regional patterns and trends relating to all child deaths. The second will identify learning from sudden or unexpected child deaths. That will strengthen child death review arrangements in Northern Ireland.

Clause 10 places a general duty of co-operation on the Safeguarding Board and its member agencies, and vice versa. The need for co-operation makes perfect sense, and it is only right that those working together to safeguard children do not work in silos as though their responsibility comes to an end at professional and organisational boundaries. If the child is truly at the centre of the system, agencies and individuals must work

together and communicate seamlessly across interdisciplinary boundaries.

Clause 11 seeks to place a duty on bodies to supply information requested by the Safeguarding Board, and sets out the specific conditions to be satisfied before requests for information can be met. Sharing information with the right people at the right time is the only way in which a complete picture of a child's circumstances can be constructed. It also helps professionals across the whole range of services to see the complete picture, and not to allow children at risk of harm to remain invisible to those who can help them.

Clause 12 introduces a new duty and interrelated functions designed to protect and safeguard children. It is proposed to introduce a duty on relevant statutory agencies and bodies to make arrangements to ensure that, in discharging their statutory functions, they have due regard to the need to safeguard and promote the welfare of children in Northern Ireland.

I am convinced that the measures proposed in the Safeguarding Board Bill represent a very important step forward in setting up necessary links and tightening the knots in the vital safety net for safeguarding and promoting the welfare of children in Northern Ireland.

The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells):

On behalf of the Committee for Health, Social Services and Public Safety, I welcome the Bill and its intentions to strengthen safeguarding arrangements in Northern Ireland. It will do that by placing a fundamentally important part of child protection and its workings on a statutory footing. The Committee is delighted to see that the Bill will create a Safeguarding Board — SBNI — on which the Committee is extremely keen. The protection of children is everyone's business, and we congratulate the Minister on getting the Bill into the legislative programme and before the Assembly.

This is an incredibly timely issue. Not a week goes by without some dreadful headline in the newspapers about young children being exposed to all types of physical and sexual abuse. Therefore, the Bill could not come at a more opportune time as far as those involved in child protection are concerned. The Committee has spent considerable time doing pre-legislative scrutiny of SBNI, and knows exactly what it wants the Safeguarding Board to do. The

Committee has clear views on the approach that the Department should take.

At Committee Stage, we will examine how closely the Bill delivers what we feel is desirable. After a cursory examination, however, the Committee may have issues, particularly around the concept of independence, as proposed in Lord Laming's work.

On behalf of the Committee, therefore, I will outline the key principles that we want the Bill to address. The Committee is in complete agreement with the underlying principle of the Bill, which is to provide a legislative framework to establish a Safeguarding Board for Northern Ireland. The Safeguarding Board's purpose will be to co-ordinate and ensure the effectiveness of all organisations that are involved with and promote the welfare of children. I do not think that a single Member of the House could not say "Hear, hear" and sign up 100% to those objectives.

The Safeguarding Board will replace a number of structures known as area child protection committees. Although well meaning in their own right, it appears that those committees have no real teeth or focus. Their lack of legislative basis means that they sometimes struggle to move forward.

During pre-legislative scrutiny, we consulted with groups that are working on child protection, and we took oral evidence from the voluntary and statutory agencies that would be involved in the operation of the board. We also heard from two witnesses who are experts in the English system. We intended to travel to Bolton and Bradford to study at first hand the operation of safeguarding boards in GB, but, unfortunately, we were one of the first victims of the volcanic ash cloud, and we did not get a chance to go on the day in question. That was unfortunate, but it was just one of those things.

On 22 April 2010, the Committee was briefed by departmental officials, and it saw the draft Bill for the first time. As I said earlier, although the Committee supports the principles of the Bill, it has identified a number of issues that it believes are vital for its effective operation. Perhaps the single most important issue for the Committee is the independence of SBNI. By that, we mean that SBNI must be able to be a critical friend. It should be able to tell the Department and other bodies where they are going wrong. The Committee's initial and very

preliminary discussions of the draft Bill in April show that it appears that the Committee doubts that the Bill will allow that to happen to the extent that it would have liked.

I will outline one element that worries the Committee. Evidence that was taken from stakeholders working in child protection and those who are experienced in the safeguarding boards in England indicated that it is essential that the board be independent. However, according to clause 3, the Department's approval is required before the board can publish any materials or documents. The Committee's first glance at that clause made it believe that the board's independence and its ability to be that critical friend could be restricted. Some Committee members are concerned that that represents a veto. Whether that is real or perceived, the Committee feels that that provision could fetter the board and hinder it in its role.

I shall speak now on a personal level, rather than as a Committee Chairperson. The overall feel of the Bill is that the Department lies somehow outside the arrangements of the Bill, except in its oversight capacity and its ability to have a veto on many areas. However, we know that if SBNI is to work and be successful, the Department needs to be an equal partner.

Another crucial factor for the board's success is the size and seniority of its membership. When we took evidence from the NSPCC on 25 February 2010, it pointed out that the board must be large enough to represent the various agencies and disciplines that work in the field of child protection, but that it must be small enough to be manageable. It is also vital that those sitting on the board are at such a level that they can make decisions on behalf of their organisations and commit those bodies to their decisions. We were told in the strategic policy document that the Department produced, which the Committee felt was an excellent piece of work, that most organisations would be represented on the board by their chief executives or by very senior representatives. That person would generally have delegated authority. We examined the issue in great detail and considered whether that level of seniority is correct. However, given that the Bill does not prescribe the detail of the level of representation, it will be dealt with in subordinate legislation. The Bill allows for that through the route of negative resolution, and the Committee will examine whether it is

appropriate. The Committee's initial view is that it prefers the route of affirmative resolution for the subordinate legislation.

The Committee will examine in detail who should sit on the board, and it will consider the lack of input from the judiciary. The Committee considers that to be seriously lacking. Whenever children attend court, the application of the law is a serious and essential part of child protection. Although there was perhaps consensus in the Committee that members of the judiciary need not sit on the board, members felt that they would like to see some linkage to the Children Order Advisory Committee. The Committee will, therefore, explore in detail with the Department how that linkage should be made. Such a discussion will ensure that the matter is placed on public record.

The Committee is also concerned about the lack of medical representation on the board. Often the first people to become aware of physical abuse are the nurses and doctors in A&E. We want to see people with some links to that expertise on SBNI.

It is also important that we focus clearly on core issues and learn the lessons of the experiences in England, where safeguarding boards have been in place for four years. It is useful that, in this instance, we have the experience of the situation in England and Wales over those four years to learn from. We can learn from any mistakes that were made and benefit from any successes. We hope that, as a result of that, our legislation would be of an even higher standard than that for the rest of the UK. That is why the Committee is keen to learn from those who have had a reasonable period of involvement in this very important issue.

11.00 am

It is important that board members understand from the start what is expected of them in their role and what their responsibilities are. That fact came out strongly in Professor Alan France's evaluation of the English boards. A scattergun approach or too wide a remit can lead to the dilution of results. The Committee agrees with the assessment that the most successful English boards are focused and realistic. There is a fine line between the role and remit being inspirational and being achievable. We will examine the remit of the board in some depth, but we are initially pleased to see that its objectives must be set by affirmative resolution.

The Committee took evidence from Professor Jan Horwath of the University of Sheffield on 4 March 2010. She was able to share her experience of working with child protection committees in England and Wales, and she emphasised the importance of an independent chairperson. The crucial role that the chairperson will hold will be a recurring theme during the Committee Stage. Witnesses, including representatives from Children in Northern Ireland (CiNI), also made the point, with which the Committee agrees, that the right person is essential for the post and that that person must be independent. The Bill will allow that the appointment process be done by regulation.

The appointment of the right chairperson to the board will be a crucial task in the process. One has only to look at the criteria required to see that he or she will have to be an extremely highly motivated and capable individual. When we get to that stage, the Committee will be interested to see how the Department goes about that appointment; we cannot overemphasise how important that role is. The Committee will examine that clause in detail and may need to be convinced that the regulations should continue to be subject to negative resolution. We will watch developments with interest.

The Committee is aware of issues surrounding case management reviews and child death reviews. There have been questions about who has been responsible for what. The Committee looks forward to discussing that with departmental officials and will go into detail at Committee Stage. We are delighted to see that those functions are identified as being core to the board and are in full agreement with that, but we note that the detail will be in the subordinate legislation. It is also important that there are clear links with the Coroners Service, the police and the Court Service. There will be keen discussion with officials on that aspect.

The establishment of subcommittees and local panels is outlined in clauses 7 and 8. Those groups have been identified as a critical factor in the success of boards in GB, and I am sure that that will be the case here. They will be the engine room of the proposed SBNI — its driving force.

Many groups who spoke to the Committee, including Children in Northern Ireland, stressed the need for a duty to co-operate with the Safeguarding Board. Therefore, we were pleased

to see that duty made statutory in clause 10. However, we note that it applies only to organisations named in the Bill, and we wonder whether it should be applied more widely. I am sure that the Minister will examine that and let us know why he has been so specific in outlining named organisations.

Overall, we are delighted that the Executive has decided to proceed with the Bill, and we look forward to getting into its detail during Committee Stage.

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. I apologise for being late and missing some of the Minister's introductory remarks.

I am delighted that the Bill has reached this stage. As the Chairperson of the Health Committee stated, safeguarding is everyone's business. Sinn Féin welcomes the Bill's broad principles and its intention to ensure that we have strengthened safeguarding arrangements that will protect the most vulnerable children. We will have measures designed to improve interagency co-operation on child protection at the highest level in Departments and bodies throughout the health and social care system, and I will explore that further in my contribution.

As the Minister said, the Bill will ensure a legislative framework for the creation of a new Safeguarding Board that will have five safeguarding panels, one in each of the health and social care trusts. It is also important to point out that safeguarding is a relatively new term, which is broader than child protection as it includes prevention. The Committee learned of that early in its pre-legislative consultation with various groups. As the Committee Chairperson said, many groups provided the Committee with their expertise in child protection. We also spoke to the Department to tease out issues about which we had concerns or queries.

The Bill is an important piece of legislation, and we want to ensure that we take the time needed to call on all the experts to examine best practice as we move through Committee Stage. Given the evidence that we heard, some issues still need to be clarified and strengthened in the proposed legislation, and I will address them in turn.

The first is the duty to co-operate, which, Sinn Féin is concerned, is not clearly defined. We welcome the duty to co-operate being included in the legislation but are not sure how it would work in practice and how any sanctions would

be applied when bodies do not co-operate. I am still uncertain about who would hold such bodies to account. Sadly, we are all aware of high-profile cases such as that of the McGovern/McElhill family, which was discussed in the House recently. At that stage, it was clear to all that, although the agencies worked well independently, the failure occurred in working collectively. My party colleague Claire McGill will pick up on that point later in the debate, so I will not elaborate. However, perhaps the Minister will say more about how he sees the duty to co-operate and accountability working.

That leads me to the issue of who will ultimately be accountable for the work of the Safeguarding Board. Will it be the so-called independent chairperson; the chief executive of the Public Health Agency, where the board will be sited; or, indeed, the Minister? We must be clear from the start that there should be no grey areas, and we need to have clear lines of accountability.

As the Chairperson said, the seniority of those who will sit on the Safeguarding Board needs to be clarified. The Department said that people at chief executive level will be involved in the board and that it does not expect those chief executives to be able to delegate that responsibility. However, we need to establish a balance. Although we need buy-in to the safeguarding boards at senior level, we must also involve operational experience from those whose invaluable skills will be needed at the table. Nevertheless, I understand that we need the people at that table to have the power to take decisions and implement them in their organisations.

The Committee also examined what it expected to become the core work of a Safeguarding Board and its panels and whether that work should be more focused or wide-ranging. England's experience over the past four years dictates that the wider the scope or agenda of the board, the less focused it is on core child protection and prevention issues. On their inception in England, safeguarding boards tended to take on a wider agenda; however, experience there has dictated that we need to establish a better balance. We should learn from that experience by including the core issues around prevention of harm for all children, focusing attention on all those considered vulnerable and establishing a protective and rehabilitative response to those who have been harmed. That is another

point that the Minister may pick up on when he describes how he envisages the scope of safeguarding boards.

Those are broad comments on the generality of the Bill. My colleagues will elaborate on specific points. We look forward to the Bill's Committee Stage.

Mr McCallister: Child protection, as Members have said, is an emotive and crucially important issue for Northern Ireland, as the manner in which our society protects its most vulnerable is a measure of its development. The horrors of child cruelty in cases such as Baby P in England have made it apparent that we need constantly to review and monitor how we approach child protection in the UK. Therefore, I congratulate the Minister on bringing the Bill to its Second Stage.

The Safeguarding Board Bill is another part of a comprehensive programme of reforming Northern Ireland's child protection services. The Bill is substantial and illustrates again the Minister's ability to reform health and social services here. At its crux, the Bill aims to ensure the best child protection in Northern Ireland by ensuring the consistency, efficiency and effectiveness of provision throughout the Province.

Historically, each of the former health and social services boards operated an area child protection committee on a non-statutory basis. Those committees distributed the findings of case management reviews, raised awareness of child protection issues and promoted compliance with child protection procedures. Although it is recognised that the committees did excellent work, the experience of their operation identified areas in which performance could be improved and a need for greater consistency in how the various area-based child protection committees approached their task and the composition of the committees.

A key reason why the system needs to be changed is that the provisions are not statutory. The new arrangements will give the boards statutory functions to better ensure compliance and a duty to co-operate. The Bill will provide the legislative framework for the creation of a new regional Safeguarding Board for Northern Ireland, hosted within the Public Health Agency, with a safeguarding panel in each of the five health and social care trust areas. That arrangement will, for the first time,

bring together on a statutory basis the key agencies from voluntary and statutory sectors to safeguard children and promote their welfare.

The board will fit in well with the Public Health Agency, because it will be tasked with promoting awareness of the need to safeguard the welfare of children. It will keep under review the adequacy and effectiveness of its member agencies, and it will undertake improvements to safeguarding practices. The Bill will make it a statutory duty for organisations to provide information to the Safeguarding Board, thus further ensuring improved outcomes. Finally, the Bill will ensure that the Minister will report to the Assembly at least once a year on the board's progress. It will improve accountability and ensure that this region has the highest standards of child protection.

The Bill will give independence and added accountability to child protection issues in Northern Ireland, and that should be welcomed strongly by all sides of the House. Protecting the most vulnerable children is a serious responsibility for the Minister, the Assembly and society in general. Therefore, I welcome the Bill. I look forward to scrutinising it in Committee, and, given the evidence that we have received so far, I join others in stressing how critical it will be to get the panels and their leadership right. Focusing on the right issues will also be critical. As the Bill moves through Committee Stage, I look forward to working with departmental officials.

Mr Gallagher: At the outset, I want to say that I was not a member of the Committee when the Bill was discussed, so I may not be as familiar with its every detail as other Members are. Nevertheless, I agree with the Minister that the safety of children is everybody's business, not just the responsibility of the Health Department. It is a cross-departmental thing. However, responsibility has to rest somewhere, and, in this case, it rests with the Health Department.

We are all aware of the increasing incidence of child abuse. The number of referrals has increased, as has the number of children on the child protection register. Unfortunately, in the society in which we live, abuse is clearly on the increase. A further worrying development linked to that is the number of controversial cases involving the death of children in recent years. As we speak, at least one such case is before the courts. We have to reflect on

another side of society today; namely, the fact that those controversial deaths happened in the home, which, until recently, almost everyone regarded as a safe and caring place. In view of what has happened, we can no longer assume that children are safe in their home. Therefore, what the Bill tries to do is a step in the right direction.

11.15 am

In the Committee, my party colleagues reflected some concerns about certain aspects of the Bill, not least the independence of the chairperson of the board. That appointment appears to be entirely in the hands of the Department. As the Chairperson stated, the fingerprints of the Department appear to be all over the steering mechanism of the new board. The concern was raised in the Committee that the board could publish reports and other information only with approval from the Department. That is a valid concern. Social services staff who deal with difficult or controversial cases largely do a good job, but it is easy to pass on the blame to them. There is also the issue of public confidence to consider. When an incident leads to a public outcry, there is a sense among some of the public that the services that exist to protect children are not properly accountable and transparent.

I referred to the independence of the chairperson and the extent to which the Department may influence what the board would like to publish or, perhaps, direct that certain information should not be published. Should that framework remain part of the Bill, it will leave some doubt in the minds of the public about proper accountability and transparency.

Dr Deeny: I welcome the Bill and commend the Minister for bringing it forward. I agree with the Chairperson that it has come at an opportune time. I listened to Members who spoke previously on this important issue, and I agree that the safeguarding of children is not only a health and social care problem; it is a problem for society. Therefore, the solution should come from all of us in the Assembly.

I raised the issue of independence in the Committee. The board must be independent; there should be no veto from elsewhere. The phrase "subject to the approval of the Department", to which the Chairperson referred, appears twice in the Bill, which suggests that the board will not be independent. That gives rise to concern.

Another concern is that there are those of us who say, quite rightly, that safeguarding is not only a health and social care issue. The Bill suggests that the Department must approve everything that is contained within it. However, that sends out a wrong message that safeguarding is purely a health and social care issue, which is not the case.

The Committee examined the previous situation in which an area child protection committee was established for each of the four former health and social care boards. They appeared to be concerned primarily with protecting children. In 2006, it was felt that more was needed. We have learned a lot from the problems that have arisen and the terrible tragedies that have occurred. The reason for establishing a Safeguarding Board for Northern Ireland is not only to protect our children but to learn from such tragedies and prevent them happening again. That is why I welcome the Bill.

Safeguarding has been referred to already. It is a new and correct term. It is good to see the Bill happening so soon, if that is the right description. However, we must take whatever time is necessary to get it right as it is important to protect our children.

One of the mistakes that has been apparent to the public and to all of us as their representatives is the lack of interagency co-operation, which has been referred to already. Mrs O'Neill, the Deputy Chairperson, already mentioned the incident in the town of Omagh in my area. In that case, people looked for the reasons why it happened and, in my view, looked only at health and social care agencies, although we know that other agencies were involved. Although good work may have been done by various agencies — I do not know the extent of that work — clearly, there was inadequate co-operation on such an important issue. The Minister also referred to that. However, simply stating that we should have interagency co-operation is not good enough or strong enough. We must make it a duty to co-operate; indeed, it should be a legal duty, and people must co-operate. If it has been found that they have not co-operated, either through their own choice or because they have underperformed, they should be held to account.

It is good to establish a Safeguarding Board for Northern Ireland, and I want to add my voice to the comments on the constitution of the board.

When agencies such as the PSNI, the Probation Board for Northern Ireland, the Youth Justice Agency, the education and library boards, the NSPCC and the district councils are involved, it shows that people are thinking that it is a societal problem, and that must be welcomed.

Many people in the front line, including nurses, doctors and other health professionals in A&E departments and in general practice, are often the first to discover a situation that is totally unacceptable, extremely dangerous and life-threatening to our children, and Mr Wells referred to that fact. The situation must be looked at again, and I look forward to discussing it in more depth in Committee with the departmental officials and the Minister. We must ensure that there are avenues available for the different health professionals who, I hope and believe, all care about our children. They can quickly initiate a process that will ensure that children at risk are protected. I agree with the point that was made about a medical and nursing input, and I would like to hear the Minister's response to that.

The Minister said that the functions of the Safeguarding Board must be kept under review, and that is important. I welcome the fact that the board will advise the regional board and the local commissioning groups. However, one aspect of the functions is not clear and needs further discussion. Clause 3(6) states:

"The Safeguarding Board must advise the Regional Health and Social Care Board and Local Commissioning Groups ...

(a) as soon as reasonably practicable after receipt of a request for advice; and

(b) on such other occasions as the Safeguarding Board thinks appropriate."

That is not clear enough. It needs to be further thought out. I would prefer a time frame there and maybe an annual basis. It is too vague and not precise enough when it comes to something as important as protecting the lives of children.

It is good to see that the Safeguarding Board will report to the Department at least once a year, but again that has to be looked at. The Bill just suggests the Department; I think it may have to report to more than the Department. It is also good to see that the Department must lay a copy of that report before the Assembly, as that will mean that we know about it.

Another good idea is the establishment of five safeguarding panels, which will create the legislative framework to allow the SBNI to come into being. The panels will be coterminous with the five trusts and five local commissioning groups and will provide feedback to the main Safeguarding Board. It is also good that these five committees in the five trust areas will report to the main Safeguarding Board on an annual basis. That is a good thing.

Public accountability is vitally important. The public are very concerned and interested in this and will be watching how we proceed, because they quite rightly want us to do a professional job for the sake of our children. Monitoring, reviewing, evaluating and auditing — to use the term that all the people tend to like nowadays — are important to ensure that we are doing this right and to learn whether we are doing anything wrong.

The fact that the Assembly will know about this board on a regular basis will mean that Members and the public are kept aware. It is important that we are accountable and transparent and that the public know exactly how we are looking after children in Northern Ireland. I look forward to Committee Stage.

Mr Easton: I support the Bill and praise the Minister for bringing forward this legislation to protect our children. The primary aim of the Bill is set out in clause 1, which establishes the Safeguarding Board for Northern Ireland.

Clause 2 sets out the objectives of the board, which are:

“to co-ordinate and ensure the effectiveness of what is done by each person or body represented on the Board ... for the purposes of safeguarding and promoting the welfare of children.”

We are constantly reminded of the need to protect and ensure the safety of our children in Northern Ireland. The McElhill incident in Omagh a number of years ago highlighted the failures of the bodies and agencies involved and the lack of a joined-up approach to the safety of those children. There is a need for such a joined-up approach and the new framework, which is laid out in clause 3, will hopefully go some way to enhancing that.

Clause 3 sets out the functions and responsibilities of the new board. In summary, those include the development of policies and procedures for safeguarding and promoting the

welfare of children; review of the effectiveness of what is done by each person or body represented on the board; and advising the Regional Health and Social Care Board and local commissioning groups on stated aims and objectives.

In many ways, the board is a means of ensuring that health boards and trusts are doing their job correctly in protecting and ensuring the safety of our children, and I welcome that. The number of children being referred to social services has increased significantly in recent years. Indeed, Northern Ireland, worryingly, has the highest number of children being monitored in the United Kingdom.

I welcome the establishment of the board as laid out in the Bill, and I hope that it goes a long way to providing a better framework for the protection and safeguarding of children. However, I have a number of concerns. Although money has been found in the Department — a sum of £750,000 has been quoted — how can we ensure that the board will stay within its budget? Many agencies have been established in Northern Ireland to sort out our problems.

Money is getting tight as we face the onslaught of cuts from the Budget that will be enacted by the Tory and Lib Dem Government in Westminster. It is important that we ensure that we are doing the right thing and that the creation of the board is not simply another act to make it look as if we are doing something to make it right.

11.30 am

I am happy to support the Bill, but we must ensure that it is worth the money, time and resources, because it is vital that we have the funding to protect children. I hope that the Minister can give a commitment that enough funding will be available to do all that and that the board will be effective and not simply another body to blame if something goes wrong in the future.

One issue that is not included in the Bill, which the Minister might be able to address, is the lack of a computer system across all statutory agencies and bodies that deal with child protection issues. It is vital that, at some stage in the future, a data system be introduced so that all bodies know exactly where each organisation is in relation to a child protection

issue. I hope that something of that nature will be considered.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. I was about to say that it is good to see the Public Gallery full of children and young people for a debate on child protection issues. However, they have now walked out, so I do not know whether we got it right or they became bored with the debate. During the debate, I was struck by the number of young people who use this place and by their interest in politics and the legislative process, and it is important that we get the legislation right for those young people and their future.

Along with other Members, I welcome the Bill. If anyone does not think of it as a positive way forward, we need to ask them where they are coming from. Many questions need to be asked, which is why we are here. The Bill's Committee Stage is next in the process, which will allow Assembly Members to scrutinise its provisions. Members raised some serious questions, and I hope that the Minister will take the time, if he can, to answer those questions, alleviate some of the concerns and inform us of where he expects to take the issue. I commend the Minister for introducing the Bill; it is important that the process begins as we come to the end of the session. I hope that, before long, the Bill will become law.

As other Members have done, I commend the Bill's general principles. At this stage of the debate, my comments probably become repetitive. A key theme from every speech, including those of the Chairperson and the Deputy Chairperson, is that a clear and independent voice is needed on the safeguarding of children. That is critical, and that voice must be transparent and wholly independent. We must ensure that we are talking about protecting and safeguarding children and that we are proactive in setting up an independent body that can do that. The safeguarding of children is paramount, and it is not a health issue only. Other organisations and agencies need to take a lead responsibility.

Throughout the years, there have been incidents and cases within the Churches, some of which have been discussed in this place. Those incidents demonstrate that a closed system brings added problems, and a clear, open and transparent system is needed in which the lessons learned from the past are taken on board. The failure to do anything at the time

compounded the wounds of the children and young people who had been affected by abuse.

The success of the safeguarding board will be based on its ability to set agreed priorities for collective safeguarding responsibilities, including a mechanism to hold its members to account and to ensure that there is an open and transparent system that works in the best interests of children and young people, especially those who are in need of protection. I am sure that the Minister will agree that the creation of a board that is independent and capable of challenge is an essential part of good safeguarding practices.

In that regard, I want to ask a number of questions today. Other Members have raised some of the points in the course of the debate. The key issue is the independence of the board, which is critical to ensuring an effective future safeguarding system for our most vulnerable children. I ask the Minister to outline today, if he can, how he views the independent nature of the board. Will that be subject to the Department's involvement? As for Kieran Deeny before, that raises concerns for me. Parallel to that, will there be provision in the legislation to ensure that the board will work as independently as possible? Although I am not saying that I envisage a problem in the future, we need to ensure that independence means that the board is wholly and truly independent.

Tommy Gallagher raised the issue of public confidence. I agree with Tommy. There have been some horrendous cases over the past number of years. Again, that goes to the independence of the board. If there is a view about what the board can and cannot publish, where is the issue of public confidence? How can we convince the public that we want to move forward and ensure that we are doing everything in as open and transparent a way as possible if the board can publish only at the direction of the Department? It strikes me that we could dent public confidence.

Some Members raised the issue of the membership and involvement of the voluntary and community sector. Can the Minister advise what arrangements are in place to ensure that the board does not become dominated by statutory organisations that, as a right, have to be there because they are the experts? There are many forms of expertise in the community and voluntary sector, and we need to ensure

that the board and the arrangements reflect what is happening in our communities.

Somebody has raised the issue of whether two lay members are enough to achieve a balance or whether the board will be top-heavy with statutory agencies. We should not shy away from the fact that we have a strong, vibrant community and voluntary sector, some people in which are experts in their field. We should utilise that resource to ensure that we come together collectively to achieve the same aim.

The Minister went into more detail about the child death review arrangements and the review of serious cases. That needs to be welcomed and seen as a positive development. However, although the legislation paves the way for the introduction of a child death overview panel and a case management review panel, does the Minister expect any changes to, or developments in, the current case management review process? Then there is the whole issue of the compliance monitoring requirements. I am conscious that the Minister might not have all those answers available today.

I am keen that officials be available during the Committee Stage. However, we are talking about the general principles of the Bill, and it is important, at this stage, to try to highlight some issues as early as possible so that we can have a collective working arrangement and partnership with the Department. Like everybody in the House, and the Department, I want to ensure that, when we come to the end of this and agree the Bill, we get it right and utilise our own resources and expertise.

The Bill's memorandum gives a bit of history. The child protection committees were established in the early 1980s, and, in around 2001 or 2002, Patricia Lewsley, who was a Member at that stage, was taking forward a private Member's Bill. However, the Assembly was suspended. We need to commend the Department and its officials from that time because, while the Assembly went into suspension, they adopted the proposals and took forward some of the issues.

The key thing that struck me when the Minister was speaking was that he kept referring to the passing of information between agencies and some recent incidents — again, it was the McElhill case.

My colleague highlighted that all the agencies worked very well up to a point but said that when it got to the stage of sharing information, some of that was minor information that had major consequences in the end. That meant that their working well together was no longer the case. Therefore, I hope that the Bill will deal with that because we are talking about human life, children and human tragedy. I hope that we will go a long way to try to ease some of those issues.

During the debate, the all-Ireland child protection issue struck me. Again, we can refer to some of the incidents in the McElhill case. I know that the Minister has done a lot of good work on North/South issues, which is important. We need to ensure that services are interlinked. However, how can we ensure that, in the border counties, we deal with circumstances where one jurisdiction is not doing good work and another is a bit behind? We are allowing our children in the border counties to become more vulnerable as a result of that situation.

I look forward to the Committee Stage of the Bill, and I look forward to working with the Minister and his officials and with the community and voluntary sector on the issue. I commend the Second Stage of the Bill.

Miss McIlveen: I am not a member of the Health Committee, and I will not pretend to know the detail that a Committee member should know, but this issue is of personal interest to me. I welcome the Bill and its broad intent. As other Members stated, the protection and safeguarding of all our children, particularly the most vulnerable, is an important measure of any society, and I commend the Minister for bringing the issue forward.

Over the past number of years, too many high-profile incidents involving children have been linked to protection and safeguarding issues. The Bill is an important reminder that the business of safeguarding and protecting all our children does not belong to social services alone but to the key statutory and voluntary agencies and organisations that work with children and families. Ultimately, it belongs to all of us as adults in our community.

The Bill represents an opportunity to create a different approach to and a cultural shift in safeguarding in Northern Ireland. It represents an opportunity to create not simply a mechanism whereby the agencies that are directly involved

in safeguarding can come together but a place that will allow for critical reflection on the effectiveness and outcomes of safeguarding in order for it to work.

As Members may be aware, I have had a significant interest in, and commitment to, the issue of young people who go missing from care and home. I have had the same interest in and commitment to the risks that they may face. Indeed, we have dedicated time to the issue and have debated it in the House. As the Minister is aware, I have undertaken an early consultation on the issue with a view to proposing a private Member's Bill.

I recently met with the Minister's officials to agree a way forward. I will take this opportunity to thank the Minister and to seek confirmation of his agreement to put in place an administrative system for the collection, collation and reporting of quarterly statistics on the numbers and incidents of young people who go missing from care and run away. I also seek confirmation of his agreement to the production of an action plan to deal with young people who go missing from care or home. I look forward to seeing those developments being put in place as a further means of ensuring that our most vulnerable young people are protected.

Overall, I welcome the focus of the Bill, but, similar to other Members, I should point out that a number of clauses cause me some concern. Good child protection practice acknowledges that the capacity for the independent challenge of government and local agencies is a key element in any well-functioning safeguarding board. However, like the Chairperson and members of the Committee, I have not been assured that the board as it is currently constituted could undertake such a challenge. Indeed, I am personally aware of how difficult it can be to raise issues that are perceived as a challenge, even when one's intention is simply to ensure greater protection. Therefore, will the Minister clarify what provisions in the Bill will allow for the chairperson of the board and the board itself to provide a clear challenge role? I am also concerned that, too often whenever Members seek information on the nature and extent of child protection issues, it is not available or is not held in a format where it can be analysed and used to inform better decision-making for children and young people.

11.45 am

As a Member who does not sit on the Health Committee, I independently highlighted clause 3(9)(c), as the Chairman mentioned, which states that SBNI may:

"subject to the approval of the Department, publish any matter concerning safeguarding and promoting the welfare of children."

Although I am sure that it is not the Minister's intention to do so, that could create the perception that the Department is attempting to restrict the board's independence and that information or commentary would be perceived to be negative or critical. I welcome the Minister's view on why he considers departmental approval on publication of information by the SBNI to be necessary and on whether he believes that a crucial element of the board's independence will be its ability to publish a range of issues and information that is required to ensure that the safeguarding system works at its best. Overall, how the board will function independently is critical to ensuring a more effective safeguarding system.

I very much welcome the commitment that the Minister has shown to child safeguarding and welfare. I reiterate my thanks for his agreement to move forward on issues that relate to children who go missing or run away from care or home.

Mr McDevitt: Like previous Members who have spoken in the debate, I support the Bill's objective wholeheartedly and I thank the Minister and his officials for the work that they have done to get it to Second Stage.

The Bill's history has been well rehearsed by previous Members. However, it is worth noting that if it were possible to describe a Bill that has been introduced by an Ulster Unionist Minister as one that has an SDLP genesis, the Safeguarding Board Bill is it. Many could argue that the Assembly would not be debating the legislation if it were not for work done by Patricia Lewsley, a former party colleague in the House who is now Children's Commissioner. During the Assembly's first mandate and her previous work, Ms Lewsley did the running to get the Bill into the statutory process.

At this stage, it is worth focusing on what safeguarding should be about. As has been highlighted by previous Members and the Committee Chairperson, the key objective that has arisen out of Lord Laming's report is to be able to ensure that an independent body

exists that has a high degree of autonomy and sufficient power to ensure that all agencies of the state and others who are involved in safeguarding of children can be held to account and have a duty to co-operate.

Those are the basic tests that must be applied to the legislation: whether it ensures the independence of the proposed safeguarding board, and its chairperson, in particular; whether it provides sufficient basis for such independence; whether the board has the capacity to operate and determine its work in a sufficiently independent way so that it can enjoy public confidence and never have to demonstrate dependence on its sponsoring agency or Department, nor give rise to a perception of that dependency, which is equally important; and, finally, whether it enables the board to behave with its own distinct and clear identity and to be able to hold all of those people who represent various bodies on the safeguarding board to a common duty, which is to co-operate in the interests of safeguarding, no matter what the implications are for the body that they represent on the board or for wider public policy.

With regard to the first test, I am disappointed to find that on a cursory reading of the Bill, it seems to be silent on independence. It acknowledges the genesis of safeguarding but it does not mention independence. I stand to be corrected, and if I am wrong, I will happily withdraw the specific comment. However, I do not see the word “independence” in the Bill.

I do not see that key characteristic defined and spelt out in law in a way that it clearly and obviously must be. It is particularly disappointing that it is not there, because it was raised at Committee meetings when members were receiving evidence from officials before the Bill's introduction. Officials agreed that independence should be included, but that does not appear to have happened.

Independence is not mentioned at a strategic level in the Bill, and is it not included in the characteristics, specific duties or role of the chairman. Furthermore, it is not stipulated as a requirement in the appointment process for the chairman. Independence is assumed: however, Mr Speaker, we cannot make assumptions on matters of safeguarding; we must be specific and clear.

As regards identity, the Bill is again clear in establishing a body and in the organisations that should be around the table, as listed in clause 1(3). However, it leaves too many connections with the Department, in a paternalistic sense, to be able to reinforce a distinct sense of identity. That begs the next question. The Bill outlines a statutory duty to co-operate, which is important and welcome, but that statutory duty in the Bill, as it stands during the Second Stage debate, extends only to those organisations listed in clause 1(3). The list does not include a single Department. Therefore, the statutory duty applies to officers of the regional health and social care board, the Public Health Agency, the PSNI, the Probation Board, the Youth Justice Agency, etc, but, unless I am misreading it — and, if I am I will happily accept the Minister's correction in his reply — I do not see how it applies to officials of the Department of Health, Social Services and Public Safety, the Department of Justice, the Office of the First and deputy First Minister, or the Department of Education, all of whom have clear and distinct safeguarding responsibilities. They are responsible for policy areas that are related to the safeguarding of children.

I suppose that that begs another question: why do none of those Departments have any form of representation on the safeguarding board? Why are we not bringing everyone who has a potential duty to children in this region, be that at policy, delivery or protection level, on to the board?

I have a final observation at this stage. The debate is welcome. The arguments that members of the Health Committee will have during Committee Stage, and which the rest of us will have during further stages, will not be on the principles of the Bill or whether this is a good idea. The arguments will be about whether the legislation delivers what we want it to deliver, which is the certainty that never again will the state fail a child who is in a vulnerable situation, and that never again will we have the need to ask the Minister, or for the Minister or other Ministers, to conduct inquiries into how or why the state let children down.

To be able to reach that level of certainty, we must go deeper with this legislation; we must be more ambitious and brave about the extent to which we are willing to establish a safeguarding board that is independent in name, spirit, character and culture. We must also be

ambitious and brave about the extent to which we will tie in not only those listed organisations, but every other relevant body, such as a Department that could or might have a duty with regard to children in this region, into making that legislation a reality for the protection of children.

Mrs McGill: Go raibh maith agat, a Cheann Comhairle. I support the Bill, and, as other Members have done, commend the Health Minister and his Department for the work that has been done so far on the protection of children in general and on raising awareness of the difficulties that people who work in child protection and, in particular, families experience. I commend the Minister for focusing on the child. He said that the Bill, and the law that we hope will flow from it, is designed to put the child at the centre of what we do. We all support that aim.

Will the Bill do that? Let us hope so. Let us hope that it will put the child at the centre and that the ensuing legislative framework will ensure that that happens. We have had legislation and structures before, and there have been any number of strategies and attempts to put in place the structures that are needed to protect children. Sadly, however, those structures failed on occasions. We can all point to the high-profile cases, which other Members have mentioned. In my area, we had the McElhill/McGovern tragedy.

While reading documentation on the Bill and thinking about my contribution to the debate, I wondered whether the Bill will ensure that we listen to the child. That is key, and the Minister spoke about putting the child at the centre. We need to ensure that the Bill does put the child at the centre, whatever about the structures, which are absolutely essential. It is important that we listen to the child. VOYPIC and other organisations that promote the well-being and welfare of children take that line, as do we as elected Members. Everyone agrees that the child should be at the centre. However, we must ensure that legislation formally puts in place the necessary structures.

Evidence that was presented in the wake of the McElhill/McGovern tragedy showed that when one of the young people involved spoke graphically and dramatically on the phone, she may not have been listened to in the way in which she should have been. The Minister commissioned Henry Toner to chair an

independent review of the tragedy, and he made a number of recommendations. Subsequently, Henry Toner went back to make sure that where there were deficiencies in the trusts and agencies charged with looking after children's welfare, they were being addressed. It is my understanding that in many cases, and possibly all, those deficiencies were addressed by the health authorities.

In addition to the health agencies, other organisations have a role to play, but they do not always communicate information to the relevant people.

When we examine the Bill at Committee Stage, I will be looking for reassurance that clause 11 will ensure that the Safeguarding Board requests the supply of information. We will have to work out which key people will need that information, and, if it is critical to a particular case, there must be an opportunity for it to be brought forward quickly and worked on in the way that it needs to be by the key agencies and organisations.

12.00 noon

When the Committee heard evidence from them, departmental officials agreed that communication was key. As the Deputy Chairperson said, co-operation across agencies is key. That was lacking in the high-profile cases, and we need to learn from that.

Finally, I will return to my point about putting the child at the centre. Young people spoke to the Committee during formal and informal evidence sessions, and that was very insightful and helpful. I again emphasise that although the structures are crucial to what happens with this matter, it is important that, as the Minister said, we put the child at the centre. I support the Bill.

Mr Bell: I welcome the Minister to the Chamber to debate what is a very important Bill, which will significantly affect front line services and all forms of social services in child protection.

I declare an interest, as I am on a career break from the South Eastern Health and Social Care Trust. When I started in social work, we worked to the Children and Young Persons Act (Northern Ireland) 1968 — I am old enough to remember that. The Children (Northern Ireland) Order 1995 was then developed, and we worked to that. In those days, I worked for the Eastern Health and Social Services Board, in Marmion

children's home. I moved to the Western Health and Social Services Board to work in Conywarren children's home, which subsequently fell under the Sperrin Lakeland Trust. I then came back to front line social work and child protection, working with what was the North Down and Ards Trust, which then became the Ulster Community and Hospitals Trust. I finished my career in the South Eastern Trust. It was an interesting progression.

The Minister will be aware that many of his staff, who are former colleagues of mine, do an outstanding job on the front line of child protection. For 21 years, I had the privilege to serve; I say that I was privileged, but it was also hard work. In the course of that work, we were threatened and assaulted. When we put through the joint protocol procedures with the police and took cases and gave evidence in court, it was not unusual for us to be threatened that people would rape our children. We had our lives and homes threatened and our cars damaged, yet those men and women still get up and go to work, and if they get a child protection referral, they will investigate it within 24 hours, as per the regulations and guidance. No matter what workload they have or how hard it is, the men and women on the front line of child protection will continue on, regardless of the circumstances. I am sure that the Minister is as proud as I am of those staff.

There have been major cases. I am old enough to remember right back to Jessica Kingsley, through to the McElhill/McGovern case and the recent case in the Strangford constituency, where a young girl tragically lost her life.

It is important that the Safeguarding Board continue to work within what we always called the five Ps, which are the five principles that we work by. The first, which my colleague opposite raised, is paramouncy. The paramouncy principle always reigns supreme in court. The welfare of the child is always the paramount consideration.

The five principles enabled everyone to look at what was in the best interests of the child, and they also contained the partnership approach. It is vital that we give parents and caregivers their place and that we work in partnership to safeguard children, working principally with parents and other caregivers, foster parents, adoptive parents or whoever the situation brings forward.

We must promote parenting and look to prevention. We must also look to early intervention, and the Safeguarding Board can co-ordinate the services and provide the safeguarding plan, which can be reviewed annually in the safeguarding report to ensure that there is a genuine partnership approach with parents and all the relevant agencies.

Finally comes the issue of protection. We must never shy away from that, but it is difficult. I have had to remove children from their homes in tears in the early hours of the morning, and it is difficult.

One of the things that the Safeguarding Board Bill will be looking at is foster caring. I want to pay a sincere tribute to foster carers. I will never break confidence with regard to any of my professional work, but it is not unusual to go out at 2.00 am or 3.00 am to deal with an overdose or a serious case of self-harm and find that there is no one to care for the children. The social worker goes into the house, and those traumatised and frightened children leave with that social worker, who is a stranger, someone whom they have never met before. One of the most wonderful and rewarding aspects of social work is when one goes in the early hours of the morning to see an emergency foster parent — I am getting a lump in my throat now — and a foster parent comes to the door with two hot-water bottles in their hands for two young children, puts their arms around those young children and gives them the immediate care and love that they need. You can see those children just dissolve from you — the social worker, the bad person who has almost broken up their family — into the love and care of our foster carers across Northern Ireland.

We owe those people a significant debt. They do not do it for money; money would not pay them to do what they do. I have been there in the early hours of the morning when they have got out of their beds, prepared homes and bedrooms and brought children in, ready with hot chocolate for them. They welcome them with hot-water bottles and provide them with the security that they need.

Also critical will be the multidisciplinary approach. Major progress has been made by the Police Service of Northern Ireland and social services on the joint protocol arrangements for investigation. As was said earlier, that flow of information is important. What the

Safeguarding Board Bill does allow us to look at good practice elsewhere. We have had the establishment of the Northern Ireland Social Care Council. One of the significant aspects of all that for professionals in the field is that they have to do 15 full days of lifelong learning and continuous professional development over a three-year period, and that is verified by their line manager.

It is important that we learn the lessons that are out there. One of the principal lessons concerned the flow of information. In the child protection case conference system, we can now see that safeguarding nurses and health visitors are on board, there is increased involvement from the education sector and GPs and we have a multidisciplinary analysis that will ultimately serve to protect the child better.

There will be difficult times, because, sadly, there are people out there who will seek to use children for their own mean and vindictive ends, for their own sexual gratification. It is important that, through its multidisciplinary approach, the Safeguarding Board co-operates with the likes of the MASRAM — multi-agency sex offender risk assessment and management — services and the police so that we have co-ordinated protection. In my view, it will never be possible to provide a 100% foolproof child protection system, but we should never stop striving towards that. We should constantly look at where good practice leads us and constantly monitor ourselves, as the Safeguarding Board will, against what is identified in the Children (Northern Ireland) Order 1995 as a welfare checklist. That is, all decisions should be tailored to the age, stage and circumstances of the child.

It is vital that the obligations prescribed under the Human Rights Act 1998 be observed. We want to keep children with their families, because, as most of the research shows, that is where they are best cared for. We want to look at alternatives to taking children into care.

I have worked in a number of children's homes, and I pay sincere tribute to the staff there. During a 25-hour shift, staff take many of the young people to do their day-to-day activities, such as education or religious observance, and to their normal outlets and, as a result, they get to know the children and their families very well. Therefore, it can be absolutely devastating for them when they lose one of the children to

an overdose or an accident, but they have to go back to work the next day and carry on. That is what those professionals do.

I have known young people who, sadly, were the victims of abuse, were taken into the professional care of a children's home and, subsequently, were fostered out, where, in very rare cases, they were abused for a second time. When many of those young people came back in to the care system —

The Chairperson of the Committee for Health, Social Services and Public Safety:

The honourable Member is giving us a useful insight into social work and child protection. It is good that we have someone of his experience on board in the Assembly. Does the Member accept that it is unfortunate that, when a social worker does a great job and protects a child, it is never mentioned in the media? The Member indicated that cases cannot be mentioned in the media for good reason, namely to protect the confidentiality of parents, foster parents and children. However, on the one in 1,000 occasions when something goes badly wrong, the story is front page news.

Does the Member accept that it is regrettable that able, young people are being put off social work because of front page headlines about the occasional examples where something goes wrong and because they seldom hear the sort of information that he is providing to the Assembly about the thousands of examples where it goes right and children are protected? I have yet to see a headline on the front page of any of the daily papers that reads "Child protected", but the headline "Child neglected" makes the front pages.

Mr Bell: The honourable Member makes his point well. As he and the Minister know, and as the evidence base bears out, the vast majority of children who enter the child protection system and who, after a multidisciplinary case conference, are designated as having suffered, potentially or actually, significant harm in any of the three categories of abuse, subsequently come off the child protection register. That means that plans were put in place to look at education, childcare, health, trauma counselling and support for parents. In my experience, the vast majority of children who are put on the child protection register are subsequently discharged from it, and the evidence base will bear that out.

One of the joys of social work is being able to deregister a child.

Social workers who do such work do not do it for the glory, and they certainly do not do it for the money. They do it because it is their vocation. Social work is one of the few professions where an individual who goes to a house and says “I am a social worker in family and childcare with such and such, and I am here to follow up on a child protection concern” will almost always be automatically met with a level of hostility. Social work is the one professional service that many people do not want to see. However, social workers have to manage that in a diplomatic way.

The Minister has excellent staff, some of whom have been attacked or have had their cars damaged, and yet they respond to those children with care and love. Those staff help children, such as those suffering flashbacks from abuse in children’s homes, through a key work programme and an assessed programme of individual and group work and can manage, in most cases, to bring them to a better place than where they were when they first entered the system. They can diffuse a lot of anger and trauma and help the children to move forward in a constructive way. The House owes a great debt of gratitude to those staff who deal with children who have been abused, sometimes multiple times, or who have been the victims of organised abuse.

12.15 pm

I want to be fair to the Minister, with whom I have crossed swords many times on a political level. During the past two years, when the front line services of social work were under significant pressure — as I saw when I worked on the front line — new money was allocated, and new social workers were put in place to serve the need that existed in child protection. I congratulate the Minister on that. He should enjoy that praise, because I do not intend to make a habit of congratulating him.

We must learn from best practice and concentrate on how to do things better, not on where things went wrong. It was pointed out to me that, in a significant case in which a child died, a major daily newspaper published a photograph of the social worker involved. However, as the Minister said previously in the House, in response to my question on the tragedy of Darlene Bell in Newtownards, social services cannot do everything on their own. With its

multidisciplinary approach, the new board will enshrine the principle of safeguarding. Social workers rely on early years teams, families, carers, grandparents, teachers, Youth Service staff, youth clubs and district council provisions, such as summer schemes in leisure centres, to provide a collective approach, not only to the early identification of child abuse but to creating a structured plan for any children with whom they are involved. As Jim Wells said, the papers do not broadcast the discharge of a child from the child protection register or the fact that a child has overcome an addiction.

On a wider level, safeguarding children is a matter for everyone in society. The situation of young people is serious, as can be seen in Londonderry Park, Strangford. Today, in any major supermarket, alcohol is cheaper than water and is purchased for minors. Drug dealers provide a gateway into drug abuse for children by offering them free cannabis to get them hooked on a higher level of drugs, then using them either as runners or for more nefarious purposes. We must work collectively as a society. The Minister was correct to say that social services alone will not be able to safeguard children. We must learn from experience.

The Bill provides the Department with a veto on reports. If that veto is used, it should be used with due caution and regard, because we want information to be made available. We should examine any tragedies and difficulties to find out what can be done better.

I spent five years at university, where I studied for a three-year psychology degree and a two-year master’s degree in social work, but social workers will never know it all. Social work is a lifelong learning process in which people must use and learn from experience. Such experience must be examined constructively to see how we can provide better care for the future.

In the case that I mentioned, the social worker’s photograph was published. However, were photographs published of the doctors, teachers, carers or parents involved in that case? We must be watchful and ensure that we do not create a system that victimises social workers.

Someone sent me a cartoon for my office. On one side was a social worker being hanged for removing a child from a family, and on the other side was a mirror image of a social worker being hanged for not removing a child

from a family. Social workers will always act in the paramount interests of the child. However, to enable them to do so requires an effective and multidisciplinary Safeguarding Board. I commend the Minister and those responsible for drawing up the Bill, which goes some way to ensuring that the children of Northern Ireland will be better protected than they have been to date.

The Minister of Health, Social Services and Public Safety:

I thank all Members who contributed to this important debate for their interest in the subject and for their remarks. Clearly, all of us have a shared objective.

I also take the opportunity to recognise the extremely difficult job — as Mr Bell said, and he knows better than I — that professionals in child services do, day in and day out, to keep children safe. As Mr Bell said, they do not do it for the money, and I am aware of that. If they do a good job, they often get little thanks, but when things go wrong, as Mr Wells said, anger can be heaped on their heads.

For a very unlucky few children, any failure from us to keep on top of our game can mean tragic circumstances. That is why we are always looking to improve. Conall McDevitt said that he wanted certainty that the state would never fail. Sadly, we will never get to the point where we have that certainty, but, as Mr Bell said, we are striving to get there. That is the point; we are always reaching forward.

A number of points were made, and I will try to refer to as many as I can, because they were very important. The Committee Stage will play a very important role as Members deliberate the way forward. There are issues around independence, accountability, reporting, and so on.

It is important to remember that the board will focus explicitly on core issues around child protection and protecting children who are at risk. Those are issues that fall mainly to agencies that operate within the Department of Health and the Department of Justice. Beyond that, there needs to be a focus on the broader safeguarding issues that affect the agencies of all Departments. This is an Executive Bill, and all Departments are on board, so we do not need to name in the Bill the Departments or non-statutory agencies that work with or provide services to children or parents.

That is the scope and remit of the Bill, which is about ensuring that we do not work in silos and

that we do have a joined-up approach. We are always striving to get to the point where we are providing the best protection that we possibly can.

The role of the board's chairperson is very important. Jim Wells talked about the integrity of the chairperson and how important it was that the right type of chairperson be found. That is a key issue that we will consider very carefully. The board should act as a critical friend, but it should be more than that.

It is important that the chairperson of this body be accountable, through the Minister and the Executive, to the House. There is no such thing as absolute independence, particularly when a body is funded entirely by the public purse. It is also important that there be a line of accountability through the Minister and the Executive to the House, because, ultimately, it is the House and Members who will oversee the board's actions. Ultimately, the board and its chairperson will be responsible to Members and the House.

Directions will be issued to the chairperson primarily for reasons of good housekeeping to ensure that all the agencies in my Department and the Department of Justice, and other agencies that are involved, are following good practice. If directions have to be issued, it may be that the chairperson will have asked for them. However, that will be done in the public domain, so any directions issued will be subject to oversight by and accountability to the House.

I accept that there are a number of matters that need to be teased out. I want everyone in the House to be as comfortable as possible with the way that we are going forward. The issues of independence and accountability, and the board's capacity as a critical friend are all absolutely key in getting it right. Of course, we will not get it right in the first shot. The process will be refined as we evolve, as we always strive to go forward.

The Chairperson of the Committee for Health, Social Services and Public Safety: I thought that the Department showed a very flexible approach in its dealings with the Committee on the Sunbeds Bill. As the Committee continued its deliberations on that Bill, the Department and the Minister's officials considered issues that were raised at Second Stage, and they started to forward amendments to the Committee during Committee Stage in reaction to our comments. By the time that the process on that Bill is

finished, we will have the best legislation in Europe on sunbeds, and that is to be welcomed. We are all delighted with the progress that has been made.

The Minister clearly has an open mind about some issues that were raised in today's debate, and he will, no doubt, go back to his officials to ask them to tease out what can be done to meet the Committee's concerns. Will the Minister assure us that he will follow the same procedure with the Safeguarding Board Bill that he followed with the Sunbeds Bill so that if, on reflection, his officials suggest amendments, he will feed those through to the Committee so that we can deliberate on them, rather than have amendments coming in at Consideration Stage? The Committee found that what he did with the Sunbeds Bill was extremely useful.

The Minister of Health, Social Services and Public Safety:

I thank Mr Wells for those remarks. I am happy to give that assurance. I want us to get the very best piece of legislation that we possibly can. We have a shared objective, which is protecting children, and we work together in doing that. I am happy to assure the Member that we will tease out the legislation as best we can at Committee Stage so that we can go forward. That is the right way to proceed.

A number of Members raised issues about the Public Health Agency. That is merely somewhere to anchor this body to ensure that it has lines of accountability and the ability to talk to me as necessary. All the organisations that are involved in this matter have a duty to co-operate as we move forward.

It is important that Committee Stage properly reflects Members' views and that amendments are properly weighed as they come forward. We all have a shared view on this matter, and it is a case of getting to the point when that shared view is laid down. As Members reflect on the Bill, I believe that they will agree that it represents a solid foundation for the discussion on safeguarding and promoting the welfare of our children.

I recognise that we will never be complacent and that we have to seek continually to build on, strengthen and improve arrangements to ensure that all our children and young people are afforded a high standard of protection.

Once again, I am grateful to those Members who contributed to a very productive debate on an extremely important piece of legislation.

Question put and agreed to.

Resolved:

That the Second Stage of the Safeguarding Board Bill [NIA 25/09] be agreed.

Mr Speaker: The Business Committee has arranged to meet immediately upon the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm.

The sitting was suspended at 12.28 pm.

On resuming (Mr Deputy Speaker [Mr Dallat] in the Chair) —

2.00 pm

Executive Committee Business

Wildlife and Natural Environment Bill: Consideration Stage

Mr Deputy Speaker: I call the Minister of the Environment to move the Consideration Stage of the Wildlife and Natural Environment Bill

The Minister of the Environment (Mr Poots): A number of the amendments that we will debate today arise from recommendations made by the Environment Committee —

Mr Deputy Speaker: Minister, please move the Bill.

Moved. — [The Minister of the Environment (Mr Poots).]

Mr Deputy Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list. Let me explain the groupings. 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 to 5, which deal with strengthening the new biodiversity duty, enhancing reporting requirements and imposing related duties on public bodies. The second debate will be on amendment No 6 and related amendments, as set out in the provisional grouping list. Those amendments deal with the level of protection afforded to various species of animals, birds and plants. The third debate will be on amendment No 8 and other amendments set out on the provisional grouping list. That group deals with snares, hare coursing and other methods of killing or taking animals and birds, together with the Minister's opposition to clause 15. The final debate will be on amendment Nos 21 to 24, which deal with enhancing the protection afforded to areas of special scientific interest (ASSIs).

I remind Members who intend to speak that, during the debates on the four groups of amendments, they should 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 stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

Clause 1 (Duty to conserve biodiversity)

Mr Deputy Speaker: We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 5. Those amendments deal with the new biodiversity duty to be placed on public bodies.

The Minister of the Environment: I beg to move amendment No 1: In page 1, line 12, leave out “may” and insert “must”.

The following amendments stood on the Marshalled List:

No 2: In clause 2, page 2, line 8, leave out subsection (4) and insert

“(4) The Department must—

(a) not later than 5 years after the coming into operation of subsection (1), and

(b) at least once in every period of 5 years thereafter,

publish a report regarding the implementation of any strategy designated under that subsection.” — [The Minister of the Environment (Mr Poots).]

No 3: In clause 3, page 2, line 20, leave out “the Department” and insert “a public body”. — [The Minister of the Environment (Mr Poots).]

No 4: In clause 3, page 2, line 21, leave out “Department” and insert “body”. — [The Minister of the Environment (Mr Poots).]

No 5: In clause 3, page 2, line 24, at end insert

“(4) In this section ‘public body’ has the same meaning as in section 1.” — [The Minister of the Environment (Mr Poots).]

The Minister of the Environment: A number of amendments that we will debate today arise from recommendations made by the Environment Committee. I want to express my appreciation for the work that Committee members have done and for the timely manner of their consideration of the Bill.

The first group of amendments is concerned with the new statutory biodiversity duty. That duty is being placed on all public bodies. Amendment No 1 relates to clause 1(4), which gives the Department discretion to issue guidance to assist public bodies to comply with the new biodiversity duty. Although it is intended that the Department will issue such guidance, the Environment Committee felt that the Bill should make it obligatory. I agree that such an obligation should be placed on the Department.

Clause 2 concerns the biodiversity strategy, and clause 2(4) places a duty on the Department to publish reports regarding implementation of the strategy “from time to time”. The Committee expressed concern during Committee Stage that the reporting period was not explicit. It felt that the Department should be obliged to publish such reports at least once every five years. I fully acknowledge the importance of knowing what progress is being made in implementing the biodiversity strategy. That information is crucial to inform adherence to our national and international obligations to reduce biodiversity loss. Therefore, I agree with the Committee’s recommendation and the amendment.

The final amendments in the group — Nos 3, 4 and 5 — concern clause 3(3). The Environment Committee considered that the obligation to conserve flora and fauna should apply to all public bodies. That stance would be consistent with the overriding general biodiversity duty. It also places focus on the habitats and species that are under greatest risk in Northern Ireland. I propose to amend clause 3(3) in line with the Committee’s recommendations. Those are the amendments in group 1.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a LeasCheann Comhairle. On behalf of the Committee, I welcome the Consideration Stage. I am sure Committee members will agree that the Bill offers an opportunity to improve the protection of our environment. That is timely and welcome. Having looked closely at the Bill and what it has to offer, I am confident that it will take us a significant step forward in how we look after our wildlife and maintain the many beautiful places that make the North so special.

The Bill was referred to the Committee on 13 January 2010 to ensure that there was enough time to scrutinise the wide-scoping legislation. The Committee sought a 13-week extension

and, as members will confirm, it needed that time to go through the Bill’s many complexities and hear what people had to say about its proposals. The Committee received written submissions from more than 35 organisations and individuals and took oral evidence from those representing the widest possible range of interested parties in the time available. Its report was concluded on 15 April 2010.

The Committee’s detailed scrutiny led to 16 recommendations. I am pleased to report that most of them have been accepted by the Minister and are reflected in the amendments we are considering today. I thank the Minister for his co-operative approach and for taking so many of the Committee’s recommendations on board. However, not all the Committee’s recommendations have been addressed, and some have been addressed only in part. The Committee has, therefore, tabled its own amendments. I will go through them in more detail during the long consideration ahead of us.

I am sure that my Committee colleagues will support me in noting the good working relationship that was established between the Committee and the departmental officials during Committee Stage. That certainly helped the process along and paid dividends when it came to agreeing recommendations for amendments.

Before I talk specifically about the amendments in the first group, I wish to note three of the Committee’s key concerns that it believes are vitally important to the successful implementation of the Bill but which cannot be addressed in this primary legislation. First, on several occasions, the Department referred to guidance it would issue to ensure that interpretation of the Bill was accurate and consistent. To be effective, such guidance must be produced in a timely way and in close collaboration with the bodies it applies to. Secondly, the Committee repeatedly heard of the need for the punishment to fit the crime for wildlife and environment offences. Penalties must not only reflect the cost of repairing and restoring damages caused by these crimes but act as a strong deterrent to others and show that, when it comes to protecting the environment in the North, crime does not pay. Thirdly, the Committee is aware that other regions are already in the process of putting their updated wildlife protection legislation in place.

Lessons are being learned across these islands, and the Committee urges the Department to keep an eye on progress elsewhere, picking up examples of best practice for implementation here. The Committee is particularly keen for the Department to take cognisance of and apply Scotland's novel approaches to preventing and controlling invasive alien species.

I will now comment on the first group of amendments. Many organisations and the Department itself noted the importance of guidance on how public bodies will meet the new biodiversity duties to be introduced by the Bill. The Committee suggested that the wording for the production of such guidance should be made much stronger so that, rather than indicate that the Department "may" produce guidance, the Bill will provide that the Department "must" produce guidance. The Committee was pleased that the Department tabled amendment No 1, which will change clause 1 to that effect.

The Committee also considered the suggestion from many stakeholders that the wording of clause 1, which requires species and habitats to be restored or enhanced, should be augmented to include "maintaining and protecting". In Committee, the Department advised that it would consider tabling an amendment to achieve that. However, the Minister recently informed the Committee that no such amendment would be tabled. Instead, a full definition of what was required to meet the biodiversity duty would be included in the guidance that I referred to earlier. The Committee agreed that it was content with that approach.

Amendment No 2, which the Minister tabled, also reflects concerns that the Committee raised. As drafted, clause 2 would require a report on the implementation of a biodiversity strategy to be published "from time to time". The Committee felt that to be far too vague. Although the Department indicated that the reporting period for the current biodiversity strategy is every three years, the Committee wanted a specific time frame included in the Bill to ensure that there could be no slippage on the reporting periods with future strategies. The Committee suggested that the reporting period should be no longer than every five years, so it welcomes the Minister's amendment, which will require a report to be published "not later than 5 years" after a biodiversity strategy comes into operation and:

"at least once in every period of 5 years thereafter".

Amendment Nos 3, 4 and 5 relate to clause 3 and again reflect concerns that the Committee raised. The Committee understood that the Bill would introduce a new biodiversity duty on all public bodies in the exercise of their functions. Members were concerned that the obligations in clause 3 would apply only to the Department. On behalf of the Committee, I therefore welcome amendment Nos 3, 4 and 5, which will extend that duty to public bodies.

Mr Shannon: I congratulate the Minister and his Department on the Wildlife and Natural Environment Bill. It is an important Bill to come before us for legislative debate. I have been involved at every stage of the Bill and know how much work and consultation has been carried out. That is the first point that I would like noted.

I declare an interest as a country sportsman, as a member of the Countryside Alliance and of the British Association for Shooting and Conservation (BASC), and as one person among thousands who contribute to the value of conservation across the Province. The input of those bodies and people is very important. I am one of the thousands of men and women who take pleasure in country sports and pour thousands of pounds into our economy through their pastimes and hobbies. I am one of those, along with thousands of others, who takes seriously his conservation duty and considers it an intrinsic part of country sports.

An independent study and report by PACEC showed that shooting contributes £45 million to the Northern Ireland economy, £10 million of which is spent on habitat improvement and wildlife management. Therefore, I fully support much of what is in the Bill, and I will speak to all the groups of amendments. The first group of amendments concerns clause 1, which relates to the biodiversity duty. I wanted to make those introductory remarks, and I thank you, Mr Deputy Speaker, for giving me the opportunity to do so.

Conservation is one of the issues that we in the Province must take seriously. We undoubtedly have the richest beauty in the whole United Kingdom, and we need to protect and enhance that. Amendment No 1 will amend clause 1 so that the Department "must" issue guidance. That firms up the notion of guidance. My only issue is the prohibitive cost of issuing guidelines

to every public body. At the same time, I can see the benefit of each body being aware of its biodiversity duties. I have only a short comment to make on biodiversity duty.

2.15 pm

Amendment No 2 puts in place a timescale, as opposed to “from time to time”. That is good, because a Bill must be clear and specific, leaving no grey areas. It is important that we put things down categorically in black and white, rather than leaving it to someone to decide at some time in the future what they want to do. I agree that five years is a good timescale in which to work, taking into account the cycle of nature itself.

Amendment Nos 3, 4 and 5 put the onus on public bodies, as opposed to just the Department. That will ensure continuity of approach and strategy across the different sectors with reference to flora and fauna. I support the group 1 amendments.

Mr Kinahan: I, too, declare an interest. I am a farmer looking after about 200 acres of land and the historic buildings and wildlife that go with it. I am extremely pleased to speak on this subject; it is vital that we do so. It is a year since I made my maiden speech, in which I said that I would fight hard for the rural community when I felt that the urban community was taking over or threatening it. This Bill has one or two items in it that we need to fight extremely hard.

I shall start with one or two general points. This is where the Assembly is at its best — making Northern Ireland a better place to live for us and for the wildlife. However, it falls on us to make the decisions. Many stakeholders have come and spoken to us, and it is our job to balance all the information in order to make the right decisions. Sometimes that information is not perfect, and sometimes it is laced with emotion. Therefore, we have to be the wise ones here; we have to try to be Solomon. The Environment Committee is fortunate because we have a Minister who listens, on which I congratulate him. In some Departments, it is evident that the Committee and the Minister do not work well together.

We are here not just to protect wildlife but to preserve ways of life, and that is the balance that we have to get, without being draconian. We have to listen and decide, and we have listened to evidence about hares, traps, ASSIs and other

things. Today, we make those decisions. As the Chairperson said, we have to find the best practice. All along, we have known that much of this will fall on the law-abiding people of Northern Ireland, whom I congratulate. However, many will break the rules and ignore what we are doing, so we have to find ways of catching them.

With respect to the biodiversity duty — Members may get bored hearing me say this — I want to make sure that we put things in language that we can all understand. I have raised this many times. We and some people in councils may understand what “biodiversity” means. A year ago, I picked up my ‘Oxford English Dictionary’, and I discovered that there is no such word as “biodiversity”. We have to find a plain English way to communicate this down to those on the ground.

I welcome amendment No 1, which proposes to change the word “may” to “must”. However, a word of warning: there is no point in having “must” unless the guidelines are right or as close to being right as we can make them. We have to have a balance in this; I will come back to that word all the way through. In Europe, the Germans will bring in many rules that we all have to follow; the French will bring in rules that we all have to follow but they do not; and many other cultures are getting involved in things that are going to affect us in the wildlife world. Our job is to get the right balance. I would like to see the word “must” included, but there is a warning with that.

Amendment No 2 introduces a time limit of within five years. That is vital. We do not want the Bill to be passed and then forgotten about for 25 years. It has to be reviewed all the time — every five years at most. The Department and all of us should learn all the time as new information comes forward, and we should review our decisions as we progress. I welcome the amendment.

I also welcome amendment Nos 3, 4 and 5, which change references to “the Department” in the Bill to “a public body”. I spoke at a biodiversity conference in Newtownabbey, and seven of our 26 councils have some type of biodiversity officer. However, a whole mass of them do not have anyone who concentrates on what we are trying to put into law, so we must work with the councils. Again, I have a warning: public bodies must be educated to know what we are trying to put across. I welcome the

amendments, but I warn that we may have to prioritise because of cost cuts that will be coming at us. We must always keep it in mind that we will have to make difficult decisions as we learn and change over five years.

I welcome and support the first group of amendments.

Dr Farry: I support all the amendments in group one. I appreciate that we have a detailed agenda to go through in respect of this Bill, so I will keep my remarks brief, certainly at this stage. I place on record my party's praise for the very close working relationship that we have seen between the Minister and Department on one hand and the Committee on the other in relation to the revision of the legislation, which is very welcome. We look forward to a productive afternoon.

We welcome the further strengthening of the specific duties in respect of biodiversity in the amendments before us. In particular, it is important that we try to extend the statutory duty from the Department to all public bodies. It is also important to recognise that the circumstances in which diversity may need to be protected or may be under threat do not fall purely within the remit of the Department of the Environment; they can emerge in a whole host of scenarios. We must reflect that in the approach taken by the legislation. I note that that approach is much more broadly based than the more narrow approach in the recent forestry legislation. That was a minor flaw in what was otherwise an excellent piece of legislation from the Department of Agriculture and Rural Development. Equally, arising from that, we welcome the commitment to work on a cross-cutting basis on the protection of wildlife and the natural environment. Again, that reflects the fact that this issue does not sit in individual silos; it requires collaboration across society.

Biodiversity is important, not just in flora and fauna but in our society and our future development. I note that Mr Kinahan made remarks about respecting traditions. It is absolutely fine to respect traditions, but we have to acknowledge that standards and attitudes in society change. In the twenty-first century, there is much greater acknowledgement of the importance that wildlife provides to our society. There is a much greater interest in protecting wildlife than in simply viewing it as a resource to be exploited. Our attitude is much

more sophisticated than the traditional attitude towards wildlife through the ages, and I think that most people welcome that.

Mr Wells: I have no problems with the amendments. It is important that we instil in Departments and public bodies generally the importance of the protection of wildlife and nature conservation. It is one thing putting that on paper; ensuring that it is implemented on the ground is totally different.

Although we in Northern Ireland to some extent pay lip service to the importance of conserving our flora and fauna, the situation on the ground is far from encouraging. Many people's views on the environment in Northern Ireland are similar to those of the man who bought a new Range Rover to take his bottles to the recycling plant. In other words, we are quite prepared to do the soft things. We are quite prepared to plant the trees, to do the odd bit of litter picking and, perhaps, to do a bit of recycling. However, whenever we as a society are asked to do something that affects our pockets, our commerce or the urbanisation of our countryside, we are not so keen on the environment.

We must instil the importance of our natural environment into every level of government. Quite frankly, whenever I drive round the countryside in Northern Ireland, I absolutely despair about what is happening to it and to our wildlife. For a long time, Northern Ireland was booming. We had a house-building frenzy in urban and rural areas, we had a major increase in our roads infrastructure, and we had a great deal of concreting of our countryside. Nevertheless, the tide has turned to some extent, and there have been some welcome developments, the obvious one being the single farm payment scheme and cross-compliance. Those developments have turned the tanker, as it were, from a situation where there was production for production's sake in agriculture and everything was geared towards producing the maximum return from our land to one where we are now giving landowners and farmers incentives to protect the countryside. That is a good thing, and it has stopped the massive loss of hedgerows in the Province and the drainage of our wetlands, for example. However, an awful lot of damage was done, and it will take many decades to restore Northern Ireland's countryside to what it was in the 1950s, for example.

Nevertheless, we must start somewhere. Putting the onus on government bodies to take the lead is a good thing. I welcome the fact that the Minister has accepted the amendments. The changing of the word “may” to the words “shall” and “must” is also a good thing. It means that whenever Departments step out of line and do something that is clearly to the detriment of the countryside, at least the Bill can be quoted to prove that they are not honouring the basic tenet of faith on what we should be doing in our countryside. Northern Ireland has lost so much, and it is now important that we turn that tide of destruction and start to rebuild our countryside.

We have lost important species. When I was young, which was a long time ago in the 1970s, I remember — *[Interruption.]* Some Members have good memories. In fact, it was the 1960s — possibly even the 1950s. I recently told a group of Queen’s students that my political career had been interrupted by the Boer war, and they said to me, “Mr Wells, please tell us more”. The Boer war took place between 1896 and 1901. However, to be serious, I remember walking to school through fields in north Armagh where six or seven pairs of corncrakes were calling. Such events do not happen any more, and the species is practically extinct in Northern Ireland. We have only one nesting pair of chough left in Northern Ireland. Species such as lapwing and ground-wading birds such as redshank and snipe have disappeared from much of our countryside. We have lost so much, and Northern Ireland is the poorer for it.

Therefore, I welcome the fact that the Minister has, on this occasion, decided to beef up, as it were, the legislation to compel Departments to do better. I will speak at much greater length on the other clauses and amendments. The Minister will find that there is unanimity in the House on the matter and that we are sending out a clear signal as to where government agencies and public bodies should be going in the future.

Mr B Wilson: Like other Members, I thank the Minister for responding to the issues that the Committee raised. The Wildlife and Natural Environment Bill is important legislation, and we can all support it. However, on a previous occasion, I raised the fundamental issue of policing and enforcement, and I am still concerned about that. It is all right having the legislation, but I am concerned as to whether it can be enforced and policed.

I will talk about amendment Nos 1 to 5.

In my speech at Second Stage, I called for a tightening of the legislation on biodiversity, and the Minister responded quite well to that. The change from the Department “may” to “must” in amendment No 1 is a fundamental change. Doing nothing has now been ruled out, and that is a major improvement. I also asked that there be a progress report on the implementation of Department’s biodiversity strategy every three years. However, amendment No 2, which calls for that report to be published every five years, is acceptable. Amendment Nos 3, 4, and 5, which extend the biodiversity duty to other public bodies, also represent fundamental changes. Therefore, there has been a significant tightening of the legislation in respect of biodiversity, which I support.

2.30 pm

Mr McHugh: Go raibh maith agat, a LeasCheann Comhairle. Most of the points on the amendments to the biodiversity duties of the Bill have been made for me by other Members, and I agree with much of what has been said. However, biodiversity is, in a sense, a movable feast. Jim Wells mentioned the change in biodiversity that has occurred over many years, yet no one has been able to confirm what caused that change among our birdlife, our flora and fauna. However, a tightening of biodiversity duties will happen regardless.

Farmers currently undertake cross-compliance and it is debatable whether that will continue if the single farm payment is discontinued. Indeed, it is possible that there will be a reversion to practices in farming which may not protect species. Farmers have management agreements in those areas, and, although the Government does not actually own the land, in some instances farmers would say that they may as well because they have so little control over it.

Species including the curlew, the corncrake and many others have disappeared from Fermanagh and elsewhere. However, elements outside of this country may be responsible for that, rather than any practices that have been undertaken here. Crom Estate in Fermanagh is an ASSI. Indeed, almost all of County Fermanagh is protected in that way, and what Members are being asked to support in the Bill will mean that people will not even be able to walk in protected areas. However, there is one area in

Crom Estate in which protected flora species have disappeared, despite the area having been fenced off and not farmed. It is all down to research and follow-up, but I agree with much of what has been said.

The Minister of the Environment: Most Members seem to be in almost complete agreement with the proposals on biodiversity; therefore, I do not intend to prolong this part of the debate. However, there may be more vociferous debate when the next group of amendments is debated.

Without the legislation, there cannot be enforcement of environmental protection, and we must put the horse before the cart. Developing the role that public bodies have in addressing biodiversity challenges and ensuring that those are met is a good thing. The Bill also sets out greater enforcement measures, including custodial sentencing, which did not previously exist, and it is important that those who prosecute environmental crime have the power to impose custodial sentences as well as fines. The Bill will also provide the PSNI with greater powers to collect evidence and serve conviction notices.

There are quite a number of positive aspects in the biodiversity element of the Bill. I ask the House to support amendment Nos 1 to 5.

Question, That amendment No 1 be made, put and agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Clause 2 (The biodiversity strategy)

Amendment No 2 made: In page 2, line 8, leave out subsection (4) and insert

“(4) The Department must—

(a) not later than 5 years after the coming into operation of subsection (1), and

(b) at least once in every period of 5 years thereafter,

publish a report regarding the implementation of any strategy designated under that subsection.” — [The Minister of the Environment (Mr Poots).]

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3 (Biodiversity lists)

Amendment No 3 made: In page 2, line 20, leave out “the Department” and insert “a public body”. — [The Minister of the Environment (Mr Poots).]

Amendment No 4 made: In page 2, line 21, leave out “Department” and insert “body”. — [The Minister of the Environment (Mr Poots).]

Amendment No 5 made: In page 2, line 24, at end insert

“(4) In this section ‘public body’ has the same meaning as in section 1.” — [The Minister of the Environment (Mr Poots).]

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4 (Protection of nests of certain birds)

Mr Deputy Speaker: We now come to the second group of amendments for debate. With amendment No 6, it will be convenient to debate the related amendments on the protection of various species.

The Minister of the Environment: I beg to move amendment No 6: In page 2, line 37, at end insert

“Eagle, White-tailed	Haliaeetus albicilla
Osprey	Pandion haliaetus
Owl, Barn	Tyto alba
Peregrine	Falco peregrinus
Kite, Red	Milvus milvus”

The following amendments stood on the Marshalled List:

No 7: In clause 9, page 4, line 29, after “as” insert
“—

(a) a common seal (phoca vitulina),

(b) a grey seal (halichoerus grypus), or

(c)”. — [The Minister of the Environment (Mr Poots).]

No 25: After clause 32, insert the following new clause

“Special protection for game

32A.—(1) The Game Preservation Act (Northern Ireland) 1928 is amended as follows.

(2) In section 7 (close seasons) after subsection (3) insert—

“(3A) If it appears to the Department expedient that any game birds should be protected during any period outside the close season for those birds, the Department may make an order with respect to the whole or any specified part of Northern Ireland declaring any period (which shall not in the case of any order exceed 14 days) as a period of special protection for those birds.

(3B) This section shall have effect as if any period of special protection declared under subsection (3A) for any game birds formed part of the close season for those birds.

(3C) Before making an order under subsection (3A) the Department shall consult a person appearing to the Department to be a representative of persons interested in the shooting of game birds of the species proposed to be protected by the order.’

(3) In section 7C(1) (special protection order for game) after ‘purchase’ insert ‘or possession’.” — [The Minister of the Environment (Mr Poots).]

No 27: In schedule 1, page 20, line 10, at end insert

“Curlew	Numenius arquata”
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— [The Minister of the Environment (Mr Poots).]

No 28: In schedule 1, page 20, line 17, at end insert

“Lapwing	Vanellus vanellus”
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— [The Minister of the Environment (Mr Poots).]

No 29: In schedule 1, page 20, line 18, at end insert

“Plover, Golden	Pluvialis apricaria”
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— [The Minister of the Environment (Mr Poots).]

No 30: In schedule 1, page 20, line 20, at end insert

“Redshank	Tringa totanus”
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— [The Minister of the Environment (Mr Poots).]

No 31: In schedule 1, page 20, line 22, at end insert

“Whinchat	Saxicola rubetra”
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— [The Minister of the Environment (Mr Poots).]

No 32: In schedule 1, page 20, line 30, at end insert

“(4) In Part 2 omit the following entry—

Common name	Scientific name
Plover, Golden	Pluvialis apricaria”

— [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 33: In schedule 1, page 21, line 2, at end insert

“(3) In Part 1 omit the following entry—

Common name	Scientific name
Curlew	Numenius arquata”

— [The Minister of the Environment (Mr Poots).]

No 34: In schedule 1, page 21, line 2, at end insert

“(3) In Part 1 omit the following entry—

Common name	Scientific name
Plover, Golden	Pluvialis apricaria”

— [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 35: In schedule 1, page 21, line 3, leave out paragraph 4. — [The Minister of the Environment (Mr Poots).]

No 36: In schedule 1, page 21, line 5, leave out sub-paragraph (2) and insert

“(2) Omit the following entries—

Common name	Scientific name
Bunting, Reed	Emberiza schoeniclus
Twite	Carduelis flavirostris
Yellowhammer	Emberiza citronella”

— [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 37: In schedule 1, page 21, line 29, at end insert

“Hare, Irish	Lepus timidus hibernicus”
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— [Dr Farry].]

No 38: In schedule 1, page 21, line 34, after “Common” insert

“(in respect of Article 10(1) only and with respect to coastal waters only)”. — [The Minister of the Environment (Mr Poots).]

No 39: In schedule 1, page 24, line 17, at end insert

“Deer, Chinese water	Hydropotes inermis”
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— [The Minister of the Environment (Mr Poots).]

No 40: In schedule 1, page 24, line 18, at end insert

“Deer, Roe	Capreolus capreolus”
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— [The Minister of the Environment (Mr Poots).]

No 41: In schedule 1, page 25, leave out line 16 and insert

"Knotweed, Giant	Fallopia sachalinensis
Knotweed, Himalayan	Polygonum wallichii
Knotweed, Japanese	Fallopia japonica"

— [The Minister of the Environment (Mr Poots).]

No 42: In schedule 2, page 26, line 12, at end insert

"1A. After section 7F insert—

'Relationship of this Act with Wildlife Order

7G. Sections 7(1) and (2), 7A(1) and 7D(4) do not have effect in relation to a hare included in Schedule 5 to the Wildlife (Northern Ireland) Order 1985.' — [The Minister of the Environment (Mr Poots).]

No 45: In schedule 2, page 28, line 2, at end insert

"18. In Article 29(3) (orders) after 'any order' insert "(other than an order under Article 4(10))." — [The Minister of the Environment (Mr Poots).]

No 48: In schedule 3, page 28, line 10, at end insert

"In Article 4(12) the words 'Without prejudice to Article 29(3),' — [The Minister of the Environment (Mr Poots).]

The Minister of the Environment: We oppose the amendments that have been tabled by the Chairperson of the Committee for the Environment to give protection to the golden plover and to remove three species of birds from schedule 4 of the Wildlife (Northern Ireland) Order 1985. We also oppose amendment No 37 to give the Irish hare full protection.

Clause 4 introduces new all-year-round protection for the nests of certain birds that habitually use the same nest year after year, as their loss could seriously affect the breeding success of such birds. The Committee for the Environment considered that that protection should be extended to other species of bird: the white-tailed eagle, the osprey, the peregrine, the barn owl and the red kite, which, in the past two years, has been subject to a reintroduction programme in Northern Ireland. I fully agree with the Committee's recommendation, and amendment No 6 adds those species to the new schedule that is provided by clause 4(3).

Clause 9 introduces new protection for basking sharks from intentional or reckless disturbance. Due to their ecology, basking sharks do not have

a normal resting place or place of shelter, hence the new protection. The Committee for the Environment recommended that such protection should also be afforded to seals, particularly when they are away from land. I fully agree with that recommendation, and amendment No 7 expands that protection to the two species of seal that are found in Northern Ireland.

Amendment No 25 concerns powers to make special protection orders to protect wildfowl during periods of extreme weather. As Members will be aware, the past winter in Northern Ireland was the most severe since the early 1960s. As a consequence, my Department issued a severe weather order made under powers contained in the Wildlife Order. The severe weather order is designed to protect all birds that rely on wetland habitats, such as wildfowl and wading birds. Due to a legal technicality, it is not possible to include two important species of waders, namely woodcock and snipe. They are game species protected under separate game laws, which do not contain any provision for making severe weather orders. It is important that all species of wading birds can obtain protection during periods of extreme weather. Therefore, I propose to amend extant game laws to allow such protection. That essentially means replicating existing powers contained in the Wildlife Order within the game laws.

Amendment Nos 45 and 48 are also concerned with severe weather orders. There is a requirement on the Department to consult district councils affected by those orders prior to making them. By their nature, the orders need to be made urgently in severe weather conditions, and there is simply not enough time for the Department to meet its obligation to consult. The amendment, therefore, removes that obligation. The requirement to consult shooting interests will continue to apply as it is an integral part of the protocol for agreeing to the need to make severe weather orders.

Amendment No 25 also amends section 7C(1) of the Game Preservation Act 1928. That section gives me, as Minister, the power to issue special protection orders on any game species for a period not exceeding one year. Such orders can prohibit the taking, killing, sale or purchase of any game specified in such an order. The Environment Committee recommended that such orders should be augmented to make possession an offence. I

am content to accept that recommendation and to propose the amendment.

Amendment Nos 27 to 34 concern changes to schedule 1 to the Wildlife Order. The Environment Committee has recommended adding a number of species of bird to schedule 1 to the Wildlife Order. Those include the curlew, lapwing, redshank and whinchat. The curlew is currently listed on schedule 2 to the Wildlife Order, which is commonly known as the quarry list, and can be hunted. Adding it to schedule 1 to the Wildlife Order will remove it from the quarry list.

I have been aware of competing arguments from relevant interests about the future status of that species. Having considered the conservation pressures on the species, I have concluded that greater protection is required. Therefore, I agree with the Committee's recommendation to support protection for the four species that I have mentioned, which are amendment Nos 27, 28, 30 and 31. As a consequence, the curlew should be removed from schedule 2 to the Wildlife Order, which is amendment No 33.

Amendment Nos 29, 32 and 34, which were tabled by the Chairperson of the Environment Committee, call for the removal of the golden plover from the quarry list. I oppose those amendments, as available evidence from between the 1980s and 2008 indicates little overall change in the wintering population of golden plover. The evidence indicates a stable wintering population of golden plover in Northern Ireland, with more than 21,000 birds counted in the 2008 peak month. I understand that, on average, over 10 years, the British Association for Shooting and Conservation membership recorded a bag of golden plover of 12 birds each winter. Such a low take cannot negatively impact the population and would be clearly sustainable. Removal from the quarry list is, therefore, not required for the conservation of the species at this time.

The Bill proposes to make a number of additions to schedule 4 to the Wildlife Order. Schedule 4 lists those species of birds that people are permitted to possess for avicultural purposes under licence issued by DOE. Such birds have been bred in captivity and ringed with an authorised form of ring. The Environment Committee cited reports of illegal imports into the UK of wild birds from the continent.

The Committee was concerned that the addition of more birds could pose a risk to the wild bird

population in Northern Ireland. Subsequently, the Chairperson tabled amendment No 36 to remove three species from the extant schedule 4; reed bunting, twite and yellowhammer.

2.45 pm

Although there is no evidence of any illegal activity in Northern Ireland, I initially decided not to pursue the proposed additions, but to maintain the status quo with regard to the list of birds that people can possess legally; hence amendment No 35. I am conscious that anyone who possesses any of those birds under the existing schedule is subject to regular monitoring by the Northern Ireland Environment Agency. To date, there have not been any problems concerning non-compliance with conditions of licences. I have given further consideration to the matter and have decided not to pursue my initial amendment because there is clearly very limited risk to the wild bird population in Northern Ireland. I will, therefore, not move amendment No 35. For that reason, I will oppose amendment No 36, which has been tabled by the Committee Chairperson.

Amendment No 37 proposes to give full statutory protection to the Irish hare by placing it on schedule 5 to the Wildlife (Northern Ireland) Order 1985. Ecological evidence indicates that the main factors that limit the Irish hare population are availability and quality of suitable habitat. Activities such as hunting have negligible impact on the overall population. Ten years ago, the Irish hare population was one hare per sq km. My Department developed a species action plan to address conservation concerns. That plan included two key targets that related to the overall population, including a target to double the population in as wide an area as possible over a 10-year period.

Data from the annual survey show that targets that are contained in the action plan have been achieved. Research also shows that there has been no regression of the population's genetic strength. Therefore, my Department considers the Irish hare population stable. On that basis, I do not believe that it is necessary to give it full statutory protection. My Department will conduct a review of the current action plan with a view to developing a new plan that will aim to continue to focus on the key actions that will help to maintain the population that we have achieved throughout Northern Ireland.

Mr Ford: Will the Minister give way?

The Minister of the Environment: With the help of the Department of Agriculture and Rural Development's schemes and other projects, my Department aims to improve those numbers over the next 10 years.

We will engage in debate, during which other Members can make their cases. I will be quite happy to give way during my winding-up speech if that is required.

At present, therefore, I am not prepared to support amendment No 37.

Mr Ford: Will the Minister give way?

The Minister of the Environment: As I explained, I am not happy to give way now. However, I will give way during my winding-up speech at the end of the debate. People will have an opportunity to make their cases, as opposed to starting debate at this point.

Amendment No 38 is a technical amendment that relates to protection for the common skate. As a commercially exploited species, the common skate falls under the scope of the EU common fisheries policy, which applies in the region of Northern Ireland's territorial waters beyond six miles. It is, therefore, permissible to afford protection under the ambit of the Wildlife Order only within the six-mile limit.

Amendment Nos 39 and 40 relate to the proposal to add two species of deer to schedule 9 to the Wildlife Order. It is an offence for anyone to release or to allow to escape into the wild any species that is listed in schedule 9. Chinese water deer and roe deer are highly invasive species. If they become established in Northern Ireland, significant damage will be caused to agricultural interests and biodiversity. I agree with the Committee for the Environment that those species should be added to schedule 9 to the Wildlife Order.

Amendment No 41 is a technical amendment that has been agreed by the Committee and intends to clarify in scientific terms the specific species of knotweed that should be listed in schedule 9 to the Wildlife Order. That schedule lists highly invasive non-native species.

Amendment No 42 arises as a consequence of that which was tabled by members to give the Irish hare, a game species, full statutory protection under the Wildlife Order. Although I do not support the amendment to add the Irish hare to schedule 5 to the Wildlife Order at this

time, that amendment will facilitate consistency between game laws and future wildlife Orders in the event that the Irish hare is ever given full protection.

The Chairperson of the Committee for the Environment: Go raibh maith agat, a LeasCheann Comhairle. On behalf of the Committee, I welcome amendment No 6 to clause 4, which, as we heard, introduces new statutory protection for the nests of particular birds all year round. The Bill listed only the golden eagle, but various specialist groups advised the Committee that the list should be extended to include other species found in the North that also return to their nests year on year.

Consequently, the Committee recommended that the red kite, the osprey, the peregrine and the barn owl be added to the list. Amendment No 6 provides that recommendation. There was some debate about the extent to which the barn owl can be considered in this category as being nest loyal. Unlike the other species to which I referred, which consistently return to and use the same site year after year, the barn owl might appear to be a little less consistent. However, evidence presented to the Committee suggested that, although barn owls elsewhere have demonstrated flexibility in their choice of nesting sites, their pattern in the North is more rigid. Consequently, the Committee felt that the vulnerable population of barn owls would benefit from inclusion on the list.

Amendment No 7 is also welcomed by the Committee. It adds to clause 9 the two species of seal that are found in the seas around the North. Clause 9, as drafted, creates a new offence for anyone intentionally or recklessly disturbing basking sharks. The Committee supported greater protection for basking sharks but, picking up on advice from several specialist groups, recommended that the protection should be extended to seals.

I move now to amendment No 25. The Department advised the Committee that, as a result of difficulties encountered during last winter's prolonged cold spell, it would be making amendments to the Bill that would allow the process of protecting wading birds to take place more easily when necessary. That was accepted, in principle, by the Committee, so I am happy to accept, on the Committee's behalf, the part of amendment No 25 and the technical amendment to schedule 2 provided by amendment

Nos 45 and 48 that address that. More important to the Committee, however, was the need to close what it perceived to be a loophole in special protection orders that allowed a person to be in possession of a game species when its killing and taking were temporarily banned by an order. On behalf of the Committee, therefore, I welcome the inclusion of the word “possession” to special protection orders that will be introduced by amendment No 25.

I move now to amendment No 27, which amends schedule 1. It is true to say that that area exercised most of the Committee’s time while it was scrutinising the Bill. It became apparent early in the Committee’s deliberations that there was a need for greater protection of the curlew. The bird is currently on the quarry list, which is the list of birds in the Wildlife Order 1985 that may be killed or taken. Many organisations that provided evidence to the Committee called for it to be given greater protection to allow its population to recover. The Committee recommended that not only should the curlew be removed from the quarry list but that it should be added to the list of birds that are protected at all times in the 1985 Order. That will be achieved by amendment Nos 27 and 33, which are welcomed by the Committee.

On the basis of evidence of declining populations, the Committee also recommended the addition of the lapwing, the redshank and the whinchat to the list of birds that are protected at all times, and I am pleased to welcome amendment Nos 28, 30 and 31, which will deliver that.

I move now to the fifth bird in that set. As was the case with the species that I just mentioned, the Committee was advised by experts that the population of the golden plover was also struggling in the North and that its ongoing inclusion on the list of game birds should be reviewed. The Committee sought additional information from the Department, which suggested that, although the population of the golden plover is low in the North, it is stable. The Department told the Committee that it would be monitoring the golden plover populations closely and reviewing its status in five years’ time. However, the Committee noted that golden plover numbers in England were on the increase and that, to give it a better chance in the North, it would be more sensible to afford greater protection to the bird now and to review the situation in five years’ time, reinstating it as a game species if its population is healthier. With

that approach in mind, the Committee tabled amendment No 29, which will add the golden plover to the list of birds that are protected at all times, and amendment No 34, which will take it off the list of birds that may be taken or killed.

Amendment No 32 removes the golden plover from the list that allows it to be subject to a closed period, as that would become a redundant requirement if that bird were to be given full protection.

I will move on to amendment Nos 35 and 36. The Bill proposes that an additional 16 species of wild bird be added to the list in the Wildlife Order of birds that can be kept in captivity and shown for competitive purposes. Expert groups that gave evidence to the Committee argued that the appropriate research needed to be carried out and that proper cases needed to be made before any more species are added to that list. They argued that it was not sufficient to look at the lists used in other regions and copy them here. The expert groups also said that there is evidence that keeping captive collections for showing encourages the illegal trafficking of those species in the wild, particularly on the European mainland, and that species with vulnerable populations should be excluded.

Stakeholders were particularly concerned about the pressure that would be placed on the twite, reed bunting and yellowhammer, which are among the most vulnerable species in the North today. Those three species are on the list of wild birds that can be kept in captivity. Departmental officials defended the addition of the 16 species, and those on the existing list in the Wildlife Order, by suggesting that the licensing system in the North was much tighter than in other regions. For example, one third of licence holders here are inspected annually. Nonetheless, the Committee felt that it was appropriate for the three most vulnerable species to be removed from the existing list and that no additional species should be added.

Amendment No 35, which was tabled by the Minister, would go some way towards the Committee’s position by preventing the addition of 16 new species to the list. The Committee is pleased that its concerns have been recognised in part. However, as amendment No 35 does not remove any species from the list, the Committee has tabled amendment No 36, which will prevent the addition of 16 new species and remove the twite, reed bunting and yellowhammer from the list.

The Bill is silent on the Irish hare. However, no one could accuse the Committee of being silent on it, nor the many organisations that lobbied us during Committee Stage: each was as determined as the other that its position was the correct one. Members considered at length the evidence put before them, which ranged from those who were adamant that the Irish hare should be afforded greater protection to those who provided scientific evidence that Irish hare populations thrive where sporting activities involving the Irish hare are traditional.

Departmental officials advised the Committee that the greatest threat to the Irish hare was loss of habitat and that an Irish hare species action plan to address that situation had doubled the population over recent years. However, the officials also noted that obtaining accurate and consistent data on the Irish hare was difficult. They advised the Committee that the Department has recourse to special protection orders to protect the Irish hare when populations become critical and that it has used that method satisfactorily to date. On balance, therefore, the Committee agreed that the Irish hare should remain on the list of game species, with temporary special protection orders being introduced when numbers decline. That position is in keeping with the Bill.

I was going to read out two or three more pages of comments in favour of the Committee's position on the Irish hare. However, as the Minister intends to oppose amendment No 37, I will not continue that debate.

Mr Deputy Speaker: I am sorry to interrupt the debate, but we will return to it after Question Time, which begins at 3.00 pm.

3.00 pm

Oral Answers to Questions

Social Development

Commission on the Future for Housing in Northern Ireland

1. **Miss McIlveen** asked the Minister for Social Development for his assessment of the recommendations made in the May 2010 report by the independent Commission on the Future for Housing in Northern Ireland. (AQO 1468/10)

The Minister for Social Development

(Mr Attwood): I thank the Member for her question. The report is a weighty one, with 140 recommendations. The Department and I are making an assessment of those recommendations. I trust that the quality measures up to the quantity. Some very early conclusions can be drawn. The first and most fundamental is that the report says what everybody with any insight into this matter confirms: housing needs to be put on a secure financial basis. The hand-to-mouth existence from CSR to CSR, year to year, or from one monitoring return to another, is not the way to make the best plans for a service as essential as housing in the North. I welcome that recommendation, and I look forward to sharing with the House my and the Department's views in due course.

Miss McIlveen: I thank the Minister for his answer. The commission report contains a chapter on how the good work of the Northern Ireland Housing Executive can be improved on. How does the Minister plan to take forward any reform of the Housing Executive?

The Minister for Social Development:

Without prejudice to the commission's recommendations, a review of the Housing Executive will be launched in the near future. As I have said before, I do not intend that to be a light-touch review. It will, without prejudice, look at some matters that the commission has raised, including the future of the Housing Executive in respect of its strategic role and its landlord role.

I hope that the House will take forward work on some areas on which the report is somewhat silent, including the need to deepen a shared future generally in our society, and particularly in respect of housing. Although there is no doubt that the report makes some useful recommendations, it is light on some essential challenges that face our society and housing. I will not shirk issues around the future of the Housing Executive, but I will make sure that we build on the best of the work of the Housing Executive, which has so well served communities in the North over the past 40 years.

Mr Burns: What is the Minister's assessment of the commission's proposal on shared future housing?

The Minister for Social Development: As I indicated, the commission was somewhat light in what it said about a shared future and shared future housing. As the House knows, my predecessor put in place mechanisms not only to try to build shared housing estates but to develop shared housing neighbourhoods. A number of weeks ago, I had the pleasure of travelling on a steam train in Coleraine with people from shared housing neighbourhoods whose aim was to demonstrate what could be done in that regard. The Deputy Speaker will be particularly aware of that matter. I hope to launch 14 more shared housing neighbourhoods in the near future to build on the 16 that my colleague Margaret Ritchie introduced.

Mr Beggs: The report discusses how housing functions could be transferred to local councils following the review of public administration (RPA) process. Given the failure to implement that reform, will the Minister outline his plans for the relationship with the existing 26 councils, which are destined to continue?

The Minister for Social Development: It would be a brave man who would jump in on that particular question, given the disappointment last week in respect of local government reorganisation. At the Executive, I, on behalf of my party, voted in favour of reorganisation. Whatever the difficulties or hurdles, my party's view is that we could have got over that in the next year. It is a disappointment and, perhaps, a negative reflection on government over the past number of years that that matter was not captured. I have arranged to meet my officials to see whether there are any matters that we can rightly take forward, either now or in the short

term, in respect of devolving responsibilities to local councils. As I said, I am not going to prejudge that debate, given the situation that now transpires. I am certainly not going to prejudge it in a situation in which, as we learned in the past number of hours, further budgetary pressures are being planned for the devolved arrangements through the London Exchequer Budget. I hear what the Member is saying. I am going to discuss it, and will come back to the House and the Committee if I think that that is appropriate, but for the moment, I am going to keep my powder dry.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. My question is about the block leasing of housing units from the private sector and the wider use of the private-rented sector in the provision of social housing. Will the Minister tell us whether the recommendations made in the report will be considered ahead of the introduction of a mandatory regulation scheme and firm controls of the unregulated sector, which receives upwards of £85 million of public money a year?

The Minister for Social Development: I thank the member for his question. As he is no doubt aware, legislation was tabled in the House this morning to take forward a number of matters, particularly about the private-rented sector. Therefore, I think that it is best, in the first instance, to legislate for the matters that are outlined in that legislation in respect of the private-rented sector. If other matters about the private-rented sector arise from the report, which, as I said, we have yet to draw conclusions on, I will come back to the House and consider those. However, at this stage, I do not have any particular plans to enhance the legislation that I tabled this morning and that the House will consider in due course.

I want to make one thing about block leasing very clear: although there are issues involving the Housing Executive that we need to have a full conversation about, without prejudice to how that ends up, I am not going down the road of privatising housing stock in the North. The Housing Executive is responsible for 90,000 properties. Whatever way we may refinance and remodel in the future, it will not involve going down the road of the privatisation of stock transfer or any variation of that model. It is curious that one thing the commission did recommend was not to go there, and I have some sympathy in that regard.

Housing Associations: Off-the-shelf Purchases

2. **Mr Hamilton** asked the Minister for Social Development what process is in place to ensure that residents in housing developments are consulted when housing associations propose to purchase properties 'off the shelf'.

(AQO 1469/10)

The Minister for Social Development: I thank the Member for his question. It is the case that there is no statutory obligation on any housing association to consult with homeowners prior to purchasing off-the-shelf properties. Without wishing to pre-empt Mr Hamilton's supplementary question, I think that it is good practice that, when a housing association is going to make an off-the-shelf purchase, there is appropriate consultation with other relevant parties, including those living in the neighbourhood, those living in the development and homeowners.

Mr Hamilton: I thank the Minister for his response. He is aware of a case in Newtownards where concerns have been expressed by existing homeowners about the lack of consultation in respect of off-the-shelf purchases in their development. Will the Minister ensure that the housing association guide is reviewed with a view to amending it to ensure that that proper consultation is there in the future?

The Minister for Social Development: I am pleased to give that reassurance. I confirmed with officials only this morning that that will be built into the housing association guidelines, and I went further and suggested to officials that they advise housing associations, when purchasing properties off the shelf, to ask landowners' lawyers to share with them title deeds and leaseholds for neighbouring properties that may or may not have some influence on the lands that they intend to buy.

Mr F McCann: Go raibh maith agat, a LeasCheann Comhairle. In the past number of years, I have been told by a number of housing associations that, when they are purchasing housing units, either off the shelf or on the open market, they then have to spend between £8,000 and £10,000 to bring them up to the high standard set by housing associations. Does the Minister believe that that is good value for money?

The Minister for Social Development: I trust that the Member agrees that social sector housing should meet certain standards and that we should not cut corners in meeting them. That is laid down in the various guidelines and regulations that govern what housing associations do. Therefore, it is fair and reasonable that housing associations should be required either to enhance their properties in order to bring them up to the standard that Housing Executive tenants enjoy or to build properties that meet that standard.

If the Member can point to cases in which housing associations have been unfairly requested to upgrade, I am prepared to look at them. The evidence may or may not exist. On average, it costs £81,795 to buy a house off the shelf, but it costs housing associations around £14,000 more to build one. I am in favour of housing associations building houses, and it is my very strong preference that that is prioritised. I am not into reconfiguring housing association properties in favour of buying off the shelf. However, at the moment, the evidence suggests that buying off the shelf is the cheaper option even though it may not necessarily be the better one.

Mr Gallagher: Will the Minister set out his Department's policy on the purchase of off-the-shelf housing as part of its social housing development plan?

The Minister for Social Development: As I indicated in my previous answer, there will be occasions when off-the-shelf purchases will enable access to social housing quicker than might otherwise be the case, and I will not close off that option. Two thirds of the properties that came on in the last year were housing association newbuilds and one third was off-the-shelf purchases. I do not want to see that balance changed.

As I say, I wish to see the situation in which housing associations build more houses rather than having to buy more houses off the shelf. However, there will be circumstances where that is appropriate. To go back to what Mr McCann said, there are circumstances where that option works well. For example, Clanmil Housing Association's Causeway Meadows development in Lisburn recently won an award for the quality of the housing that it provides. That development provides housing to people from a diverse mix of community, social and economic backgrounds.

Lower Falls: Regeneration

3. **Mr Adams** asked the Minister for Social Development how his Department can provide 'early wins' in the lower Falls area of West Belfast to support urban regeneration and community development and ensure social improvement.
(AQO 1470/10)

Mr Adams: Ceist uimhir a trí, a LeasCheann Comhairle.

The Minister for Social Development: I thank Mr Adams for his question. I had a useful conversation with him last week, and I look forward to having many other useful conversations with MLAs about the profile of projects that my Department is taking forward. I make it clear to the House that I will judge myself — and everyone in the House, be they MLAs or Ministers, should judge themselves — on not only what I can do to provide quick wins for any one constituency, but what I can do to deliver month in and year in for communities, especially those in need. In making that point, I am mindful of this morning's developments in Westminster in respect of the Chancellor's proposals. Devolution must be seen to work fully in areas of need, such as West Belfast and the lower Falls in particular, given that it has stalled and stumbled by common consent at various times over the past number of years.

My predecessor set out a vision for the development of the lower Falls. A consultation on the master plan took place between October 2009 and March 2010. Opportunities exist to make early progress on the redevelopment of St Colmgall's, Dunville park and public realms on some of the main roads going through West Belfast.

Let me make it clear that those urban regeneration projects, and many more besides, are all subject to money coming back to my Department from the Department of Finance and Personnel (DFP) under the quarterly monitoring returns now and during the year. If significant funds do not come back, worthwhile projects on the lower Falls, and in many other parts of the North, will be strangled.

3.15 pm

Mr Deputy Speaker: I remind Members that if they ask a question in another language, they must translate it.

Mr Adams: Go raibh maith agat, a LeasCheann Comhairle. I am glad of the opportunity to

wish the Minister well, and I thank him for our meeting last week, which was wide-ranging and positive. However, at that meeting, he declined to give a clear answer on the demolition and replacement of the Ross Street flats. Will the Minister confirm today that his Department has, since February 2009, been in possession of an economic appraisal report that recommends the demolition and replacement of those flats? Does he agree that to alleviate the negative social impact on the people of the Falls who want those flats to be demolished, the time has come to act on that recommendation?

The Minister for Social Development: I thank Mr Adams for his question and for the tone of our meeting last week. I answered his question then, and I am prepared to share my response with the House. When my predecessor made a decision on the flats, housing waiting lists in the lower Falls were more acute than they are now. There have been changes since then: 166 houses are being built on the Bass brewery site, a project that Margaret Ritchie brought to fruition some weeks ago; the Fold Housing Association is about to bring housing to the lower Falls; and, over the past 12 months, the number of people on the housing transfer list has declined by 32. Given all those changes, there is an evidence base for my reconsideration of the matter. As I said to Mr Adams and to the 'Andersonstown News', I rule nothing in and nothing out when it comes to that matter.

Various economic appraisals go through Departments, but everybody must be mindful that they must also be agreed by DFP. Therefore, although I rule nothing in and nothing out, I hope that, if the matter is brought forward, it will be agreed.

I know, as do Mr Adams, Mr McCann and all the representatives of West Belfast, that the area has multidimensional difficulties. Although it is important to resolve the housing issue, the resolution of all the other matters is what will create a better community fabric and ensure that those who are antisocial or threaten the stability of the area receive no encouragement.

Mr Campbell: The Minister will be aware of two significant ongoing urban regeneration schemes in Coleraine, which, over the past few years, have been progressed with the assistance of his Department. Will he ensure that every possible assistance continues to be given to private sector developers to ensure that developments

such as those can be brought to a successful conclusion?

The Minister for Social Development: I may have to come back to the Member on that particular matter, as I am not fully aware of the details. However, I am due to go to Coleraine in the near future to see one of those schemes.

I strongly believe that the money invested in urban regeneration and renewal leverages private moneys — as can be seen in various parts of the North. That, in turn, leads not only to short-term job creation through the associated schemes but to more long-term sustainable development because people begin to create businesses in those areas.

There is a great example of that in Belfast. Some businessmen, one of whom was local, saw the ongoing public realm initiatives on Ann Street, which was widely viewed as being in some decline. The businessmen recognised that, as a consequence of those initiatives, there would be an uplift in that area. They invested in opening businesses in the area, including a pizza parlour, and Ann Street is now on the up. That is an example of when money that was invested by my Department leveraged private moneys, which have, in turn, created a better environment.

I can see the same thing happening in Larne, Carrickfergus, Dungannon and Coleraine. However, it can happen only if my Department has money to invest in projects that will create town centre renewal and business opportunities and encourage private investment. If that money is cut off at the source by DFP — I trust that that will not happen, but it could do — those are the types of projects that will be cut off in the local communities that we all represent in the House.

Mr McDevitt: I am sure that the Minister will agree that it is important for west Belfast to have a champion at the Executive table. What progress is being made in the upper Falls area of west Belfast in community development and urban regeneration?

The Minister for Social Development: I thank the Member for his question. I hope that every member of the Executive is the champion for any area of disadvantage in the North, because, if devolution is to measure up, it must do so for those communities. I hope to see all my Executive colleagues live up to that responsibility over the next number of days.

There are many initiatives in west Belfast, many of which were taken forward by my predecessor, Margaret Ritchie. I hope to make announcements shortly on those initiatives. In particular, I met officials and others this morning to discuss taking forward the Glen 10 or Glen 11 proposal. As I indicated to Mr Adams last week, that situation is maturing to the point where an announcement can and shall be made in the very near future. As a consequence of that, an area of west Belfast will have a coherent and cohesive plan, not just for housing but for the full range of public services. That plan will be for an area of land that is bigger than the Titanic Quarter and is one of the biggest single development sites in Northern Ireland. That will happen because, in November last year, Margaret Ritchie took the initiative and created a steering group. That steering group is now developing proposals, which may become more fully fledged over the course of this calendar year. That is a measure of what she achieved, and it is a measure of what can be done in west Belfast.

Mortgage Relief

4. **Mr Butler** asked the Minister for Social Development if he is now ready to proceed with an effective mortgage relief package to ensure that people do not lose their homes due to the collapse of the housing market. (AQO 1471/10)

The Minister for Social Development: I thank the Member for his question. As the Member will be aware, six times in the past nine monitoring returns, we — I in the most recent one, and Margaret Ritchie in the previous eight — made bids for a full-blooded mortgage rescue scheme. Without prejudging the outcome of the current monitoring return, I point out that, in eight of the nine monitoring rounds to date, the bid for £5 million that was put forward in five of those rounds was denied. Therefore, although my Department has done good work in respect of the mortgage and debt advice service, we have not been given the moneys for a full-blooded mortgage rescue scheme. I make that point mindful of the fact that the Scottish Parliament recently invested £20 million in a similar scheme because of that scheme's success. Therefore, although we are doing good work to help people who are in mortgage debt, further intensive measures that we could take with a mortgage rescue scheme have been frustrated.

Mr Butler: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. Does he agree that this is the only part of these islands that does not have a mortgage rescue scheme? It is still a matter of dissatisfaction that there is not an evaluation report forthcoming from his Department. We agree that there should be a more strategic approach to offering, for example, greater flexible tenure, which would help to reduce people's mortgages. In the Minister's housing strategy document, there should be explicit proposals about a mortgage rescue scheme. That could move the situation on much better.

The Minister for Social Development: I thank the Member for his question. There is a simple answer and a simple remedy to the first part of his question, which is that, when the Executive meet this Thursday, all Ministers endorse my bid for £5 million for a mortgage rescue scheme. If we are the only part of Britain and Northern Ireland that does not have such a scheme, we can rectify that within three days. So, there is a quick and simple but very effective remedy to the issue raised in the Member's first question.

The Member may be a little confused about the evaluation: the evaluation is of the mortgage debt advice service that was launched in May 2009. The evaluation is due, and I will be pleased to share its conclusions. I have no doubt, however, that they will be positive, because the service has helped 755 people and directly prevented homelessness in 10% of those cases. Therefore, I have no doubt that the evaluation of that part of my business will be positive, and if the service is required, and I have no doubt that it will be, we will take it forward. With regard to a more interventionist scheme, however, Thursday will tell the tale.

Mr Shannon: I thank the Minister for that response. The Minister spoke about the 175 people whom his Department helped. That is good news and a clear example of what can be done. Will the Minister tell the Assembly what success he has had with building societies and banks directly, and with his officials, to ensure that more can be done to build upon those 175 cases? Will he also tell us whether those 175 people are from all parts of the Province or from one specific part?

The Minister for Social Development: The debt advice scheme was accessed not by 175 clients but by 755, 73 of whom, or about 10%,

avoided homelessness. Many of those cases were at the doors of the court. If those whose properties are at risk act quickly — or at least act — it may help them, even as they are walking into the Chancery Court in Belfast. I do not have the figures for the spread of those who had assistance. Many of them might have had assistance in Belfast, in and around the Chancery Court or the Housing Rights Service, which provides that service.

As for dealing directly with the banks, I think that that is being taken forward by my Executive colleague Arlene Foster on the Department of Enterprise, Trade and Investment side. I will come back with further details on that.

Mr McNarry: In answer to the original question, the Minister spoke about the number of bids that he had made. Has he had the opportunity to discuss with the Minister of Finance and Personnel the detail of those bids in order to enhance the opportunity that he may have for funding a mortgage relief scheme? Does he think that moves to charge rates on empty homes will improve the availability of property in the market?

The Minister for Social Development: I thank the Member for his question. By pure coincidence I had reason to walk down the corridor on the first floor this morning to try to speak to Mr Wilson about June monitoring returns, and, in relation to that, about the bid for £5 million in the June returns. Thus far, I have not had the opportunity to have a whisper in Mr Wilson's ear. When I do, that will be one of two issues in particular on which I will press him.

With regard to charging rates on empty homes, my colleague Mr McDevitt raised a number of issues on rating policy in the Budget Bill debate yesterday. Much of what was announced in London earlier today about what will happen to child benefits, cutting back on social security payments, and what will happen between now and 2013 on incapacity benefit appears to me to be old Tory policies being delivered by a coalition of grey suits. Therefore, when I speak to Executive colleagues in the next couple of weeks on how we respond to the Budget and the next comprehensive spending review and how we protect the vulnerable, the Member's question about rating policy generally, and about rating empty homes in particular, needs to be addressed.

3.30 pm

Executive Committee Business

Wildlife and Natural Environment Bill: Consideration Stage

Debate resumed on amendment No 6 and other grouped amendments.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a LeasCheann Comhairle.

I turn to amendment No 38, which makes provision regarding the protection of the common skate. The conditions, which confine protection to coastal waters only, were already in place with respect to the angel shark, and members sought an explanation for that from the Department. On being advised that the angel shark and the common skate cannot be protected beyond six nautical miles — or coastal waters — due to EU common fisheries policy, the Committee accepted the amendment and agreed the schedule subject to that change. That is not to say that members necessarily agreed with the reasoning, but that is for another debate, another time and another Committee.

Amendment Nos 39 and 40 add the Chinese water deer and roe deer to the list of animal species that must not be released or allowed into the wild, and amendment No 41 specifies the three species of knotweed that are to be added to list of alien plant species. The Committee was advised that the Department would table those amendments and agreed the schedule accordingly.

In an increasingly globalised world and free markets, defending this island from alien species is becoming a difficult and expensive battle. Preventing them from getting into the wild in the first place is much the wiser option. However, I take this opportunity to note again the benefits of looking to best practice elsewhere, particularly with regard to non-native species. Go raibh maith agat, a LeasCheann Comhairle.

Mr Weir: This is particularly well timed. As a member of the Environment Committee, I say that it is rare in this House to come across a Bill with this level of detail. There is much that is important in it. No one in the Environment

Committee has a panoply of expertise in this subject, and it has been difficult to wade through a lot of the issues because of that.

It is also undoubtedly the case that there is controversy on a range of issues. There are passionately-held views on both sides of the matters before us, which have clearly been reflected in the points raised by various members of the public in connection with the Bill. Our aim is to strike a balance and provide a degree of protection for a range of species.

On a number of issues, there has been a divergence between what has eventually emerged as the Committee's position and that of the Minister. The Minister and the Department have made a clear-cut attempt to accommodate some of the Committee's concerns. Consequently, a number of changes have been universally welcomed and have been taken on board by the Department. In this group of amendments, the House can unite on amendment Nos 6 and 7, which refer to the inclusion of the lapwing and the redshank, not to mention the winchat and the references to Chinese water deer and roe deer and the other provisions, which have been welcomed.

Reference has been made to amendment Nos 35 and 36. I have spoken to Mr I McCrea about those, and he will be speaking about them in greater detail later. Although it has been identified as a particular problem, I think it was highlighted by the Chairperson of the Committee that it is more of a European problem. We should not look to inflict on local people some problems that are not particularly pertinent to Northern Ireland. Consequently, I agree with the Minister. This is a delicate issue. The Minister has changed his position on amendment Nos 35 and 36 and he does not support the Committee's recommendation, which is the sensible course of action.

We received conflicting advice, as happens with many issues, about the golden plover. I will be interested to hear further comments about that.

I commend the fact that the British Association for Shooting and Conservation (BASC) made a strenuous and serious effort to try to reach a voluntary agreement not to shoot curlew. Had that been universally accepted, there would have been less of an argument for removing it from the quarry list because the curlew is under threat. Unfortunately, one club refused to sign up to that, and a voluntary moratorium on the

curlew could be effective only if it was universal. I think, therefore, that the provision on the curlew is wise.

Some long-standing members of the Committee mentioned the Irish hare, and, as the Chairperson said, there is no direct recommendation from the Committee on that issue. However, beyond this Bill, there has been considerable debate on the Irish hare down the years. I have concerns about some of the figures that the Committee received. Each time that there has been a renewal of special protection status for the Irish hare, I have been a little unconvinced by some of the figures that were produced. Various surveys were somewhat contradictory in their responses, which may be an occupational hazard. I am minded that there has to be some level of protection for the Irish hare. I will wait to see what debate ensues.

Mr Elliott and Mr Beggs will move an amendment later on hare coursing, and I support that. I am concerned that there must be some level of protection for the Irish hare. I appreciate the fact that the Minister said that he would not make interventions but would listen to the debate and respond at the end. However, if Members were not ultimately persuaded of the merits of amendment No 37, they might be reassured if the Minister were to indicate that he intended to continue with special protection orders for the Irish hare. I look forward to the Minister's response and will listen to the rest of the debate closely.

The broad issue of protection relates to the Irish hare, the curlew, the golden plover and other species that are named in amendments. I come from a legal background, and an argument that is used if one is seeking an injunction is the "balance of convenience", which is about the consequences of doing something and getting it wrong and the consequences of doing nothing. From that point of view, many of us will want to be persuaded about the best course of action.

For instance, if we protect a species that is in no great need of protection and presume that there will be an opportunity to take it off the schedule at a later stage, is some damage done? That would have to be weighed against our getting it wrong by not protecting a species that should be protected. Would that put that species in a high level of danger? My natural instinct is to err on the side of caution and use the balance of convenience argument to

provide a general level of protection. I will wait for the Minister's response. These are complex issues, but we want to protect the best of our environment and rare species on a scientific and sensible basis. I await with interest the comments to come from other Members.

Mr Beggs: I declare an interest as a member of Carrickfergus Borough Council, because the Bill may impact on local government. In addition, I live in a rural home in 25 acres of farmland, so there may be issues that arise there. Again, I assist on my father and mum's farm, when needed, on an unremunerated basis.

This has been a most complex piece of legislation, certainly the most complex that I have followed. We have the Wildlife and Natural Environment Bill and the 51 amendments that we are debating, and I have traced the effect of many of those amendments through other legislation: the Environment (Northern Ireland) Order 2002, the Wildlife (Northern Ireland) Order 1985 and the Game Preservation Act (Northern Ireland) 1928. Tracing all the ramifications of the Bill and the proposed amendments has been a complex and arduous task. Nevertheless, it is important and worthwhile that we do so. It would be nicer to be able to change legislation in a less tortuous fashion.

Of the amendments that we are considering; amendment No 6 proposes giving additional protection to the white-tailed eagle, the osprey, the barn owl, the peregrine and the red kite, all of which are vulnerable birds that often reuse their nests. They are not found in large numbers and are endangered to a degree that makes it right and proper to protect their nesting sites to increase the likelihood of their breeding and sustaining themselves in the future.

Amendment No 7 would afford the same protected status to the common seal and the grey seal as clause 9 proposes to give to basking sharks. The common seal and the grey seal are not as common as they once were. They have suffered from poor health and we are aware of threats over the years that have resulted in many of their deaths. They are important wildlife species that we should value and protect.

Amendment Nos 25 and 45 would give the Department a greater ability to respond to urgent situations, a principle which I support when urgency can be demonstrated. Whether that urgency is due to inclement weather or something that changes suddenly, it is right

and proper that there should not be a tortuous waiting process and extensive consultations before action can be taken. As regards amendments Nos 27 to 31, I support the protection of the lapwing, the red shank and the whinchat under schedule 1.

Both considerable support and opposition have been expressed by many groups about the curlew and the golden plover. Paragraph 118 of my Committee's report sums it up in my mind: "curlew numbers are in decline", and the Department admitted that the recovery action plan is not working. Yet, the curlew is on the quarry list. Clearly, something needs to change. It is right and proper that the curlew be given the level of protection that would be granted in the amendment.

The golden plover's situation is less clear. Paragraph 117 of the same report indicates that its numbers are "low but stable". The only scientific population figure that I have been able to come up with is 20,000 in 2008, with indications that about 12 are shot each winter. Mr Weir talked earlier about the balance of consequences —

Mr Weir: No: the balance of convenience.

Mr Beggs: Sorry, the balance of convenience. Looking at the risk factor, if that were all that we were judging, it does not appear to be a huge risk factor.

The Committee must take all that information on board and come to a balanced decision. On balance, I am not in favour of giving protection to the golden plover. However, the situation will have to be reviewed in the future. Amendment Nos 32 and 34 are consequential to amendment No 29. I will support one but not the other.

3.45 pm

I am not sure whether amendment No 35 was moved. However, on principle, I do not see why we should support the keeping of wild animals, such as those named in amendment Nos 35 and 36, as pets, and I would wish for that to happen by means of appropriate legislation.

In 2002, it was recognised that the Irish hare was endangered. In each subsequent year, a special protection order was issued to enable numbers to recover to sustainable levels. Numbers did recover, although they did fluctuate, and since the legislation was brought in, the lowest figure was 1.95 hares per sq km. Special protection

orders have largely achieved their objective of doubling the number of Irish hares. The Department indicated that the annual cost of implementing each special protection order was between £35,000 and £40,000. We have to add up the cost each year and justify all costs that we incur, and it has become clear that it is difficult to continue to support that annual cost.

It was initially suggested that the Department would not provide permanent protection for the Irish hare. I was then led to believe that it would. Now the Department is proposing not to protect it. Based on evidence about numbers and objectives, on balance, I believe that the temporary special protection orders have achieved their objective, so there is no justification for permanent protection at present. Nevertheless, in future years, the situation will need to be reviewed. To balance that, however, amendments on hare coursing will be discussed later in the debate.

The reed bunting, twittle and yellowhammer —

Mr Wells: Twite.

Mr Beggs: Twite. We obviously have a twitcher present. I support amendment No 36, which relates to those birds.

Chinese water deer and roe deer are non-native species, so it is right and proper that they not be released into the wild. We support the relevant amendments, along with amendment No 41, which lists the various invasive species of knotweed.

Making judgements on legislation is a difficult balancing act. Based on the number of Members in the Chamber, the debate has been healthy for democracy. In far too many debates, very few Members are here. Lobbying for and against particular aspects of the Bill has been widespread, and it is good that we must make good, well-informed judgements. Individually, we express our judgement, and collectively, in order to protect biodiversity, I hope that we achieve the right balance in the Bill.

Dr Farry: I support all the amendments in the second group. However, I shall focus on amendment No 37, which stands in my name and those of my colleagues. It relates to the Irish hare or, to give it its proper Latin name, *lepus timidus hibernicus*. We seek to have it placed under schedule 5 to the Wildlife (Northern Ireland) Order 1985 to, in effect,

give it permanent protection rather than have a number of special protection orders in sequence.

The Irish hare is potentially the oldest mammal on the island of Ireland, with suggestions that it goes back around 60,000 years. It is very much part of our local heritage and culture in Ireland. The Irish hare is different from the main European hare, which is also rare on the island of Ireland, and, obviously, it is different from rabbits. It is distinguished by the black tips on its ears and its long back legs. For too long, it has been regarded, quite wrongly, as a quarry species. Full protection in law is necessary to prevent the animal from being killed, trapped, removed from its habitat, sold or purchased. The problems with the decline of the Irish hare are not so much to do with predators but with modern farming techniques, hunting and coursing. Indeed, as hares live above the ground, they are particularly vulnerable.

There has already been some debate in the Chamber about the number of hares and their concentration in Northern Ireland. It is worth putting that in a wider historical context, leaving aside the smaller micro-debate on what the trends have been over the past number of years. In some respects, that puts the issue in the right context and may give people some assurance about where we should look as a society. The indications are that the Irish hare was much more prevalent in the nineteenth century than it is today: we are talking about tens of thousands in the area covered by Northern Ireland. Its numbers were subject to decline during the latter part of the nineteenth century and most of the twentieth century, including in the last decades of the twentieth century. That decline has been very much linked to the onset of modern farming techniques. In some respects, the species action plans from around 2000 onwards have recognised that the conservation of the hare is an issue of which Northern Ireland needs to be aware. It was highlighted as a priority. The anecdotal evidence from rural areas also suggests that there has been a major drop in the number of sightings of Irish hares.

If we look at the long-term trends, it appears that the Irish hare is in decline. A lot of Members have focused their comments on numbers that are based on a very narrow range of data over the past few years of the first decade of this century. There is certainly controversy around, and different interpretations of, some of the

scientific evidence that has been produced, including the evidence from Queen's University. However, it is worth noting that the Irish Hare Initiative argues that the 2002 survey estimate is unsound for a number of reasons, including the fact that a survey was not carried out in 2003. Therefore, the 2002 survey does not stand part of a genuine time-series data set. Also, there was a change in methodology from 2004 onwards.

If we look at the issue from a local perspective, which may not be captured properly in the data, it appears that there are particular problems of depopulation. Compared to other mammals, Irish hares demonstrate a limited range and dispersal. That means that they tend to live close to where they were born and do not migrate to new territory. That has quite a drastic impact on local populations: if hares disappear from an area, they are unlikely to be recolonised. Therefore, we have a pattern of potential local extinction of the Irish hare, which has implications for the species overall.

There are difficulties with the methodology that has been used and adopted. Ultimately, we should err on the side of caution in that respect. Why should we take a risk with an indigenous and iconic Irish mammal that is a species unique to our island? Indeed, we should employ the precautionary principle. That states that when there are threats of serious or irreversible damage, the lack of full scientific certainty should not be used as a reason for postponing action. The distinction between precautionary and preventative action is that action is precautionary if the scientific certainty is lacking. That may relate to the point that Peter Weir made about the balance of consequences. I recognise that, if what has been argued so far is wrong with regard to the stability of Irish hare numbers, the consequence to the survival of the species here may be dire.

However, if we are wrong in arguing for special protection, what are the consequences? As far as I am aware, the Irish hare is not a predator, and it does not tend to destroy or interfere with agricultural crops. Its habitat tends to be of a different nature than that of farmland. Indeed, in respect of the preservation and protection of woodland, it is worth noting that when the Department of Agriculture and Rural Development introduced its Forestry Bill recently, it did not seek to cite the hare as a potential threat to woodland and an animal that

would be eligible to be culled as a consequence of any threat. It is also worth stressing that the precautionary principle is clear and central to the Northern Ireland biodiversity strategy. Amendment No 37 is consistent with the broader thrust of biodiversity policy that the Executive are trying to pursue.

The problem with the special protection orders — the temporary protection orders — is that they do not afford any degree of certainty. We have had that special protection for most years over the past decade, but there are uncertainties in the public eye as to what that means, and there is confusion as to what people are or are not entitled to do. That risks inconsistency with regard to enforcement and it risks creating loopholes that could lead to circumstances in which cruelty would be allowed to continue. There could also be a threat from coursing and poaching that would threaten the population of the Irish hare.

There is a lack of medium-term — never mind long-term — certainty. Everything is very short term and ad hoc from one year to another, and there is the risk that that special protection may not be renewed the following year. I was mystified by Roy Beggs's comments about cost. He said that £40,000 is needed each year to put special protection in place. Surely, the logic of that argument would be to go for permanent protection and avoid the charade whereby we have to go through the institutionalisation of the introduction of a special protection order every year and incur the associated costs. Let us give the Irish hare full protection. That will be far better in the long term.

It is also worth stressing that there is a groundswell of public opinion in favour of full protection for the Irish hare. That includes the League Against Cruel Sports, Northern Ireland Environment Link, the Hare Preservation Trust, the Irish Hare Initiative, the Animal Welfare Federation, the Northern Ireland Badger Group, the CAL conservation group and a large number of private individuals. Indeed, there is evidence from opinion polls conducted by Millward Brown Ulster and Ipsos more recently that public opinion is in favour of the strong and permanent protection of the Irish hare.

Mr Bell: My colleague is learned, and anyone listening to his contribution will know that. However, with regard to his earlier point about the predatory nature of the Irish hare, I can

bring him to areas in my constituency where people have planted acres of trees that have been destroyed by the Irish hare. Therefore, the Irish hare is a predator and can destroy agriculture. On his last point that public opinion is in favour of full protection, one may always like to follow public opinion, but public opinion is also in favour of hanging. Would the Member follow public opinion on that?

Dr Farry: I am tempted to say that I am not a great fan of Edmund Burke, generally speaking. However, he made a comment on the importance of elected representatives being representatives as opposed to delegates, and I tend to follow that advice. I am not a slavish follower of public opinion per se. We each come here with our own values as political parties, and we seek to represent the interests not only of our own constituents but the people of Northern Ireland to the best of our ability.

Nevertheless, the public's views are a material fact that we should not dismiss lightly. It is important that we take them into account, and I am sure that every political party represented here is mindful of people's views.

Mr Bell also made a point about the Irish hare potentially destroying crops, woodland and individual trees. However, as I stressed earlier, the Department of Agriculture and Rural Development did not seek to raise that as an issue when the Forestry Bill was proceeding through the Assembly only a matter of weeks ago.

4.00 pm

Mr Molloy: Will the Member give way?

Dr Farry: I will give way in a second. Therefore, some Members are saying today that the Irish hare poses a risk, yet the Department of Agriculture and Rural Development implicitly said something different in its Forestry Bill.

Mr Molloy: Is the Member aware that, under the Forestry Bill, the Department of Agriculture and Rural Development gave itself the power either to compel farmers to deal with animals, regardless of the animal, that damage new trees on neighbouring land or to allow the Forest Service to deal with them? Therefore, the Department obviously kept its options open on more animals than just the hare.

It might be important for the Member to take himself into the countryside to talk to the orchard owners of County Armagh. They know

about the damage that the hare does to young trees by stripping their bark. We are discussing not the execution of hares but their protection.

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

Dr Farry: I am glad that Mr Molloy brought us back to the fact that we are discussing the protection of the hare. Although I represent North Down, which can be viewed as an urbanised part of Northern Ireland, like other Members, I have roots in the countryside of Northern Ireland, and I am aware of rural issues. However, it would be a mistake for this issue to be portrayed as town versus country. It cuts across that divide, and there are those who live in the countryside who appreciate the importance of the preservation of that biodiversity. I also appeal to Mr Molloy, who is very aware of Irish heritage, to acknowledge the importance of the Irish hare in that heritage.

There is also potential for some of the measures in later amendments to touch on the interests of the Irish hare. Those include the habitat protection measures and those that deal with a potential ban on hare coursing, if, indeed, the amendment on that is moved. Those measures would be welcome in their own right, but it is worth pointing out that a ban on hare coursing would not give full protection to the Irish hare, because it would address only one of the avenues under which it is vulnerable. Coursing certainly threatens the hare, but wider issues, such as poaching and habitat destruction, also cause problems. Therefore, rather than working out all the different scenarios, the only way that we can give comprehensive protection to the Irish hare is by putting in place an Order that will give full protection, in all circumstances, to the Irish hare, which is a very important species.

Although I appreciate that the issue was discussed at great length in Committee and there was a very close vote on it, I was disappointed with the outcome of those deliberations. My colleague David Ford, who has gone on to bigger and better things, was a member of that Committee. He was extremely keen to progress the protection of the Irish hare. Indeed, he was successful in the past in putting in place similar protections, but, unfortunately those were not renewed.

There is a certain degree of confusion about the Minister's position. There is the impression that the Executive agreed on the common position that would be adopted and the Minister now appears to be running against his own advice

and against what the Department was doing more latterly after it had given caution to the Committee. He is also running against the Executive's potentially agreed position on the issue. Hopefully, the Minister can clarify the Government's formal position on the matter, because the signals are at best mixed and at worst contradictory. It is important that that be clarified, and I look forward to hearing the rest of the debate.

Mr Wells: I have to declare my interests, and it will be a long declaration, because, apart from my political life, my entire background has been in nature conservation. I am a past employee of the Royal Society for the Protection of Birds and, indeed, in 1987, I carried out a breeding wader survey for it. For a decade, I worked for the National Trust, including a year as the manager of the Giant's Causeway. For the past 19 years, I have been the chairman of the Northern Ireland Raptor Study Group. Raptor is the collective term for birds of prey, many of which are being discussed today. I remain in that position. I am about to finish the thirty-fourth year of a study of the population dynamics of the peregrine falcon.

I have gone into the anorak stage of life in my interest in wildlife and birds of prey, and I try to keep those facts quiet in case my colleagues think that I am slightly off-beam because I have interests outside politics. However, for the purposes of this debate, I have to be open and honest and declare all those interests. None of them is remunerated, except for the fact that, in previous years, the Northern Ireland Environment Agency have grant-aided the work of the Northern Ireland Raptor Study Group, and I have, on occasions, claimed travelling expenses only for the work that I have carried out in places such as Fermanagh, north Antrim and east Londonderry.

Because of that background, I have a particular interest in the legislation. I welcome much of it, but I have deep concerns on one or two issues. I certainly welcome the protection for the nest sites of rare species such as the white-tailed eagle, the osprey, the barn owl, the red kite and the peregrine. I am glad to say that there is real potential that the white-tailed eagle, the osprey and the red kite will start to nest in Northern Ireland. Indeed, as a result of the RSPB's reintroduction scheme in south Down, that is almost inevitable. Therefore, it is important that we protect the nests of those rare species. Unfortunately, the barn owl is a bird of prey that

is rapidly declining in population in Northern Ireland, and we are perhaps down to our last 50 pairs. As a child, I remember barn owls being common, but the species is rapidly on its way out as the result of agricultural intensification.

There is no evidence of any species in Northern Ireland being under threat as a result of legitimate field sports and shooting. That is not the issue. Controlled and responsible shooting does not lead to a diminution in the overall numbers of any game species. However, the problem is that the numbers of some species are now so small that shooting or disturbance could be their coup de grâce. The issue is that a small population could be eliminated, not that responsible members of BASC or the Countryside Alliance are involved in any activity that causes a reduction in numbers. It is important that the nest sites of those species be protected.

I raised that issue with the Minister, and another issue has just occurred to me in the past few hours. One of the great successes to come from the work that we are doing on the peregrine falcon in Northern Ireland is that the peregrine falcon is now nesting in quarries throughout Northern Ireland. I pay tribute to quarry owners and to the Quarry Products Association for their work in protecting the peregrine in quarries. Other species also nest in quarries, including the raven, the ringed plover, the common sandpiper and the kestrel. A large proportion of the sand martin colonies in Northern Ireland are in quarries or sandpits. A great deal of good work is being done, and I find quarry owners to be extremely sympathetic and helpful. However, it occurred to me that protecting a peregrine nest site in a cliff in a quarry would be impeding the normal day-to-day activities of a quarry manager who legitimately wished to remove the space to quarry stone from it. I think that the Minister will clarify in his winding-up speech that it is possible to move nests, replace them and provide alternative sites in other parts of the quarry. If that is possible under the legislation, that is fine, because, if a nest ledge for a peregrine falcon is lost, it is perfectly feasible to recreate one in another part of the quarry. That gets around that problem.

I listened with great interest to Mr McHugh, who is no longer in the Chamber. He made the point that nobody knows why many species of birds are disappearing, particularly in Fermanagh. A wetland in Fermanagh may be full of snipe, lapwing and redshank, with the wet pasture

and various reeds, plants and madder providing their food. However, if a bulldozer moves in and covers the wetland in concrete, the chances are that the snipe, lapwing and redshank will be lost. The vast majority of threats to wildlife in Northern Ireland are not from shooting or field sports but from habitat destruction. If habitats were maintained in Northern Ireland in their pristine state, the Province would have few problems with the diminution of its biodiversity. Therefore, I strongly welcome the fact that curlew, lapwing and redshank will be protected. In all those cases, their numbers are declining dramatically.

In 1987, I was a member of a team that carried out a breeding wader survey. All the repeat surveys in Northern Ireland since then show that all our ground-nesting waders are in real difficulties. Indeed, we are rapidly moving towards the situation that exists in the rest of the United Kingdom, where nature reserves are the only places to find breeding waders, the classic examples being the Somerset Levels and the Ouse Washes in England. Those are islands of biodiversity in a sea of green desert, because there is no habitat left for those species. Therefore, with the clear scientific evidence that our breeding waders are declining, it is essential that we provide them with special protection. I will not die in a ditch on this issue, but I would like the golden plover to have been included. However, there is a difference, and I have to accept it. The golden plover that winter in Northern Ireland are mostly Icelandic and Scandinavian birds. Indeed, I have had the privilege of being in Iceland to help to ring golden plover. We know with a great deal of certainty that they winter in western Europe, particularly in the British Isles.

There are about 20 pairs of nesting golden plover in Northern Ireland, mostly in Fermanagh and the Croagh uplands, with a few in the glens of Antrim and the uplands around Cushendun and Cushendall. However, it is a very small population, which is also migratory. Therefore, I suspect that shooting golden plover in Northern Ireland has no impact on the indigenous population of the golden plover in Northern Ireland. That being the case, I understand the Minister's argument for not including them. However, if only 12 golden plover are shot by BASC members in any given season, it is hardly a great diminution of their sporting activities if the species is no longer included. However, I could be swayed

either way, and it is not an issue over which to delay or endanger the legislation.

I have a couple of technical questions for the Minister about where the great skua features in all of this. There is a schedule of rare species nesting in Northern Ireland that are given special protection. The Minister may be able to reassure me that the schedules can be upgraded or amended by subordinate legislation without the need for primary legislation. If that is the case and the great skua is confirmed as nesting in Northern Ireland — I believe that it is because a pair has been hanging around the West Light on Rathlin Island for the past three breeding seasons — the chances are that we will have that additional species some day.

The little egret is included in the list. The little egret will, undoubtedly, nest in Northern Ireland, if it is not already doing so, within the next few years. If it is as simple as that, we do not need to worry about it.

Last year, the marsh harrier nested in east Down, the first time that it has nested in Northern Ireland in over a century. A pair of marsh harriers also nested in Fermanagh. I want to tease out why the marsh harrier has not been included on the list of birds with special protection, but it is not a particularly difficult issue.

I want to raise the vexed question of Reeves's muntjac. I am not sure that all Members know what the Reeves's muntjac is. It is a breed of deer that is about the size of a small Alsatian dog and was introduced in England about a century ago. The impact of that alien species on the ecology of southern England has been absolutely devastating. Many Members will have read reports in the 'The Daily Telegraph' and 'The Times' about the British Trust for Ornithology report, which indicated that there has been a 91% decline in the population of the nightingale in England and south Wales. That was not caused by field sports or disturbance but by the destruction of vegetation by the Reeves's muntjac and, to a lesser extent, the Chinese water deer and roe deer. That shows the danger of introducing an alien species into Northern Ireland that has never been here and has no natural predators. I have already raised the issue with the Minister that, worryingly, a dead Reeves's muntjac was found in east Down on the Ards Peninsula. Perhaps it was a road casualty.

4.15 pm

Mr Kennedy: Was it killed by a an MP?

Mr Wells: No; it was not killed by an MP

The significance of that is that someone has been utterly irresponsible and has attempted to introduce that species into Northern Ireland. I do not know who did that but, whoever it was, the consequences could be absolutely devastating for wildlife in Northern Ireland. When that species starts to breed, it is prolific. It will start to eat away vegetation that is essential to all sorts of other species, including small mammals and, of course, game birds, warblers and so on. Therefore, there is a problem. I hope that the Department will make a special effort to make absolutely certain that that is nipped in the bud and that the species is removed.

All other such introductions have been disastrous. The introduction of the grey squirrel has almost led to the eradication of the native red squirrel in Northern Ireland. When the grey squirrel moves into an area, inevitably the red squirrel moves out. The introduction of mink has been a complete disaster for game birds. It is an alien species that was introduced from America and has spread throughout all of Ireland. It has been damaging to fisheries and bird life populations. Therefore, surely, we must learn the lesson not to interfere with nature by bringing in species that are totally alien to Northern Ireland.

I turn to the issue of the Irish hare. Of course, we will discuss that further when we debate Mr Beggs's amendment. I have enormous problems with park hare coursing in Northern Ireland. Perhaps I am one of few people in the Chamber to have had the dubious pleasure of attending a park hare coursing event. It was Christmas 1982; I remember it very well. I was there with the First Minister, the Member for East Belfast.

No one can tell me that park hare coursing is a sport. No one can tell me that it is a genuine field sport. Groups that represent respectable, sensible field sport interests should distance themselves considerably from park hare coursing. Ordinary field sports involve going out into open countryside and pitting one's wits against pheasant, grouse or whatever. Park hare coursing is the catching of a wild animal — the Irish hare — with nets; keeping it in confined conditions for several weeks; releasing it into an enclosed area; and taking bets on its fate as two greyhounds chase it around the course.

I have witnessed that, and I have witnessed the death of Irish hares in park hare coursing. To my dying day, I will remember the squeals of those hares as they were ripped to pieces at Crebilly near Ballymena. That is not a field sport; it is the torture of a wild animal. If a cat were running that course, there would be uproar. Because it is a hare, however, it is seen as acceptable.

The difficulty with the way in which amendments have been tabled for this afternoon's debate — it could be this evening before we get to the vote — is that Mr Beggs's amendment belongs to the next group. Therefore, we will not know whether his amendment will be successful before we vote on the current group. Obviously, I hope that it will be successful, and I congratulate him on tabling it. For some people in the Chamber the primary reason for wanting the Irish hare to be protected is to stop hare coursing, but, if the amendment is successful, that protection would no longer be required. To be honest, as someone who appreciates the Irish hare and has a general interest in wildlife, I would prefer full protection; I believe that that is best. However, if I could look into a crystal ball and see that Mr Beggs's amendment was successful, I would feel much more reassured. Therefore, I will listen with interest to the various debates.

Dr Farry: I am grateful to the Member for giving way. I ask him to clarify that, in his opinion, the amendments that relate to full protection of the Irish hare and to the ban on hare coursing are not a case of either/or but, basically, reinforce that there are circumstances in which the Irish hare is under threat and would benefit from protection that would not be covered totally by a ban on hare coursing, welcome as that would be.

Mr Wells: I accept that, but Members break down into three categories. First, there are those who hunt Irish hares, and I have no problem with that, although many of us feel that it is a very beautiful animal that should be respected and protected. Secondly, there are those who would not kill an Irish hare in any circumstances, and I am one such person. Thirdly, there are those who are using the protection of the Irish hare as a means to an end in order to achieve an end to what I call a barbaric sport. There are no other words for it. I have seen it, and it is barbaric, particularly when participants place bets on the fate of the creature as it is chased by two hounds. That is unacceptable in modern society

and totally divorced from the respectable day-to-day field sports, which many in the Chamber have a great deal of sympathy for. Association with this particular activity brings field sports into disrepute.

Mr Deputy Speaker: Order. We are going to discuss hare coursing at a later stage, so I ask you to stick to the amendments that are being debated now.

Mr Wells: I accept your ruling, Mr Deputy Speaker, but you can understand the point that I am making. There is an overlap because due to the way in which the amendments have been stacked up, we do not know what will happen downstream. Therefore we have to allude to hare coursing, to some extent, when we are dealing with the protection of the Irish hare.

I will make it clear: my preference is that the species should be protected, full stop. It should be given the same protection as the badger, the otter or any other species. That leaves a large number of legitimate prey species for the hunting fraternity to pursue without any difficulties. I do not see any reason for not giving the Irish hare full protection. I listen with great interest to the comments made by Members and the Minister on this important issue.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. The Bill is a lengthy piece of legislation, over which the Environment Committee pored for many months. As Members have said, there are a number of controversial issues that many people and parties in our community are passionate about.

Amendment No 6 adds five species to the schedule of birds which will have their nests protected. That list includes the under-threat red kite, which Mr Wells referred to. The Environment Committee recently went to County Down to view red kites being released into the wild. That was a fantastic spectacle of nature, and it is unfortunate and alarming that a number of those birds, which were released into the wild over recent years, have been killed. It is vitally important that those species are protected. Sinn Féin will support amendment No 6. We will also support amendment No 7, which will protect seals and grey seals from disturbance, along with the basking shark, as outlined in the original Bill. Those species are all found in my constituency, North Antrim, particularly around Rathlin Island.

I was over on Rathlin last month. One will find seals on parts of the island which are popular with tourists. They stop near the shore, and they are in close proximity to tourists and many of the locals on the island. That happens daily all year round on Rathlin. Given that close proximity and the possibility and probability of some interaction from time to time, it is clear that that legislative change needs to be put in place.

Aside from that, there are basking sharks around Rathlin Island. A couple of years ago, some Committee members went on a trip around the island with representatives of the RSPB, and we came across a basking shark. It too was a fantastic spectacle of nature and something which needs to be protected. I urge all Members to go to Rathlin Island and view its wonderful sites and biodiversity.

In keeping with the Committee, we will welcome and support the amendments to add to schedule 1 the whinchat, the golden plover, which is also found in North Antrim, the lapwing and the redshank. The number of curlews is also down, and it is clear that voluntary action and the action plan have not worked. It is to be welcomed that they too will be added to schedule 1.

My party will support amendment No 25 and amendment Nos 27 to 34. We will oppose the Committee's amendment, No 36. We have been in contact with bird fanciers and a people who are involved in breeding birds. Although they did not respond to the Bill initially, they were surprised by the proposal that the reed bunting, the twite and the yellowhammer be omitted from schedule 4 to the 1985 Order, which lists birds that may be shown for competitive purposes. In person or by telephone, I have spoken to people from Derry, Ballymoney and other parts of north Antrim who take their hobby very seriously and pose no threat whatsoever to the birds that they keep. They give up hours of their spare time every day to look after their birds. As has already been mentioned, they are subject to quite stringent and random inspections by the Department, and the welfare of their birds is well catered for. I welcome the fact that the Minister has decided not to move amendment No 35, which, if made, would have removed 16 species from the list of birds that bird fanciers can show.

Aside from that, there is an issue of symmetry with bird shows not only in the South but across the water. We have received complaints that

birds that can be shown in Britain and the rest of Ireland cannot be shown here. That situation needs to be brought into line, and the legislation will do that. I especially welcome the addition of the crossbill, hawfinch and blackbird to schedule 4 to the Wildlife Order. Their omission is a discrepancy that needs to be addressed, and the legislation does that.

The Bill is important, and the Committee has discussed it time and again. We need to ensure that the Bill in its entirety minimises the unnecessary suffering of animals and unnecessary cruel practices inflicted on our indigenous species. I will address that issue when I speak about snares in the next group of amendments.

Mr Shannon: I want to make some comments about the second group of amendments, which deals with the protection of species. I will go through each amendment one at a time. There will be some that I am in favour of and others that I am not. That is fair enough, because we are here as an Assembly to galvanise opinion, whether it be one that we want to hear or one that we do not. Nevertheless, it is good to have that opportunity.

Amendment No 6 adds other kinds of birds to the protected list in the Wildlife Order. I can fully understand the rationale behind the protection of those birds, but it must be pointed out that, although a man can be stopped from disrupting an endangered species, nature cannot be stopped. I was reading the 'Shooting Times' magazine at the weekend; it carried a headline that contained the words, "raids harrier nest". Some people might blame the shooting fraternity or gamekeepers, who are much maligned, for such incidents. However, in this instance, an eagle owl was recorded on video in Scotland raiding a hen harrier's nest and disrupting it, resulting in the failure of that nest. That is an example of nature doing things that the Minister would be unable to stop. I make that point because nature itself sometimes does things with which people may be unhappy. Shooters are constantly getting the blame for such incidents. That is wrong, and I wanted to put that on record. I am in favour of protecting the habitats of the animals that are listed in amendment No 6.

Amendment No 7 deals with the protection of the common seal and the grey seal. Mr McKay mentioned those. The inclusion of those animals

on the protected list would be a good thing, and I fully support that. I read last week that hundreds of basking sharks — I need to be careful when I say that word — were seen off the coast of Portrush. That must have been an amazing sight, and the protection of common and grey seals will enhance sea life around the coast of the Province.

I agree with the comments that were made about grey squirrels. When Sammy Wilson was the Minister of the Environment, I tabled a couple of questions to see what he was going to do to eradicate the grey squirrels at Parliament Buildings and on the Stormont estate.

There are a number of grey squirrels about, and I know people who are very keen to keep the numbers under control, but, at that time, the Minister was unwilling to give his permission for that to be done. The reason why we do it, going back to what Jim Wells said earlier, is that the red squirrel is the native species and the grey squirrel is causing a lot of hassle and disturbing the number of red squirrels.

4.30 pm

The proposed new clause in amendment No 25 seeks to give special protection to game if it seems that there has been overkill during the season. As a country sports conservationist, I agree with that amendment as long as there is correct consultation with representatives of the shooting organisations, so that those organisations are not left in a similar situation to that which Europe has inflicted on our fishermen. As one who represents the fishing industry in Portavogie in the Strangford constituency, I am very aware that although our fishermen can see fish on the screens in their boats that scientists are sometimes unable to see, those scientists are restricting our fishermen from fishing them. We want to do things honestly and fairly. That is my only fear pertaining to amendment No 25. I am not against the amendment, but perhaps the Minister could confirm that the relationship and contact with shooting organisations will continue.

Amendment No 27 is to do with the curlew. I have heard much talk about the curlew from various Members around the Chamber. For the record, I have not shot a curlew in over 20 years. However, I want to make an important point. I have been contacted by country sports organisations, such as the Countryside Alliance and BASC, as well as individual sportsmen,

concerning the addition of curlew to the schedule. In Northern Ireland, the conservation issue for curlew is the breeding population.

It is widely accepted that the curlew population has declined because of habitat loss through the intensification of farming and loss of peat land, and predation by foxes and crows during the nesting season, when we really need control. It is believed that the breeding population migrates out of Northern Ireland during the winter. Limited shooting during the winter should not have had any significant impact on the breeding population. The facts are very clear. The winter population in the UK is stable, with signs of recent increase. Some Members have mentioned that the numbers are down, but that is not entirely true; the numbers are rising. If there is going to be a ban on something, I have to ask myself why that is the case. Does shooting have that much impact? I say no, it does not.

The shooting bag of curlew from the major sites of Lough Erne, Lough Foyle and Strangford Lough, in the area that I represent, used to be about 50 to 150 a winter until 2006, after which it dropped to under 20. Now, with the BASC-led voluntary moratorium, it is under 10. Therefore, the shooting organisations are clearly making a very valiant and significant attempt to protect that population, and it is something that they have done themselves. If all those organisations are working so hard to do something that some people want to see happening, why not leave it to them to do the job that they are doing, because they are doing it right? That is my point, and that is why I am unhappy with the decision to add curlew to the list. I do not believe that it is necessary.

The shooting community has already demonstrated its concerns for curlew through its widely effective moratorium on shooting, and that success has been clearly illustrated right across the Province. Removing the incentive to restore the breeding population by removing curlew shooting will be counterproductive. I suggest to those who are intent on adding curlew to the protected list that they look at the reasons for that, because, when we look at the statistics and the information, the reasons do not stack up. RSPB and NIEA supported the moratorium approach over statutory protection for those reasons.

The only realistic hope for breeding curlew is for the Northern Ireland statutory and non-statutory

agencies to work with groups and individuals with a vested interest in the species, as such co-operative initiatives have the greatest chances of success. To develop a practical restoration and conservation programme, population monitoring needs to be increased; knowledge of the migratory movements of breeding birds and practical habitats improved; and more effective nest predator control put in place. Control the foxes and the crows and the curlew numbers will increase. Endorsing the shooting moratorium and reviewing its effectiveness after five years will strongly encourage the shooting community to play its full part in the restoration programme. I cannot support amendment No 27, but I can offer some support for amendment No 33.

Amendment No 28 proposes the inclusion of lapwing in schedule 1. I have no issue with that amendment and will support it accordingly. Amendment No 29 proposes the inclusion of the golden plover. Other Members have spoken well on this issue. The golden plover wintering population in Northern Ireland is at least stable, if not slightly increasing, with over 21,000 birds counted in the 2008 peak month — more birds that are likely to winter in Northern Ireland have also been counted. Over 10 years, the BASC Northern Ireland membership's average bag of golden plover was only 12 birds per winter.

One Member has asked why we should fight so strongly to have the golden plover retained as a quarry species, although I accept his conclusion. It is because there is the opportunity to shoot them if people so wish and they happen to be there. I think that I have shot only two or three in my lifetime — my three in some 30-odd years works out at one every ten years, so that is one for the Members. Such a low number cannot negatively impact on the population. Removal from the quarry list is not required for the conservation of that species. The facts are clearly not there; they do not stack up. The numbers of golden plover are there and are increasing, and the bag taken by those involved in wildfowling and others is so nominal that taking the bird off the list of quarried species would not be effective.

The small numbers that are shot is not an argument that protection will not affect many shooters. The freedom to take small numbers should be retained unless there is a good reason to remove it. The 'Shooting Times' includes articles on shooting areas in different

parts of the United Kingdom, and a few months ago, it featured an article on Strangford lough. People from the mainland and the Republic of Ireland were coming to Strangford lough to take advantage of the large numbers of golden plover there. I believe that there is an economic reason why we should retain the current situation. I am speaking specifically about my territory and constituency of Strangford, where it is necessary to take advantage of all economic and tourism opportunities that may arise.

The current take of golden plover is undoubtedly sustainable. A precedent is being set for future ill-founded recommendations, which, I believe, damage the credibility of the Committee. I know that the Chairperson has proposed that the numbers should be capped and protected, but I feel that that is wrong. The Committee should provide evidence-based advice, which it has not done so far, as the figures do not stack up. The best interests of the environment and wildlife in Northern Ireland, and of those who enjoy them through sustainable use, are not being served. I will, therefore, oppose amendment Nos 32 and 34.

Amendment Nos 30 and 31 propose the inclusion of the redshank and the whinchat. Again, I have no issue with the inclusion of the redshank and whinchat in the schedule. I am quite happy to see those recommendations coming forward, and I will support the Minister in that regard.

I will move away from discussing those who partake in shooting and country sports to discuss aviculture. I will oppose amendment No 36, and I want to outline why, because I feel that the reasons are worthy of note. I have been contacted by aviculture enthusiasts who have some issue with amendment Nos 35 and 36; although I understand that amendment No 36 is the one that will be discussed today. I am reliably informed that the declining numbers of many of our wild birds have no connection with the hobby of aviculture. There are a great many people involved in that in all constituencies, and certainly in the area that I represent. For example, the Comber bird show attracts many people not just from my constituency but from all about. I ask myself why we want to pursue those guys when they are doing a great job and making a significant contribution.

Changing farming practices have had the biggest effect on the issue as farming traditions have modernised and changed. It is not financially viable for farmers to change that modernisation,

and we would not ask them to do so, yet the aviculture groups are being penalised. Why are they being penalised? I feel that it is wrong.

Many of the seedling weeds on which seed eaters feed have been greatly controlled, and the odd corners of land where such weeds have survived have been largely built on. Thousands of songbirds are killed by sparrowhawks, which are protected, and numerous fledglings are taken by hooded crows, which are not protected. Thousands more are taken by domestic and feral cats. It seems ludicrous to me, aviculturists and a great many people outside that that reduction is due to aviculturists alone. I believe that it is unfair to make them pay for that, given all the other reasons why it is really happening.

The Department should take greater responsibility for the reduction in the number of greenfinch, linnet, bullfinch, twite and goldfinch. Those birds' daily diets mostly comprise seeding dandelions that are cut on verges while in seed and are often sprayed with weedkiller by council and DOE workers, who should perhaps also take some of the responsibility. However, there is no mention of that in the schedule. The rest of the UK will not have reductions on twite, yellowhammer and reed bunting. Therefore, why are we doing it here when the rest of the UK is not? That is why the amendment is wrong.

DOE wildlife branch, in giving evidence to the Committee, explained that aviculture was monitored in Northern Ireland, and the officials were satisfied with their findings. My opinion is that proper weight was not given to DOE wildlife branch, to the detriment of the aviculture sector.

I also oppose amendment No 37, which proposes to insert the Irish hare in the schedule. I have been contacted by numerous representatives about that issue. Let me be clear: that amendment would ban all forms of hare hunting. I have been contacted by various clubs, as well as the Irish Foot Harriers Association, which also strongly opposes the amendment. Those clubs believe that the amendment would cause job losses, damage the economic and social fabric of rural communities and reduce the ability of members to contribute to the range of Irish hare culture initiatives that are clearly contrary to the stated aims of the Bill.

There are a number of people in the Public Gallery who have worked industriously on those issues, and I thank them for their hard work. They include Lyle Plant from the Countryside

Alliance, Tommy Mayne from BASC, and John Agnew. A number of other people have spoken on the issue, and it is very clear that opinion is gathering momentum in opposition to the amendment.

Professor Ian Montgomery of Queen's University, Belfast (QUB), who is regarded as the leading expert in Irish hare ecology, is repeatedly on record as saying that people who are involved in hare hunting make a significant contribution to the research carried out by QUB and to the management of Irish hare populations. He is also on record as saying that any restrictions on sustainable activities would have a negative effect on Irish hare populations. Removing the opportunity to hunt hares would remove an important management incentive, because those who hunt hares have a vested interest in their well-being. It is not unrealistic for people who are interested in the quarry that they seek to want to ensure that the hares' habitat is correct and that things are well. That has been demonstrated by the willingness of hare hunters to participate in research initiatives, and, clearly, they have done that over a long period.

According to a 2009 survey by Queen's University, Belfast, the Irish hare population is stable and relatively abundant. People in rural communities have confirmed that that is the case. In fact, there are Irish hares on my land, which, for the record, I have never touched. We try to preserve and retain their habitat. The 2009 survey puts the Irish hare population density at 1.95 per sq km. The 2010 species action plan set a target of two Irish hares per sq km. Therefore, we are almost there. In fact, we could hardly be closer to the target. In 2002, Irish hare population densities were recorded as one per sq km. Therefore, the hare population has doubled between 2002 and 2009.

In a published summary of responses to consultation on the Bill, the Northern Ireland Environment Agency said that only six of the 37 respondents were in favour of the amendment. Therefore, the protection of the Irish hare is against the expressed wishes of the great majority of respondents. I will leave Members with those points. I support amendment Nos 38, 39, 40, 41, 42, 45 and 48. I have concerns about a number of issues and, on behalf of the people whom I have had the great pleasure to help and support over the years as an elected representative, I will be opposing those amendments.

4.45 pm

Mr Kinahan: I hesitate to speak, following the expertise of Mr Wells and Mr Shannon. I hope that their numbers are stable and that they are unlikely to breed too much. Perhaps they should be protected.

This group of amendments concerns the protection of species. When looking at such lists, I am always intrigued that it is we humans who choose what we protect, given that there are thousands of birds, insects and other animals. I return to my earlier point that we need to keep such lists under review. We are learning all the time. Therefore, we must protect the species that need to be protected.

The Committee took a great deal of evidence. I thank all those who came to the Committee, all those who listened and all those with whom we argued. It was extremely useful. Our job is to listen to everybody and then to take the difficult decisions.

It is the rural community that looks after the countryside. It is the farmers, whose names are blackened all the time, who do the hard work of looking after the hedging, woods and land, and who balance what is happening in front of them with their meagre incomes. It is the estate owners, many of whom look after their lands and an ASSI. It is the gamekeepers, the fishermen and all the countryside groups. We should not forget that they, along with groups such as the RSPB, are the eyes on the ground. It is they who give us the detail and who keep us in line. We should not detract from all their hard work.

I am not going to speak on every amendment because many good points have already been made. However, I welcome the 14-day period of protection. I do that as a means of congratulating the shooting communities that this year, during the cold spell, went out and fed the birds. The shooting communities are looking after the ground and protecting species.

Listening to the debate has been very educational. Initially, I wanted the curlew to be protected; I still do. I remember hearing curlews when I was small, but I have not heard them since. I could not tell you what a curlew looks like, because I never saw one, but I heard them. We no longer see curlews, and that is grounds enough to protect them. I struggled with the protection of the golden plover. As there are not many around, I thought that we should not necessarily protect

them. However, my opinion was then thrown after talking to somebody, which illustrates that we have to keep learning. Apparently, there is a hybrid golden plover in Northern Ireland, and, at Junction One in Antrim, there are large numbers of that bird, although I am not suggesting that anyone go shooting there. We are constantly learning about birds and animals as they change. We should keep that in mind, particularly you, Jim.

I am pleased to hear that the Minister is listening to everyone, and I agree with amendment Nos 27, 28, 29, 30 and 31, which he has proposed. I also agree with the Minister on the showing of birds, with which I had struggled because I did not like the idea of birds being kept in cages. We were lobbied by people who collect, look after and show certain birds, and I was in two minds about that. However, the Minister has cleared up the issue for me today. As no birds are being caught illegally in Northern Ireland, we should leave the situation as it is.

At the moment, the Irish hare has a great deal of protection, and I agree that it is the loss of habitat that is doing most of the damage, not hunting or coursing. I remember, again as a child, always seeing loads of hares at Aldergrove airport. Now, however, one would hardly see any. When the planes took off, people used to see hares all around the airport. That is just one example of what we have done to get rid of a species in a certain area.

We had a target to double the number of Irish hares, but we are told that the numbers are stable and we have achieved that target. However, I go back to the main point that I have been making throughout the process, which is that we must keep reviewing our information, keep it up to date and be able to make changes if needed.

I am also told that, due to interbreeding, there are hybrids of the Irish hare, they move around a bit and most people would not know the difference between an Irish hare and a brown hare. Therefore, we have to keep monitoring the situation and keep trying to make sure that our knowledge is up to date.

I was intrigued by the evidence of one of the witnesses at our Committee. That person told us about the amount of damage that the Irish hare does to trees and young saplings. During the cold weather, when there were high volumes of snow, hares hopped over high fences, which

were no longer high because of the snow, and went around biting the bottoms off the trees. Again, we have to make sure that we get our facts right and realise that Irish hare can be a pest.

What worries me is that an attack on hunting and other ways of countryside living is hidden in the Bill's protection of the hare. In England, hunting was very much a class war. We have always been very lucky here, because loads of different people hunt, particular those from the farming community. The protection of the hare was not in the Bill originally; it was added and discussed at the Committee. The argument for its inclusion was lost initially, but it crept back in as an amendment. As I said, the hare is already protected, in that there is a lengthy close season, and, strangely, if I may demonstrate that I am ignorant of certain points, I should say that it is protected at night and on Sundays.

We are told that there was a groundswell of public opinion in favour of including a protection. That may be the case with small groups. However, we must remember to question those small groups, because the information that forges public opinion is not always accurate.

On the hunting side, there are 31 packs, three beagle packs and some 500 members with horses and hounds. If the Irish hare were overprotected, a whole way of life that has existed for years would be got rid of.

There is no alternative to the actual chasing of the fox or the hare that works particularly well. I will give an example to amuse Members. While in Germany, where fox hunting has been banned, I was sitting quietly having breakfast when someone said, "We have lost our runner today for the bloodhounds. Danny, would you run?" Therefore, I declare an interest, as I have been both the hunter and the hunted. *[Laughter.]* However, my frame was such and my speed was so poor that the bloodhounds caught me in the second field. They were really bored as they lolloped alongside me as though they were asking, "Where do we go next?" However, I digress.

We have had hunting for 2,000 years. If I put my art hat on, I can tell Members that it has been depicted in paintings. It is part of our lifestyle, it is ongoing, and I would hate to see it disappear.

The hare is not at risk. At the moment, there is not a scientific justification for going for stronger

protection for it, so I do not support amendment No 37.

I will quickly run through the amendments from amendment No 38 to amendment No 45. Where the duty to consult councils is concerned, it is sad that our council system is sometimes very slow to respond. If we could change things in our councils, their response could be much quicker. We should not count them out, given that some councils will know that much better than ourselves.

Mr I McCrea: I thank the Minister for what he has brought before us so far today on the second group of amendments. I also thank him for informing us of those amendments that he will be agreeing with and those that he will not. As other Members have said, this is a difficult piece of legislation. There is a lot of information in the Bill, and a lot of time was spent dealing with its many aspects.

I thank the Committee staff for all their efforts in trying to keep everything right, ensuring that everything was printed and that everybody's words were got. Indeed, the Hansard staff had more of a difficulty than anybody in keeping some of the comments right. Certainly, it is good to be at this stage, where we are now nearing the end of what has been a lengthy process.

I do not intend to speak to many of the amendments in the second group. I intend to speak only to amendment No 36, which was asking the House to support the removal of the reed bunting, twite and yellowhammer from the list of birds that may be shown for competition purposes. Recently, I held a meeting with a group representing aviculturalists, and I led a delegation to meet the Minister to raise their concerns about the removal of those three birds. I have no doubt that they will welcome the Minister's position on that today.

The Minister saying that he is not moving amendment No 35 will be even more welcome, as that will allow aviculturalists to show more birds and to take part in a wider range of judging activities. It was evident at the meeting with aviculturalists that they felt that it would be a retrograde step for those birds to be taken off the current list, which would, without doubt, have left them at a disadvantage compared with aviculturalists across the United Kingdom and the Republic of Ireland.

In my discussions with those aviculturalists, a question came up that came up back in 1984, when the draft Wildlife Order was being discussed. Peter Robinson, who I believe chaired the Committee at that time, asked whether there was any natural reason, because of environmental or climatic conditions, why Northern Ireland should require a different standard from that which pertains in Great Britain. I do not believe that there was an answer then, and I do not believe that any justifiable answers can be given now as to why that should not be the case. I welcome the fact that Danny Kinahan and other Members stated that they agree with the position that was put forward by the Minister, and I look forward to equal treatment for aviculturalists here compared with those in the rest of the United Kingdom.

Mr Bell: I welcome the Minister's bringing forward of the Bill. It contains many important issues that have already been addressed, including biodiversity. In Strangford, we have led the way in biodiversity in the Castle Espie development, which I think was the first significant investment in biodiversity.

There are many extremely good points in the Bill. There are some with which, on conscience, I beg to disagree, similar to my colleague Mr Shannon. In preparation for the debate, I listened to a range of sources, including the Countryside Alliance, the British Association for Shooting and Conservation, and different groups with specific interests in natural species that wrote to and e-mailed me. I considered all the material, and I am even more convinced that farmers and those involved in the Association for Country Sports are some of the best guardians of the countryside that this Province and the United Kingdom can boast. Their commitment is to animal welfare; their commitment is to the development of the natural environment; and their commitment, in many cases their voluntary commitment, has been significant in the promotion of the species that have been referred to in some of the amendments.

I take the Ronald Reagan, small-government approach, which is that legislation should exist only where it is strictly necessary. Legislation should be shown to be strictly necessary and an evidence base produced to demonstrate it. I support the case for the basking shark, and the Minister outlined the need for and the significance of that measure. There is no alternative natural habitat for them and there is

a need for them to be protected. That case has been clearly made.

I understand the concerns about curlew numbers. I equally understand that all the country sports and shooting fraternities, bar one, took upon themselves a voluntary moratorium and disciplined themselves very effectively. I understand that their voluntary moratorium nearly led to the number of curlew being in single figures. It ended up as 10 in the course of a year, but it was nearly one.

Mr Wells: I thank the Member for giving way.

The point has been made many times about voluntary bans on activities of organisations such as the British Association of Shooting and Conservation. That is well and good and I welcome it. However, unfortunately that group does not represent every shooter in Northern Ireland. Legislation would not be required if everyone acted responsibly. We have to make legislation for the shooter affectionately known as the marsh cowboy — the guy who shoots occasionally and is not affiliated to any gun club or any responsible field sports organisation and who goes out and does his own thing. I certainly have come across such people in my time and they can be completely irresponsible. If we could achieve a situation in which everyone was a member of a recognised body, life would be much easier for all concerned. The legislation has to cover not only the responsible shooter but the individual who shoots occasionally and will simply disobey any rule or any voluntary ban.

5.00 pm

Mr Bell: The honourable Member makes a point. I was one of those students present at Queen's when he came to lecture as a senior figure. Although I may differ from him, — *[Interruption]*.

I was referring to his seniority. Although I may disagree with him in the argument, we all respect the commitment that Jim Wells has to animal welfare and the consistent approach that he has taken over decades. We may disagree in parts, but that does not mean that we cannot respect each other.

There are a number of points to be made about Mr Wells's point about the curlew, which he made well. First, we should not penalise the vast majority because of the cowboy. The cowboy, I suspect, will not be significantly deterred by this legislation. Significant numbers of curlews

have been curtailed by the conservation fraternity, which has kept them to fewer than 10 in a year.

Secondly, the evidence is not that we need this legislation to protect curlews against the cowboy operator, but it is surely that the diminution of the curlew population is a result of changes in the landscape. Therefore, penalising the shooting fraternity, which is already operating in a voluntary capacity with a moratorium, risks antagonising it and will not be effective. In this case, our evidence base refers to around 10 in 12 months, so what we have in place has already been effective. Therefore, my argument for small government is that we do not need to replicate it.

Mr Ian McCrea has held a series of meetings with aviculturalists, about which he briefed us. He made his point about amendment No 36, which refers to the reed bunting, the twite and the yellowhammer. That case was also well made. Again, the evidence base is that the provision exists in the rest of the United Kingdom and the Republic of Ireland, and there is no coherent argument on the basis of environment or climate to bring in legislation. Therefore, it should not be brought in. I welcome the Minister's move on the situation of the golden plover, for which a similar case was laid. The current legislation is effective. The introduction of new legislation would counter the maxim that you should not try to fix something that is not broken.

There should be no unnecessary interference with the countryside way of life. Anyone who feels that the farming fraternity is anything less than interested in the best welfare of animals does not know the Strangford farmers whom I know. They care for their livestock and their natural environment, which they enhance. Farmers in Strangford have told me that their wish is to pass on their farms in a better state than when they found them. That stands as testament to their commitment as true guardians of the countryside. They do not need legislation to change their way of life.

Mr Shannon: The Member rightly says that farmers deserve recognition for what they do. They are the true custodians and guardians of the countryside, and they carry out those roles exceptionally well. Their efforts and contributions should be recognised.

Mr Bell: I agree that farmers should be encouraged in what they do. Legislation should be brought in only where it is shown to be necessary.

We are all interested in the future welfare of the Irish hare. The Minister set out the existing evidence base that clearly shows full protection to be unnecessary. Research from our universities and elsewhere indicates the future welfare of the Irish hare, and that will be subject to review. We must bear in mind what the Minister said earlier about the survey evidence. In light of that, a move towards full protection would be draconian and unnecessary.

Mr Wells spoke passionately about hare coursing, and Members will debate that later. I am cognisant of the Deputy Speaker's direction. Equally, it should be acknowledged that many people in the sporting fraternity go out of their way to muzzle their greyhounds to prevent the sort of abuse that was referred to earlier and to provide an identified means of escape for the hare. People who keep beagles can also maintain their way of life and avail themselves of the realistic protection that exists.

For generations, the countryside has been entrusted to the farming fraternity. For generations, the sporting fraternities have, in the main, regulated their behaviour well and promoted animal welfare. Therefore, we should seek to interfere and legislate only in areas for which there is a proven evidence base. We should not be led by the vagary of public opinion. We should go where the evidence leads us, and it shows that there are certain areas for which legislation is needed.

I contend that the species that I outlined when talking about amendment No 36 — the curlew, the golden plover and the Irish hare — are being well protected on a voluntary basis. Future legislation would be excessively costly to implement at a time when the Budget for Northern Ireland will be extremely difficult.

We should seek to encourage those in the Countryside Alliance, the guardians of the countryside, who work above and beyond the call of duty to promote their areas. One method of encouragement would be to implement legislation only where it has been proven to be strictly necessary.

Mr B Wilson: I support all the amendments: they are essential to the sustainability and retention of biodiversity. I will not go into

detail on most of the issues, but I particularly welcome amendment No 29, which calls for the golden plover to be protected and amendment No 27, which does the same for the curlew.

However, I am mainly concerned about amendment No 26, which relates to the Irish hare, a subject that concerns me greatly. Unlike Mr Wells, I have been to Crebilly and heard a hare being torn apart. I will refer to that experience when we debate the third group of amendments.

My concern about the Irish hare is not new. On first entering the Assembly, David Ford and I co-signed a motion that proposed permanent protection for the Irish hare, an issue about which I have strong feelings. I recognise that the Irish hare is subject to an annually renewed special protection order, but that has not been effective. The Irish hare must be protected permanently.

Regardless of what other Members said, the Irish hare is under threat. The evidence cited in the consultation document, for example, shows that, since the special protection order was introduced in 2002, there has been no consistent increase in the Irish hare population — it has gone up and down, year on year. The gathering of statistics is problematic. The special protection order has been ineffective; the Irish hare should be one of the animals that receives protection at all times.

For so long as the Irish hare continues to be less than fully protected and regarded as a game species, its population will remain under threat. The current situation, in which the Irish hare is protected only during certain periods of the year, sends an inconsistent message and hampers any enforcement of the protection order. The consultation document includes the statistic that, in 2002, there was one Irish hare per sq km. The document claims that, in 2004, there were five Irish hares per sq km.

I do not accept the figure for the base year of 2002. Those figures are totally out of line with all the others. If we take 2004 as the base year, for example, there was a 50% fall in the number of hares over the next few years. Therefore, the methodology used is extremely suspect. I am not sure how the research was carried out, but those figures cast significant doubt on it. There is no long-term evidence of an increase. As I said earlier, if the population goes up one year, it may go down the next, so it is not stable. One cannot use those figures as a basis to suggest

that there is a long-term trend and that the Irish hare population is now stable and sustainable.

Another issue that relates particularly to the Irish hare is the fact that it is a top target for wildlife crime, as is the badger. As such, it needs additional protection. Mr Shannon talked about all the groups that supported his view that the Irish hare should not be protected. Some groups have a vested interest. Instead of considering their views, we should consider those of environmental groups, all of which support the permanent protection of the Irish hare. One opinion poll, which included people who live in rural communities, showed public support of about 70%. As Dr Farry said, based on the precautionary principle, we do not know the long-term trends for Irish hare populations. We do not know what the critical mass for that species is, so the population could fall below its critical mass and it would be too late to do anything about it. The evidence for population recovery is limited, so we should not take a chance; we should give the Irish hare permanent protection.

5.15 pm

Mr McHugh: Go raibh maith agat, a LeasCheann Comhairle. Much has been said to which I want to reply. I considered leaving it until later to get to my feet; however, issues were raised about habitat and biodiversity in relation to the Irish hare. The Committee has done a great deal of work and there has been a great deal of lobbying, but, having listened to the debate so far, there is still a two-sided argument. There is not the balance that one would expect. It is not good enough for Members simply to adopt a view and not be prepared to accept the other side of the argument. Members in favour of hunting and shooting must be prepared to take account of the other view, which is supported by an increasing number of people.

The Irish hare has been iconic in our country for a very long time. There is enough habitat in Fermanagh for it to survive. Around my farm, the numbers indicate that, for many years, the species has had no difficulty in surviving. Mr Wells said that planning decisions have devastated many habitat areas in Fermanagh. I am not sure whether that gives the full picture for the Irish hare or, indeed, for many other species, including the curlew. Some years ago, there were quite a number of pairs of curlew in

the area. Nowadays, they visit but they do not seem to stay; they certainly do not nest.

Forty years ago, many people used wild bog land for walking; yet even though far fewer people use them now, curlew populations are declining, so there must be other reasons that we are not taking into account. Some of them have been mentioned: foxes and mink — an invasive species — clear nests, as do grey crows and magpies. They have to live on something. Forty or 50 years ago, every farm was mixed; there was not the specialisation that there is now. All sorts of fowl ranged free on most farms, and they were available for foxes, which do not have any of that today. As a result, they are forced to live on wild species, such as ducks. In addition, given the number of grey crows, I am sure that shooters are no longer interested in wasting cartridges on them.

Furthermore, there is no question that planning has done a great deal of harm. Even now, planning permission is granted for houses in the middle of bog land. If planners had had any wit, they would have, at the very least, protected those species. Once people are moved into what would otherwise be an isolated and rural spot, certain species must move out if they are to build nests etc. All of that has happened, and we are in a different position now. A couple of hundred hectares of land at the Marble Arch caves global geopark at Cuilcagh are largely untouched by people and yet it is an area in which all of these species are in decline.

Jim Shannon mentioned research and development from the 'Shooting Times'. I am not sure that we should believe all that comes from that source because of its biased nature. I have read some of its articles many times, but even I have difficulty with using any of it any more. Nevertheless, it has to argue its corner.

The Irish hare is under particular pressure from changes in farming that have taken place over a number of years. However, even beagle hunting is in decline now. Going back a number of years, sons, fathers and grandfathers hunted in almost every townland, but that practice is dwindling. Those who are arguing for a total ban should be happy that that is the way forward because a ban will only cause hunting to be reinvented and become popular, which is not what they may well have in mind. Hare coursing is a different matter altogether.

I already mentioned the amendment relating to the protection of the environment, flora and fauna. I have taken a great interest in the countryside for a long time with respect to the preservation of species, and I have seen both sides of the divide. I am all for the survival of many of the species that have been argued for to this point. However, we have to take into account the impact of other species in the countryside and their impact on declining species or those we want to protect. People have asked why we have protected so many species that are harming themselves, such as grey crows. The impact of the fox on the bird population has to be taken into account. Surveys on diseases and depopulation have not been looked at fully. We need to monitor, rather than ban, species. There is definitely a need to watch and monitor them in the future. I am not sure whether we should introduce a total ban at this point.

Jim Shannon mentioned the curlew with respect to the quarry list. I do not know why anyone would want to shoot them, but there is certainly a tremendous decline in their numbers across Ireland, the exception being parts of Galway where people do not seem to travel into the boglands. The curlew is in greater numbers in those areas.

I will come back to other issues later in the debate. Habitats need to be studied, and there needs to be more research and interest from those who have the money or who are able to monitor what happens in rural areas for us to know exactly what is happening to habitats.

Some of the amendments make no sense. However, I support most of those that are concerned with habitats, apart from one or two with which I have difficulty.

The Minister of the Environment (Mr Poots):

I thank those Members who have participated in the debate thus far. Dr Farry was the first Member to raise the Irish hare. The Irish hare survey carried out for my Department by Queen's University Belfast reported a five-year average for 2005 to 2010 of greater than two hares per sq km. If anyone needed any convincing on the subject, they should have listened to Mr Brian Wilson, who clearly does not understand how the hare population rises and falls. It does not go on a yearly pattern. Had he any scientific knowledge of hare breeding patterns, he would not have made that argument; in doing so, he

demonstrated his ignorance. I will take the word of Dr Ian Montgomery before I take that of Mr Wilson.

With regard to the Executive's position, further papers were put to Executive Ministers on the back of further amendments being received. However, other Ministers would not allow those positions to be taken. Further letters were issued on the basis of fresh amendments, and that is why we are where we are.

It is acknowledged, with regard to most of the species that we are referring to today, that hunting is not the problem: the problem lies with habitat management. There has been a considerable change in habitat management, particularly between the Second World War and the 1990s. As a result of habitat loss, we have lost many of our key species; however, some of them are beginning to recover, including the Irish hare. Issues relating to the welfare of the Irish hare will be discussed later in the debate.

Mr Wells is very knowledgeable on these subjects, and he has invested much of his life in his passion for bird watching and bird protection. With regard to the great skewer, the schedules can be changed by subordinate legislation: what we are legislating on today will not be permanent for the next 20 years. Mr Wells identified a number of other species that may be making a comeback in Northern Ireland, and we will be careful to take note when that is brought to our attention and move the issue forward.

We have the support of quarry owners with regard to the nests of peregrine falcons. Licensing provisions under the Wildlife Order allows the movement of such nests at an appropriate time of the year to allow quarries to continue their business.

There is a special management plan to control the muntjac deer in Northern Ireland. An action plan targeted at the Ards Peninsula has been initiated, with local landowners and rights holders all actively engaged. I am not sure whether Mr Shannon is aware of that yet, but I am sure that he will be happy to participate in that management issue.

Mr Shannon raised the issue of special protection for game in amendment No 25. I confirm that shooting interests are actively engaged in siting such protection, particularly when required during severe weather. The organisations that we consult include the British Association for

Shooting and Conservation and the Countryside Alliance.

I note the points made about the Irish hare, including their contribution to country sports, particularly in the beagling community. I recognise the difficulties that accepting Mr Farry's proposal would cause.

With regard to aviculture, I note that there is widespread support for the position that I have adopted in relation to amendment Nos 35 and 36, which is same as that adopted by the rest of the United Kingdom and the Republic of Ireland.

I do not see how we will be doing anything to benefit wildlife if we adopt a position in Northern Ireland different to that which is taken in the jurisdiction south of the border or across the water.

5.30 pm

Some people still argue that the curlew should not be removed from the quarry list. There are around 100 to 200 breeding pairs of curlews in Northern Ireland, and there is an issue with why that population has dropped so dramatically. Mr Wells rightly pointed out that the reason for that drop was not as the result of hunting, but through the loss of its habitat, although hunting could have an effect at this point. I thank all those responsible country sports enthusiasts who have engaged in the voluntary moratorium. Unfortunately, one club was not prepared to participate in that moratorium, so in essence it is that club that has brought about the situation where are looking at taking it off the quarry list. On the other hand, there are over 20,000 golden plovers in Northern Ireland, and we are not doing anything to protect that particular population by not allowing a small amount of hunting. There is a fundamental difference between the situation of the golden plover and that of the curlew.

The Department was engaged for some time in the Glenwhirry project in County Antrim. It was very happy to support that programme, and I trust that we will be able to continue with it in due course. The programme was developed with the support of the local farming community and the RSPB. This is where wildlife can really benefit: when organisations with an interest in the countryside come together with organisations that are interested in animal welfare and conservation. As a result of supporting the local farmers in Glenwhirry in conjunction with RSPB, we were able to put

a gamekeeper in that area. That gamekeeper took out around 600 foxes. Some people may be horrified by that fact, but as a consequence of that reduction in fox numbers, there has been an uplift in the number of hares and lapwings and a steadying in the number of curlew in that area. That will take us into another debate at a later stage, because the gamekeeper could only operate with the full suite of facilities that were available to him. If we are serious about protecting the curlew, enhancing the population of Irish hare and looking at other bird species that suffer from predatory animals such as foxes, grey-backed crows and magpies, we will have to ensure that those who control those predatory species have the mechanisms to do so. We will need to fully discuss that issue before the Bill is passed.

Mr McHugh asked why the Department is protecting grey-backed crows. We do not protect grey-backed crows, and I do not know where that came from. Grey-backed crows are not a protected species and are one of the biggest pests in our environment.

I am happy to go to a vote on a number of these issues. It has been a rational and reasoned debate, and the Assembly can produce a Bill of good quality as a consequence of the work that has been done thus far.

Question, That amendment No 6 be made, put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clauses 5 to 8 ordered to stand part of the Bill.

Clause 9 (Protection of basking sharks from disturbance)

Amendment No 7 made: In page 4, line 29, after "as" insert

"—

(a) a common seal (*phoca vitulina*),

(b) a grey seal (*halichoerus grypus*), or

(c)". — [The Minister of the Environment (Mr Poots).]

Clause 9, as amended, ordered to stand part of the Bill.

Clause 10 (Snares)

Mr Deputy Speaker: We now come to the third group of amendments for debate. With amendment No 8, it will be convenient to debate the remaining amendments in the group, which are set out in the provisional grouping list.

The amendments deal with snares, hare coursing, game and the control of animal populations. The group also includes the Minister's opposition to clause 15.

The Chairperson of the Committee for the Environment: Go raibh maith agat, a LeasCheann Comhairle. Molaim leasú uimhir 8. I beg to move amendment No 8: In page 4, line 34, at end insert "and omit 'self-locking'."

The following amendments stood on the Marshalled List:

No 9: In page 4, line 35, leave out paragraph (3). — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 10: In page 4, line 39, at end insert

"() In paragraph (2)(a) omit 'snare'." — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 11: In page 4, line 41, leave out from line 41 on page 4 to line 9 on page 5. — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 12: In page 5, line 13, leave out lines 13 to 18. — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 13: In page 5, line 18, at end insert

"(2F) Any person who—

(a) uses a snare otherwise than in accordance with such requirements as may be specified in an order made by the Department, or

(b) knowingly causes or permits any other person to do so,

shall be guilty of an offence." — [The Minister of the Environment (Mr Poots).]

No 14: In page 5, line 18, at end insert

"(5) In paragraph (7), omit 'self-locking'." — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 15: In page 5, line 18, at end insert

"(6) After paragraph (7) insert—

'(8) For the purposes of this Order, "snare" means a device for capturing small wild animals or birds, consisting of a noose in which a foot or the head may be caught.' — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 16: After clause 10, insert the following new clause

"Spring traps

10A—(1) After Article 12 of the Wildlife Order insert—

'Spring traps

12A.—(1) Subject to the provisions of this Part, any person who—

(a) for the purpose of killing or taking any wild animal other than one included in Schedule 6, uses or permits the use of any spring trap other than an approved trap or uses or permits the use of an approved trap in circumstances or for wild animals for which it is not approved; or

(b) sells, or exposes or offers for sale, any spring trap other than an approved trap with a view to its being used for a purpose which is unlawful under sub-paragraph (a); or

(c) has in his possession any spring trap for a purpose which is unlawful under this paragraph;

shall be guilty of an offence.

(2) Paragraph (1) does not apply to traps of any description specified by order of the Department as being adapted solely for the destruction of rats, mice or other small ground vermin.

(3) In paragraph (1) any reference to an approved trap is a reference to a trap of a type and make for the time being specified by an order of the Department, either generally or subject to conditions as to the circumstances in which or the wild animals for which it may be used, and any reference to the circumstances or wild animals for which a trap is approved shall be construed accordingly.'

(2) In Article 18 of the Wildlife Order (power to grant licences) after paragraph (4) insert—

'(4A) Article 12A(1)(a) does not apply to anything done for the purpose of enabling a spring trap to be developed or tested with a view to its being approved under Article 12A(3) if it is done under and in accordance with a licence granted by the Department.' — [The Minister of the Environment (Mr Poots).]

No 17: In clause 14, page 6, line 42 at end insert

"() In paragraph (1), for '12(1) and (2)' substitute '12(1)(b) and (c) and 12(2)'. — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 18: In clause 14, page 7, line 16, at end insert

"() In paragraph (3), for '12(1) and (2)' substitute '12(1)(b) and (c) and 12(2)'. — [The Chairperson of the Committee for the Environment (Mr Boylan).]

No 19: After clause 15, insert the following new clause

"Shooting of certain deer

15A. In Article 20 of the Wildlife Order (exceptions to Articles 12 and 19) after paragraph (8) insert—

'(8A) An authorised person shall not be guilty of an offence under Article 19(3)(a) if he uses for the purpose of taking or killing or injuring any Chinese water deer (hydropotes inermis) or muntjac deer (muntiacus reevesi)—

(a) a rifle having a calibre of not less than .220 inches and a muzzle energy of not less than 1,000 foot pounds (1,356 joules); and

(b) a soft-nosed or hollow-nosed bullet weighing not less than 50 grains (3.24 grammes).' — [The Minister of the Environment (Mr Poots).]

No 20: In clause 26, page 15, line 9, leave out from "for" to end of line 10 and insert

"for '1st March' in each of the three places where it occurs substitute '1st April'." — [The Minister of the Environment (Mr Poots).]

No 26: After clause 32, insert the following new clause

"Hare coursing

32B.—(1) A person commits an offence if he—

(a) participates in a hare coursing event,

(b) attends a hare coursing event,

(c) knowingly facilitates a hare coursing event, or

(d) permits land which belongs to him to be used for the purposes of a hare coursing event.

(2) Each of the following persons commits an offence if a dog participates in a hare coursing event—

(a) any person who enters the dog for the event,

(b) any person who permits the dog to be entered, and

(c) any person who controls or handles the dog in the course of or for the purposes of the event.

(3) A 'hare coursing event' is a competition in which dogs are, by the use of live hares, assessed as to skill in hunting hares.

(4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale." — [Mr Beggs.]

No 43: In schedule 2, page 26, line 20, leave out from beginning to "(interpretation)" and insert

"4.—(1) Article 2 (interpretation) is amended as follows.

(2) In paragraph (2)". — [The Minister of the Environment (Mr Poots).]

No 44: In schedule 2, page 26, line 23, at end insert

"(3) In paragraph (2) in the definition of 'wild bird' at the end add 'or any game bird'.

(4) Omit paragraph (3)." — [The Minister of the Environment (Mr Poots).]

No 46: In schedule 3, page 28, line 7, at end insert

"The Welfare of Animals Act Section 21."
(Northern Ireland) 1972 (c. 7)

— [The Minister of the Environment (Mr Poots).]

No 47: In schedule 3, page 28, line 7, at end insert "Article 2(3)." — [The Minister of the Environment (Mr Poots).]

No 49: In schedule 3, page 29, line 7, at end insert

"Section 7(2).

Section 7(3)(b)." — [Mr Beggs.]

No 50: In schedule 3, page 29, line 11, at end insert "Section 7D(4)." — [Mr Beggs.]

No 51: In the long title, after "game dealers' licences" insert

"and amend the Game Preservation Act (Northern Ireland) 1928". — [The Minister of the Environment (Mr Poots).]

The Chairperson of the Committee for the Environment:

The issue of continued snare use in the North drew responses from many organisations and individuals that provided evidence to the Committee as we considered

the Bill. In fact, in addition to detailed written responses, we received a number of single-line e-mails from the general public, urging us to use this opportunity to stop the use of snares in the North for good. Undoubtedly, this is an emotive issue, and the Committee spent considerable time debating it. From the outset, however, it was clear that its members were unanimous in wanting tighter controls on snares than those that are offered in the Bill.

The Committee sought further information from the Assembly Research Service on a range of aspects of snare use, including new snare technology, snare guidelines and the use of snares and pest control in Europe. One particular area of interest to the Committee was the opportunities that new technology might have to offer and whether that would lead to more humane methods of controlling pest species. The guidelines for use of snares made it clear to Committee members that it is a complex area, in which it is easy to fall foul of the current laws inadvertently and end up being prosecuted for malpractice.

Members were also told that the UK and Ireland are two of only five countries in the EU that allow the use of snares and that it is possible that permitting the use of snares contravenes the Convention on the Conservation of European Wildlife and Natural Habitat — the Bern Convention — which prohibits the use of all indiscriminate means of capture. Fortunately, the Committee was able to seek an assurance that neither country had been challenged under the convention.

The Department advised the Committee that, although a licensing regime was feasible, the resource implications of putting one in place and operating it were unknown. Does anyone know how many snares are in use in the North and, realistically, would it be possible to encompass those in a practical and effective licensing system?

The Committee eventually considered two options. One was the introduction of a licensing regime that would require all snares to be licensed, along with a requirement for set snares to be checked once every 12 hours. The other option was a complete ban. When the decision was eventually made, the Committee supported a complete ban on all snare use, for which I urge support.

Before I move away entirely from the subject of snares, I wish to mention the possible inclusion of spring traps in the legislation, should amendment No 16 be made. As part of its scrutiny process, the Committee wrote to other Departments and public bodies to seek their opinion on the Bill.

In its response, the Department of Agriculture recommended that the Department of the Environment should assume overall responsibility for traps and snares. The Committee accepts that recommendation and its support of amendment No 16, which transfers the legislation for spring traps from the Welfare of Animals Act to the Wildlife Order and responsibility from DARD to DOE.

The Committee heard evidence from deer experts who raised two key issues of concern. The first was the timing of the proposed close season for deer. Based on the evidence provided, although it was necessary to reduce the close season to allow for appropriate population control, it was essential that it was done in a way that kept suffering to a minimum. The Committee was advised that extending the period into the autumn, as drafted in the Bill, would increase the risk of orphan calves being left too young to fend for themselves. However, allowing control to commence earlier in the spring would avoid that problem, so the Committee recommended that the appropriate amendment to clause 26 be made. Accordingly, I welcome amendment No 20.

Another area of concern for the Committee was the inclusion of a clause that would permit shooting from a stationary vehicle. The Department advised that that clause was to assist deer keepers to manage their herds more conveniently, but experts consulted by the Committee did not see the necessity for that clause. In addition, there was a suggestion that that increased flexibility could facilitate poaching. Therefore, in the absence of any apparent advantage and at the risk of making poaching easier, the Committee recommended that the clause should not be included in the Bill. The Committee was also pleased that the Minister recently advised that he too would oppose the inclusion of that clause.

Before leaving the issue of deer, I must mention that the Department advised the Committee of the likelihood of an amendment being tabled to ensure that the control of non-native

deer species was as humane as possible. The Committee accepted that in principle and welcomes amendment No 19 accordingly.

Before I finish, which Members will be glad to hear will be very soon, I want to draw attention to an amendment that was tabled only last week, long after the Committee reported on the Bill. Mr Beggs and Mr Elliott's amendment to ban hare coursing is one such amendment. There is no Committee position on the amendment. Mind you, after all the Committee processes that we went through, I do not know whether we would have appreciated going through that. Nevertheless, I will take this opportunity to say a few words from the personal perspective of an MLA for Newry and Armagh.

Hare coursing today is park coursing in which two muzzled greyhounds pursue a hare for a short time in an enclosed field. A banning of regulated coursing has seen an increase in the demise of hare populations in England. I wish to seek some clarity, because there seems to be some difference between what Mr Bell and Mr Wells were talking about. Obviously, there are 30 years between coursing without muzzles and coursing with muzzles. Mr Wells was out of the Chamber when that was mentioned, and it is something that we need to look at. It is an emotive subject. Hare coursing looks like a brutal sport, but now there is the issue that dogs are being muzzled. We need to accept the value that those pursuits bring to local rural communities. It is estimated that coursing generates millions of pounds to the rural economy.

Mr Wells: There is a dichotomy in the Member's position in that it is OK to terrorise a hare by chasing it through an enclosed space with two greyhounds following it, but it is wrong to snare. I suspect that many Members believe that both are equally cruel.

I know where the Member is coming from on the issue, because, at his annual conference, Mr Ferris moved a motion that forced his party to support hare coursing because of a view held particularly in the Kerry and Connaught area. That has put him and many of his party members in a difficult position. I know that many of them privately find it very difficult to support park hare coursing, but they have been whipped and dragooned into doing so.

I will explain the Member's point about the difference. As one of the veterans of this institution, I was here between 1982 and 1986

when the issue was discussed at great length. In Crebilly and Eglish, which may be in his constituency — Eglish is perhaps just outside it — in the old days, the hare was coursed, the greyhounds had no muzzles, and success was measured in the twisting and turning of the hounds. Inevitably, a proportion of the hares were caught, and they were pulled to pieces in front of several hundred people, much to their amusement, apart from the few who heard their screams.

At that time, when the Assembly tried to oppose it, the Conservative Government said no. They were not prepared to run with a ban. Eventually, after much discussion with the Irish Coursing Club, it was agreed that muzzles would be put on the hounds. Does the Member believe that a hare is any less terrorised if it is being pursued by two greyhounds that are muzzled?

5.45 pm

I suspect that the Member, personally, does not support park hare coursing. However, he has been forced by his party to do so. I suspect that a good half of the Members from his party are in the same position. However, they must obey the Whip. They know what the consequences will be if they do otherwise. I am worried that he is going down the route of whipping his party on an issue that is clearly one of conscience. I plead with him to allow Members a free vote, as most other parties are doing, on what is an emotive issue.

The Chairperson of the Committee for the

Environment: I thank the Member for his intervention. *[Laughter.]* I do not believe that anyone will be whipped in my party or any other. It would certainly not be for me to try to whip Martin Ferris into any situation.

I was simply seeking clarity on a point that Mr Bell made. However, I gave you an opportunity to have your say on the matter. There is a point that you —

Mr Bell: Will the Chairperson give way?

The Chairperson of the Committee for the

Environment: Yes.

Mr Bell: Can the Member give way again to Mr Wells? I do not engage in the activity, but I understand that it is not just a matter of the chase. Having spoken to members of the sporting fraternity, I understand that not only are greyhounds muzzled so that they cannot hurt or

injure hares in the barbaric way that happened 30 years ago, as Mr Wells described, but hares are provided with a means of escape.

The Chairperson of the Committee for the

Environment: Thank you very much for clarifying that point. I am glad that the party is not divided on the matter and that you support the argument.

With your indulgence, Mr Deputy Speaker, I want to pick up on Mr Wells's remark that he is willing to listen to the debate on the third group of amendments before he decides whether to support full protection. How would he realistically protect the hare when the Minister has difficulty with paying £40,000 to £50,000 to monitor it? How would you actually provide and implement full protection for the Irish hare?

Mr Wells: I want to make the point that several hares die at every coursing meeting, even when hounds are muzzled. They are killed as a result of being hit by hounds with their muzzles. It is not a conservation issue as much as it is about protecting the hare population. The issue is whether, in the twenty-first century, it is morally right for so-called civilised human beings to take bets on the fate of a terrified animal that is being chased by two hounds in an enclosed area. How can any civilised person stand over that so-called sport? It has nothing to do with field sports, in which the animal has an opportunity to escape into its natural habitat. Coursing is a stressful situation for the animal that is caught. It may have a way out. However, on many occasions, it does not reach the way out. Is that acceptable? I do not believe for one moment that the Member believes that it is acceptable. However, he has been told to take a certain action. He must obey, because he knows what the consequences will be if he does not.

The Chairperson of the Committee for the

Environment: I am over 21 years of age now, Mr Wells; I can make my own decisions. I must say that you still did not answer the point about full protection —

Mr Deputy Speaker: Order. The Chairperson must make all remarks through the Chair. It would be nice if the entire Chamber were included in the debate. *[Laughter.]*

The Chairperson of the Committee for the

Environment: Thank you, Mr Deputy Speaker. Through the Chair, Mr Wells did not answer my question. The Minister knows well that he

has not got the resources to protect the Irish hare fully. He changed his mind just before he came into the Chamber. That is fair enough; he is entitled to do that. However, the fear is that if coursing were banned, it would be driven underground.

Mr Wells: In Northern Ireland, coursing has been suspended at Crebilly and Eglish as a result of a wise decision by the DUP Environment Minister to bring in a special protection order.

There is no evidence of it being driven underground. What happens is that those who want to partake in that barbaric sport go down to somewhere such as Clonmel, for instance, and enjoy their sadistic pleasure there. There is no need to worry about it going underground. It is very difficult to run a coursing meeting, which requires several dozen bookies, a large enclosed space and, often, several hundred spectators. That could not be done underground in Northern Ireland. We could not have a Crebilly that would not be discovered by the police. Therefore I do not see the Member's argument.

I am also worried by the view that an activity cannot be banned because it might be driven underground. An activity is either right or it is wrong. If it is wrong, the PSNI should be brought in to enforce the law. I do not believe that the Member believes a word that he is saying.

The Chairperson of the Committee for the Environment:

That is very considerate of you to say so, Mr Wells. However, you still have not answered the question about full protection. I will leave it at that, a LeasCheann Comhairle. Go raibh maith agat.

Mr Weir: Judging on the last exchange, the party opposite seems to have taken a very strange position of being anti-snare in all circumstances, but pro-hare coursing. It is the party opposite that is caught in a trap, and it seems that no escape route has been left for it.

It is no secret that I am not the greatest fan of field or blood sports; they are not my cup of tea. At this point, I can sense the itchy trigger finger of Mr Shannon, who may, at some stage, be about to give me both barrels; metaphorically, I hope, and not literally, as he might have been tempted to do at various stages.

I want to touch on two areas of the third group of amendments. I welcome the range of sensible amendments that the Minister has

proposed in this group. Hare coursing has been touched on, and, I am sure, there will be other contributions. I will listen with interest to Mr Wells's contribution, in particular, at a later stage. Even as someone who is not the world's greatest fan of field sports, I see a very clear distinction. As commented earlier, the defence of other field sports can, at times, be damaged by association with hare coursing. However, there is a strong distinction between those who are shooters and hare coursing, which, I think, deliberately goes —

Dr Farry: Will the Member reflect further on the comments that he has made on the definition of sport, particularly in connection with field sports? We often hear that sport is only a game and that other things are more important. Surely, one of the characteristics of sport is the potential for the participants to compete on another occasion. Does the notion of field sports, particularly in connection with the destruction of animals, not cut off the potential for sport, since the participants will never have the chance for a rematch?

Mr Weir: It is somewhat esoteric to get into an argument about what is and is not a sport. If the DCAL Minister were here, he could give a better answer. *[Interruption.]*

Obviously, Mr McCausland is not here. I hear comments from a sedentary position in relation to that.

I regard hare coursing as barbaric and belonging in a different century. It is a case of the barbarians not being at the gate but being at the hare course.

The defence that a hare can be chased by large, muzzled dogs and allowed an escape route does not cut a great deal of ice with me. Whether there should be a free vote, and whether, as Mr Wells suggested, Mr Boylan was acting under duress in that regard, Mr Boylan and, more freely, Mr Bell, defended hare coursing, and I suspect that they will do so in the future. Perhaps, in a cross-community manner, we could have the two of them in the Chamber and release a couple of large dogs to go after them, albeit with an assurance to them that both dogs were muzzled and that a door was left open for their escape.

However, I must say that I regard that argument as a fairly weak defence of a so-called sport. For example, shooting something that will be eaten

later is a perfectly reasonable thing to do, but to defend betting on blood sports as some sort of countryside pursuit is a weak argument. There is a distinction to be drawn between those activities involving animals that are legal and those that are not. Indeed, if we were to go back far enough in time, we would, perhaps, be dealing with bear-baiting, cockfighting or dogfighting, all of which have, at various stages, been made illegal. This issue falls into that category.

Mr Beggs: It was said earlier that banning hare coursing would drive it underground. However, if we were to use that argument, we would not ban cockfighting, dogfighting or a range of other barbaric acts. Does the Member concur?

Mr Weir: To say that banning hare coursing will drive it underground is a weak argument. Despite what the Committee Chairperson said, a lot of similar things that happened elsewhere were challenged on that basis. There is no strong evidence to suggest that such activities have been driven underground. However, even if an activity were driven underground, that cannot be used as an excuse to make it acceptable. As Mr Wells said, if something is fundamentally wrong, which hare coursing is, it should be banned. Consequently, I support the amendments on that matter that Mr Beggs and Mr Elliott tabled.

The other issue is the lack of logic in the position of the party on the opposite Benches on the subject of snares. Society has legitimate reasons for killing animals. Those include, among others, population control and the need for food and even clothing. Sport is not a word that should be used to describe hare coursing. There is, to a degree, a need to control the populations of certain wild animals. When the Committee first debated snares, we were faced with a black-and-white situation. We could either support the present, somewhat unregulated, situation, or we could have a complete ban on snares. Subsequently, the Minister has brought forward sensible amendments on snares. The use of snares does not rest easily on the shoulders of many animal lovers, but if we were not to support the regulation of snares and the Minister's amendments, we could not then kid ourselves that there is a better way to regulate the populations of those animals.

For those who genuinely believe in animal welfare, the Minister's amendments are sensible. We do not want to go down the route of allowing the use of poisons or other methods

that could have very bad consequences. The amendments concerning snares are sensible. However, on both the major issues, Sinn Féin has got it badly wrong.

The Chairperson of the Committee for the Environment:

Will the Member clarify his remarks? He talked about the cruelty of hare coursing. There have been instances in which domestic animals have been trapped in snares. Is that not just as cruel? He said that there needs to be a degree of control, but surely he cannot divide one from the other, especially if an animal is trapped in a snare for more than 24 hours, which is what is being suggested. It is either cruel or it is not cruel.

Mr Weir: First, there must be some level of control of wild animals, and secondly, there must be a mechanism for doing that. There is no perfect solution: there is no rural idyll in which animals can be controlled without, unfortunately, some degree of pain. However, there is a massive distinction to be made between first, the need to control an animal population, particularly wild animals, which has to be regulated in the way that the Minister's amendments propose, and secondly, people who use animals for the pleasure of seeing them being chased, hurt and killed. That is cruelty for its own sake.

Mr Ross: The Member's point is that, although there is no great taste for snares, we have to recognise that for landowners who are controlling their land, the alternative of using poison, as the Member said — perhaps he will develop that point — is much more indiscriminate and would have a much more negative effect on domestic animals.

That is our point, rather than that we support snares in some way.

6.00 pm

Mr Weir: I thank the Member for his comments. As I said, there is a necessity to have a degree of control of animals in the wild, particularly in farmland and rural areas. Snares are not a perfect solution, but they are the best solution available. For those of us who see ourselves as animal lovers, snares are a necessary evil; they are fundamentally necessary. The alternative methods of control would be much more indiscriminate. If they were not regulated properly, those measures would be much more harmful to the animal population as a whole,

and that is the fundamental difference. In my mind, it beggars belief how hare coursing, which this amendment proposes to ban, is in any way a necessary evil. It is an evil, but it is not necessary. Consequently, I support Mr Beggs's amendment, and I support the Minister's position on snares and the Minister's position on the other amendments in this group, which are a bit less controversial.

Mr Beggs: I will start by discussing snares, which, I have to admit, I had little knowledge of until evidence came to the Committee. Snares are foreign to me; I have no knowledge of them in my East Antrim community. Like many other Members, I was concerned by the illustrations of cruelty suffered by some animals caught in snares, which we heard during the progress of the Bill.

In the early stages I was minded to ban snares. However, in Committee I learnt of the importance of snares in regulating a number of predators, such as foxes, which prey on ground-nesting birds. That was mentioned by the Minister a short time ago. Evidence to the Committee showed that 30% of foxes caught in Northern Ireland were caught using some form of snare, so they do have a function. However, if they are to be used, they ought to be used in a humane fashion. There has to be fuller understanding by the urban community of the effect that foxes have in rural communities. They are not like cuddly little dogs. They grab defenceless little lambs from their mother and murder them. Therefore, there is a danger that other animals will be exposed to risk if the fox population is not regulated.

Mr McKay: I thank the Member for giving way. Does he agree that the Ulster Farmers' Union's position on this matter, which it has outlined in correspondence with a number of bodies and on local radio stations, is that the use of snares is not considered to be part of common farming practice? From memory, I believe that it has also said that it is not an issue and that snares are not used in sheep farming.

Mr Beggs: I concur with that view. I have no knowledge of snaring whatsoever. However, even just a short time ago the Minister told us that 600 foxes were controlled in the Antrim hills. I understand that snaring was part of that process. If those 600 foxes had not been controlled in the Antrim hills, what do you think would have happened to lambs there? I have no

doubt that lambs would have been lifted and, furthermore, a number of ground-nesting bird species would have been decimated.

Aside from lambs, I have personal experience as a primary-school child of going to collect eggs in the hen house only to find that foxes had got in and the whole house was decimated. Foxes do not lift one hen, they kill everything. They might not even take a bird away with them. It is somehow in their nature to kill everything, and that was a cruel lesson that I learnt as a young child. Earlier this year, my sister suffered a similar fate with her small collection of three hens. They were killed by a roaming fox, as were her replacement ones. It must be understood that there are two sides to the issue. It is not just the fox; it is the animals that the fox will kill.

There are other issues that ought to be of concern to the urban community, in case it thinks that this is a purely rural situation. I expect that, within the last fortnight, Members have picked up the media comments about the urban fox; I think it was in London. The fox has lost its shyness. Generally a fox will run a mile from a human, but in the urban environment that is changing. It appears that a fox entered a house through a cat flap, went upstairs and attacked two babies as they slept. It is not just an issue that affects the rural community; it is an issue that could affect the urban community, including that in Northern Ireland.

Mr Shannon: Will the Member give way?

Mr Beggs: In a minute. If we are going to regulate the fox in the urban situation, I do not think we want Jim Shannon with his 12-gauge shotgun or whatever. That is just not doable. The question I have to put to Members who oppose the use of snares outright is how they will regulate foxes in an urban environment, given that discharging of firearms would not be acceptable.

Mr Shannon: I thank the Member for giving way. There is not a Jim Shannon in every field in the Province, but that is not the issue. The Member mentioned the mauling of the twins by a fox on the UK mainland. Is he aware that there has been another incident of that, where another fox has mauled a child?

Mr Beggs: I was not aware of a further issue, but it is increasing my concern, and I hope that Members are listening. I am looking for an answer from Members present. How

are they going to regulate foxes in the urban environment?

Mr McKay: The example that the Member refers to is of a fox in the middle of London, a large city. We are talking about the use of snares in rural areas. Is the Member seriously proposing that we use snares in urban areas — in towns and cities? Should we put snares on lamp posts? Is the Member seriously considering that? Does he not realise that, in that context, snares could also pose a serious threat to young children?

Mr Beggs: I fully agree that snares could pose a threat. One has to assess the alternative threat. Perhaps Members who have yet to speak can tell us how to regulate foxes in the urban environment. I have no doubt that foxes also exist in the urban environment in Northern Ireland. Remember, that was not just a one-off, as has been pointed out; it has happened on a second occasion at least.

Regulating the number of foxes is important to the rural community. It is not just about lambs and hens; it is also about how we make use of our uplands, which may well be of no economic benefit to other farming practices and where bird shoots exist. That enables additional moneys to come into the rural community through gamekeepers and other activities that could flow from that, such as bed and breakfasts etc, for those who wish to partake of such activities.

Last year I went for a ramble with the East Antrim Rambling Club, and we visited Glenwhirry. We got to see some of that upland, which is managed by a gamekeeper at considerable expense to the individuals who are funding it. That has enabled the return of the red grouse, which is breeding. It is encouraging to see that. Again, without the control of the predators, that would not have been possible and that bit of land would have been barren and of no benefit whatsoever to the community.

I agree, because of the evidence we have been given, that the indiscriminate use of snares should not be accepted. That is why I support the Minister's viewpoint that we should license the use of all snares. If snares were licensed, those who value them and are responsible for setting them would have to regulate and to examine closely their patch in order to operate within the rules, and, if they did not do so, their snares could be taken away. The regulation of snares would mean that ID tags could be

produced to make it clear who was laying them and whether or not they were doing so in an appropriate, systematic and responsible manner.

The Chairperson of the Committee for the Environment: Will the Member clarify who would enforce that and where the resources would come from? It is all right to talk about a licensing system, but the problem, which the Member and I saw in Committee, is the lack of enforcement in every aspect and part of legislation. Therefore, will the Member clarify exactly who would enforce that?

Mr Beggs: It would be up to the public to enforce it. However, I am sure that there would also be some licensing officers. I wish to pose a question to the Member: who will regulate snares that are used without a licence? Banning snares in their entirety will lead to the indiscriminate use of snares that are not regulated and inspected regularly.

Mr McGlone: We must inject some degree of realism into the debate. The use of snares or weapons, be they rifles or whatever else that people use to control foxes and other vermin, is the only realistic method available to people. If it were not for that method of control, many ASSIs would have little or no wildlife in them, never mind our worrying about whether or not they will be designated as an ASSI.

Mr Beggs: I concur with the Member. However, I have yet to hear how predatory animals will be regulated. It is nice to take the view that we should not use anything that will harm an animal. However, if that animal is causing greater harm and pain to other animals, it is reasonable to intervene.

There has been a late amendment on the use of spring traps, and I must admit that I winced when I saw some of the detail. That issue was not discussed in Committee, so I have no knowledge of such traps other than those used to catch mice and rats. However, the traps to which the amendment refers are not used for mice and rats. This is not a nice subject, but how should vermin or pests be controlled? People put down rat poison to control rats, because they think that that is an easy measure and a humane way to kill them. However, I suspect that being poisoned is not a happy end to a rat's life. Another animal may subsequently eat the dead rat; therefore, there are difficulties for the environment in that respect.

I have not examined the content of that amendment in detail. However, in so far as it is a straight lift from the legislation from DARD and has simply been placed alongside this similar legislation, I accept that it is reasonable. It may be appropriate to examine, inspect and amend that legislation at some point in the future. Before making any amendments, it is important that we have a full understanding of the legislation. I hope that there would be consultation with the community about the use of those devices, of which I have no knowledge, at present.

I move to the issue of hare coursing. Why do I want to ban it? My personal views are similar to those expressed by Mr Wells. First, I wish to highlight the fact that, even if the Irish hare were protected, possible loopholes mean that hare coursing could continue. Therefore, irrespective of the outcome of that vote, I believe that a ban on hare coursing is appropriate. It has been suggested that, for example, the brown hare would not be covered by the protection and that, if someone were able to catch it, he or she could use it for hare coursing. The issue is, therefore, wider than the protection of the Irish hare. I am attempting to tackle the issue of hare coursing with the amendment that I have tabled. Hare coursing is not an appropriate form of so-called sport.

6.15 pm

As I understand it, there are only two hare coursing clubs in Northern Ireland: one in Dungannon and one outside Ballymena. Neither has operated since the special protection order was put in place six or eight years ago. Therefore, we are talking about banning something that only two clubs do and which even they have not done for some eight years. Banning hare coursing would not affect many people and would maintain the status quo.

I view hare coursing, as does Mr Wells, as a sport that involves trapping a very private and sensitive wild animal. Wild hares are difficult to approach and do not like human contact. On the few occasions on which I have seen a wild hare, as soon as I went into the field, off it went. Coursing involves holding that wild animal in a confined and unnatural space for days or weeks. It is then released into an enclosure, another very restricted space, into which two greyhounds are released, muzzled or otherwise, to race against it for the amusement of spectators.

Hare coursing is trapping a wild animal and getting amusement from its being chased by greyhounds. That is not appropriate. The hare is in a highly stressful situation, even when it is being held.

Mr McKay: Does the Member agree that the Irish hare would also be in a stressful situation if it got caught in a snare?

Mr Beggs: I have no doubt that that could well be true. That is why it is important that there be an appropriate regulatory licensing regime, that those using snares without a licence be banned from doing so and that all snares be regularly inspected.

Mr Wells: Not that I support snaring, but does the Member accept that there is a fundamental difference between it and hare coursing? Snaring is a necessary evil to protect crops, but hare coursing takes place so that some people can exercise their bloodlust for a totally unnecessary barbaric sport.

Mr Beggs: I concur. Hare coursing is not about regulating a pest or putting food on the table; it is about man collecting a wild animal and deriving amusement from its being chased by a hound. That is not an honourable sport for anyone to be involved in.

Mr D Bradley: I have listened to Members whose characterisation of those who attend coursing meetings has been nothing short of disgraceful. Those who attend coursing meetings have been demonised here today and portrayed by Mr Weir as bloodthirsty barbarians. However, those are not the people whom I know or who live close to me who are interested in coursing. People do not go to coursing meetings to exercise a bloodthirsty desire to see an animal suffer; they go to admire the speed and agility of the hounds. The fact that, over the years, measures have been taken to muzzle the hounds, to provide an escape route for the hares and, indeed, to return the hares to their natural habitat proves that the people involved are not the demons and barbarians that some Members have portrayed them today.

Mr Beggs: The Member is entitled to his view. I have endeavoured not to demonise those involved in hare coursing; however, I do not think that it is an appropriate sport in this day and age. If someone wishes to enjoy the speed of a greyhound, I would much prefer that they go to a racecourse to enjoy watching greyhounds chase

a mechanical hare rather than a wild one. It is on that basis that I said what I did.

I will give Members some more information about amendment No 26, which I tabled. I did not invent the wording; I lifted it straight from English and Welsh legislation that has been in place for some time. The experience is that it appears to be reasonable and workable. I lifted the wording verbatim, to the best of my knowledge, so that the amendment would identify a range of circumstances in which coursing would be banned. If the amendment was made, those participating, those attending and those facilitating hare coursing, including landowners, would all be encompassed in the legislation. The legislation would also cover those who enter the dog for the event, those who permit the dog to be entered for the event and those who handle the dog during the event. Thus, if my amendment was made, the legislation would cover a wide range of people, and it would be competent and capable of bringing hare coursing to an end. For that reason, I urge Members to listen carefully to what is said and to bring about an end to an inappropriate so-called sport.

I was advised that consequential amendments would be required to go alongside amendment No 26, which is why amendment Nos 49 and 50 were tabled. However, I have since learned that those amendments are more extensive than I had intended them to be, so I will not move them today. I will still move amendment No 26 when I have the opportunity to do so shortly.

I ask Members to take the opportunity to end hare coursing once and for all and remove any of the loopholes that may exist, such as whether there is full protection for the Irish hare, to ensure that, in future, no hare will suffer from hare coursing in Northern Ireland.

Dr Farry: The debate on this group of amendments has been somewhat strange so far. One section of the House defends hare coursing but attacks the use of snares, while another section of the House advocates the opposite. On these Benches, we support the banning of hare coursing and the use of snares, because that is the only consistent way forward.

I will put my cards on the table: I regard hare coursing and those who attend such activities as barbaric. Hare coursing is no different from dog fights, cock fights or other activities from our uncivilised past, such as bear-baiting. Its

purpose is to give people some warped sense of amusement from the torment of an animal. No purpose that directly serves humankind is obtained. There are other activities in which animals have to be used for foods and other by-products, but there are no such benefits to our society from hare coursing. It should be banned, and it is part of the long lineage of activities on which society has rightly turned its back over time.

I also reject the notion that hare coursing is a sport. The comments that I made in response to Mr Weir's contribution were in no way meant to be esoteric. The genuine point to be made is that any talk of hare coursing as a sport is a massive misnomer. Even when the greyhounds are muzzled, there is potential for major damage to the hare through physical and psychological trauma. Hares may also be permanently injured or die as a consequence.

Mr Bell: I thank the Member for North Down for giving way, and what I am about to say applies equally to Mr Beggs. Dr Farry talked about the physical and psychological trauma to the hare. Would the Members both not agree that exactly the same trauma is caused by anglers, who place a barbed hook into a fish's mouth, suspend it and bring it in for their own pleasure? Are the Members going to propose banning fishing as well because of the physical and psychological trauma to the fish?

Dr Farry: The difference with fishing is that the intention is to eat the fish after catching it. Certainly, that is what I do with fish. I am not sure what Mr Bell does with the fish that he comes across. However, that goes to the point that I was making. There are circumstances in which one may wish to capture or hunt animals for food. Indeed, there is farming, which also leads to the killing of animals, but that is for food or other by-products.

Mr Molloy: Is the Member saying that the issue is not the pain or the welfare of animals but whether someone can benefit by eating the animal? Or is the issue just the act of killing it? If people enjoy chicken, it is quite all right to put it through the trauma. However, because they maybe do not like something else, they do not.

The Member spoke about fishing. In the past, people have been able to catch very little because, in most cases, fish conservancy means having to put the fish back. Therefore, not only do people catch it, suspend it and pull

it out for their own pleasure, they throw it back in again.

Dr Farry: That intervention raises a number of issues. I work on the assumption that people catch fish to eat them. I cannot quite get my head around the concept of fishing and then throwing them back in. However, the fish will live to fight another day in those circumstances. The point was made that killing animals for food involves pain. However, that is balanced by the practical reality that many of us eat meat as part of our diet, and slaughter is required.

Mr Wells: There is a fundamental difference. In fishing, death is usually quick. Therefore, the stress caused to the animal is for a very short period. The Irish hare has eight weeks of stress being kept in confined conditions and then the stress of the chase. Therefore, the stress is prolonged. Secondly, hare coursing is done purely for public entertainment.

Dr Farry: That is right. Further to the point that Mr Wells made about the stress that is caused to the hare, there is also the issue of what happens during captivity leading up to coursing. There is also the question of what may happen afterwards, and the injuries may be such that they do not immediately lead to the death or otherwise of the animal, which may go through a long period of pain.

As for the use of animals for food, there is a debate in society about how humane we can make the process of rearing animals for meat and how they are farmed and slaughtered. Although I accept that we can go only so far in addressing some of the issues of concern, we have also seen a major evolution as a society with regard to the standards that we seek. One of the better advertisements not just for Northern Ireland but these islands is that our standards are a lot higher than those in other parts of the world and other parts of the European Union.

Coursing is simply about the pleasure of those who are watching and participating in the activity. It does not have any other benefits for society. In that respect, it is no different from other historical examples of mankind tormenting animals for pleasure, and we have, quite rightly, turned our back on those practices. There is no risk of coursing going underground, and, even if there were such a risk, that is no reason why we should not take a stance as a society and say that coursing is fundamentally wrong.

6.30 pm

Snares, too, are fundamentally wrong. It is worth noting, with the qualification that I mentioned earlier to Mr Bell, that there is overwhelming evidence of public opinion being very much against the use of snares. Mr Beggs made the point about shifting from the current indiscriminate use of snares to a regulatory situation. However, even if we move to regulating snares, they are, by definition, indiscriminate. Even if they are regulated, one cannot say that a particular snare is for a particular animal and will only be used on that animal. One has no control over what animal — wild or domestic animals or, indeed, a human — may come across the snare and get caught. The notion of them being used in an urban environment is quite frightening.

Animals that are caught in snares can go through agonising experiences and suffer both physical and psychological trauma. They can suffer slow and agonising deaths. The skeletal remains of animals have been found in snares that have not been properly monitored and in which the animals have been left to rot. There is also evidence that animals try to chew off their own limbs in order to escape from snares. Other animals struggle in snares, making the situation worse. I appreciate that the Minister is trying to move on a graduated scale towards regulation; he is trying to make something that is difficult for many people not as bad as it may otherwise be. I recognise and respect that we are potentially on a journey. However, my opinion and that of the people whom I represent is that we would prefer that snares are not used at all.

That throws up the challenge of what alternatives we should employ. I make the point again that the use of a snare is indiscriminate. One cannot control what is caught in it. One alternative is poison, but it, too, is indiscriminate. I do not see either as being an alternative to the other; both are counterproductive as they are not effective or discriminating.

Mr Beggs: If the Member believes that each of those items is unsuitable, how will we regulate predatory animals?

Dr Farry: Mr Beggs has a very good knack of anticipating the next point. The challenge has been thrown up. I recognise that certain animals are pests and need to be captured and killed. That is a part of regulation and conservation in the countryside. There is, however, the

possibility of using netting and other non-lethal traps to capture animals and then disposing of them in a much more humane manner. That is where we need to focus our attention. They may be more costly and expensive to install and use, but that is no excuse for lowering our standards. Members should reflect on where people want us to go and on the standards that they want for society with regard to how we treat flora and fauna.

The Minister of the Environment: Does the Member accept that although the use of snares is not the most desirable option, it is the best option available? The Member said that other species may well go into a snare, and they would be released within a 24-hour period under our proposal. However, a bird of prey will certainly not go into a snare. Does the Member recognise that if the use of poison is increased as a consequence of not having snares, the biodiversity that exists in Northern Ireland will be fundamentally damaged by moving away from snares? That would be a wholly undesirable situation for Northern Ireland.

Dr Farry: I understand the Minister's point. I regard the use of poison to be indiscriminate, as is the use of snares. That is my point: I do not advocate either.

Other, non-lethal traps and netting can be used to capture animals that need to be controlled. I suggest that that is the better approach to take. I accept that, in what we are debating today, there is a range of options as to how we approach the use of snares. We intend to back those on a progressive basis, but our ultimate preference would be a complete ban on the use of snares. I believe that that is consistent with wider opinion in society.

Mr Bell: There are some important matters to deal with, and principal among them is the issue of snares. The juxtaposition on the Benches opposite of opposing snares and supporting hare coursing has not been lost in the context of the debate. The case for snares is similar to what Winston Churchill said of democracy: that it is the worst form of government apart from all the others. Are snares not the worst form of animal control apart from all the others?

I have never managed a farm. I have been on one many times, but I have never managed one. I have never managed a game estate and never seriously managed any significant piece of land, so I made it my business, as a member of the

Environment Committee, to check with those who manage farms and game estates in my constituency and right across Northern Ireland, those whose job it is to promote the wildlife in their area —

Mr Wells: The honourable Member has made a similar point. The group of people that he has interviewed is hardly a random sample. If one is going to interview gamekeepers looking after estates, they will hardly say that they are against snares. How many animal welfare organisations did he consult? How many animal shelters that have to deal with the consequences of the indiscriminate use of snares did he consult to get a more unbiased viewpoint? He is getting the view that he wants to hear. That is not, in my opinion, a cross-sample of views on this important issue.

Mr Bell: Had the Member given me some time to develop the argument, he would have learned that the animal welfare groups that I consulted were very strong on the alternatives: no poison. The Minister has outlined why the alternatives are wrong. The Member, in his intervention, did not offer an alternative. Nobody particularly wants to snare an animal, but it is a necessary evil.

I am talking about people in a farming situation who manage significant tracts of land. They have told me that it will be physically impossible to manage that land without snares. If anyone has a better alternative, as I said of Churchill and democracy, let us hear it today, because it has not been raised in the debate so far. There has been a lot of rightful concern about animals but no alternative to effective land management. Is anyone here stating —

Dr Farry: I am grateful to the Member for giving way. I will throw out a suggestion about how we can try to marry these two debates: we have evidence of the capture of the hare, which is a very elusive creature. Could that practice be transferred to the regulation of animals such as foxes that are the target of the snares?

Mr Bell: The bottom line is that we have already seen twins mauled by foxes. I do not think that there is any serious argument to be put for what the Member has given. Let me develop it; let me hear it. I will give way now to anybody in the Chamber who can tell me that they have a more effective and better means of land management than snares.

Dr Farry: I made the point that it is possible to design non-lethal traps or to use nets to catch animals. We need not use something that locks itself around an animal's body and slowly strangles that struggling animal to death. There are other ways to catch an animal. They may be slightly more complicated and expensive, but, if that is the direction that we want to take, they can be designed.

Mr Bell: Mr Deputy Speaker, for the purpose of the debate, apart from being a figment of his imagination, will the Member provide the evidence base for what he has just said? I mean the actual evidence base involving a land manager who has put out 60 to 70 of these "netty" traps, or whatever they are, which proved more effective than snares?

Dr Farry: It is good that we are at least having a debate on the issue. How can there be an evidence base when land managers have the legal option of using snares? They will use what is available and what is easier from their point of view, rather than what is best for animal welfare or in the interests of biodiversity. Until snares are regulated, we cannot build up an evidence base for the use of alternative methods.

Mr Bell: My father taught me that if one gives his opponents enough rope, they will sometimes hang themselves.

Mr Wells: Like snares?

Mr Bell: Please, I will generally give way when people ask.

I asked the Member for the evidence base for more effective alternatives to snares and, by his own mouth, he admitted that he does not have one. Scotland, which operates one of the most liberal regimes, uses the snare system as well. The allegation is being put about the Chamber that people who use snares to manage their land effectively are doing so because they are cruel and are interested in seeing animals harmed. They do it because it is the most effective way —

Mr Wells: I really will have to refute that. The Member may be confusing the comments made about hare coursing with those made about snaring. No one is suggesting for one moment that a gamekeeper or a landowner is going out to snare animals for enjoyment or to derive any sadistic pleasure. Some argue that it is a necessary evil. I am sure that they do not enjoy

doing it, but I have heard nobody on any side of the House suggest that snaring is done for fun.

Mr Bell: I am glad that that is clarified. So, we have clarified that, basically, the people who are setting snares, and will be laying and checking them this evening, are doing so because they are responsible and are mainly from farming communities. Today, one person told me that to protect chickens, and believe me, when foxes get at chickens we are into a question of animal welfare —

Mr McKay: The Committee carried out a consultation on the Bill, and by the time the consultation deadline had passed, the Ulster Farmers' Union had forwarded no comments about snares. That shows how seriously the farming community takes this issue.

Mr Bell: The point is that the farming community does not take the issue of snaring seriously or they would oppose my position. That is a debate that I am quite happy to call with the Ulster Farmers' Union, and the evidence base for that is that I have spoken to farmers, which the Member would have known had he listened to me earlier. Without exception, that is what farmers told me.

Therefore, we have established two things in the debate. First, we have established that no better option than hare coursing has evidence-based approval. We have talked about nets and traps and all those things, but the reality is that we have established that there is no other effective means —

Mr Wells: Just to correct the Member: he did actually say that there was no other option but hare coursing. I think he meant snaring. I genuinely think he is mixing up the two arguments here.

Mr Bell: I will come to that, and I thank the Member for pointing out that — point.
[Laughter.]

We have established two things. First, with the exception of snaring, there is no other effective means of trapping animals. Secondly, every other means proposed, from poisoning onwards, is more detrimental to wildlife, will cause wildlife more pain and will affect birds of prey that earlier in the debate we said we wanted to protect.

In that situation, the case is unassailable. Although snares may be a bad form of pest control, they are better than all the alternatives.

I daresay that if a comprehensive analysis could be carried out on the views of everyone managing significant tracts of land tonight, we would realise that snaring is the most effective means to deal with the problem at hand.

6.45 pm

The case for using snares has been comprehensively made, so I shall turn to the second issue — *[Interruption.]* I am sorry; I thought that the Member wanted me to give way.

I have talked to landowners, game estate owners, chicken farmers and farmers throughout Strangford and Tyrone, and, without exception, they argue that the snare is the most effective and least harmful means of pest control. That is why the Minister's measure is the most effective way to address people's genuine concerns.

Let me be clear: the so-called park coursing that Mr Wells described will receive no support from me. However, let us also be sure that the facts do not get in the way of the argument. I have never been park coursing, nor have I any intention of doing so. Having grown up in the countryside, I feel that it is wrong to interfere unnecessarily in people's legitimate way of life. Therefore, I listened to the evidence, which is all that I can do in a situation that I do not know about. The evidence is clear: today's park coursing bears no resemblance to the traumatic events that Mr Wells described. Nowadays, greyhounds are muzzled. Mr Wells said that a hare can die from being hit by a muzzle, but I have no figures for that. If he has research that shows the percentage of hares that die in such a way, I will gladly give way.

Mr Wells: My evidence is based on statistics provided by the Irish Coursing Club, which admits that, on average, at any given meet, two or three hares are killed as the result of being hit by a muzzle. Granted, that is fewer than would be killed without a muzzle —

Mr Bell: Out of a total of?

Mr Wells: There could be anything from 20 to 30 races or even more. I am not saying for one moment that the percentage is high. However, even if not a single hare is killed, it is still unacceptable.

Mr Bell: According to Mr Wells's argument, 90% of the hares that are involved in hare coursing are allowed to escape to their natural

environment, in accordance with Irish wildlife regulations.

Let us look further at the evidence. My colleague Mr Weir made some lurid analogies about being chased by dogs. I shall say something different. Rather than coming up with lurid analogies, I shall look at research from Queen's University. Is it not the case that Queen's University commissioned its independent environmental —

Mr Wells: Will the Member give way?

Mr Bell: Yes, I will.

Mr Wells: I see that the honourable Member is reading from an Irish Coursing Club script. That is another example of the so-called unbiased evidence that that gentleman is putting forward. Could he find anything more biased than the Irish Coursing Club? At least he should try to see the other person's point of view. He should speak to those who have witnessed the cruelty of coursing. I assure him that he will not get that information from Clonmel.

Mr Bell: I thought that the Member said "Cromwell". My evidence does come from the Irish Coursing Club, but it refers to independent environmental research on hares by Quercus at Queen's University.

The difference between my intervention and that of Mr Wells is that I present current evidence, not a historical trauma of 30 years ago. The DEFRA report clearly shows that the banning of regulated coursing caused a dramatic increase in the poaching of the hare population in England. It was identified as the most prolific wildlife crime. Compare and contrast that with the Irish Coursing Club's hare husbandry programme. Do not take my word, or the word of my beautiful assistant who is holding up the Irish Coursing Club visual aid, for that. Take the word of Quercus at Queen's University, which researched hare populations in the Republic of Ireland.

Where the Irish Coursing Club practises its hare husbandry programme, the presence of a robust Irish hare population is not equally likely, twice as likely or even 10 times as likely as in other areas. It is 18 times more likely that the population of the hare is protected. If a dog attacks an innocent animal for pure entertainment and that animal squeals, that is one argument, and I contest that it has already been won. However, evidence from Queen's University is that the hare population is 18

times more likely to survive through the hare husbandry programme. Is that programme not a better form of animal welfare than that which exists?

We have heard that people who take part in park coursing do so based on bloodlust, and they have been demonised. Is everyone talking about the same activity? My understanding is that park coursing involves two muzzled greyhounds pursuing a hare for less than 60 seconds in an enclosed field, in which the hare has already been trained to run to a provided escape. The objective is not to kill the hare and, in over 90% of cases, even by Mr Wells's admission, hares are returned to the Irish countryside in keeping with the Irish wildlife regulations. That gives rise to a significantly different argument.

I listened to Mr Beggs and Dr Farry talking about banning sport that causes some form of physical pain and trauma to an animal. In that case, they would ban fishing. Contrary to Dr Farry's mistaken belief, the vast majority of angling is not for food, but for sport. A barbed hook is put into a fish's mouth, and when an angler catches a fish, the barb prevents it from escaping. The fish is then suspended on a line from a reel that is often operated hydraulically. The fish is then dragged out of its natural environment, the oxygenated water, and is caused significant pain, trauma and torture. Will those Members ban fishing as well?

Mr Wells: I am getting very tired of the honourable Member's arguments, but I will deal with them during my speech. If he were to follow his illogical argument, where would he have stood on bear-baiting, badger-baiting and cockfighting? Exactly the same arguments could have been made: if cockfighting were banned, what about fishing? Had we been debating those issues, where would the Member have stood? Surely there is a dividing line between what is acceptable to the public as a necessary evil and what constitutes cruelty. Where would he draw that line?

Mr Bell: There are two things. First, with regard to bear-baiting and such like, although it does not need to be placed on the record, if the Member wants to know my position, I will state it: I am absolutely against it, but I suspect that he knows that already. If the Member is getting tired of my arguments, I will let him rest and not give way to him so much. The point that I was making, and the point that he failed to answer, is whether the same principles are being applied

to fishing. The only difference is that Members do not have the courage to follow the course of their argument.

In fishing, people dangle bait in front of a hungry animal, with the express purpose of trapping that animal by putting it on a hook and causing it physical injury. The barb then causes the fish additional physical injury as it struggles to escape and is held more tightly. The fish is then hung out of its natural environment, it is usually weighed for a significant period, and it is then thrown back into the sea traumatised with physical injury and with no opportunity for counselling.

If we going to start making those clear arguments, there cannot be sport. Mr Weir made the argument about equality of arms and weakness of argument. Taking cognisance of the fact that he is the Chief Whip of the party, I will not respond too forcefully on that issue.

Mr Storey: Remember Declan.

Mr Bell: Remember Declan, indeed.

If a case is to be made that sport takes place only through some form of equality of arms, as a barrister would state, do the fish have to be on a par with the fisherman, or does the animal have to be of a similar calibre to the gun that it is being shot with? Where do we start to draw in those conclusions?

We need to be expressly clear that we have established that snaring is a necessary evil; that there is no alternative that will help to manage the environment; and that any proposed alternative will hurt animals, cause them additional pain and suffering and create additional degradation of the wildlife and the natural environment. That is why the amendment to regulate the system of snares is appropriate.

We must ask ourselves whether we go with what happened to hare coursing 30 years ago, which is, effectively, finished, or whether we go with the reality of what happens today, where, as a result of the hare husbandry programme, a hare has an 18 times greater chance of success and 90% of them will be chased for less than 60 seconds by two muzzled dogs to an escape route and returned to the natural wildlife environment as is legislated for through Irish wildlife regulations. In that case, the people who are involved in the latter are doing it out of genuine interests, in the same way

that fishermen do it, which is for their sport. However, Members will not attack the fishermen because they know that, if they were to do so, they would not be here after the next election.

It is the same principle as there being a limited amount of cruelty and pain in fishing, in the same way as there is a limited amount of cruelty in hare coursing for the same outcome. Therefore, if Members are genuine, and they are stating that any sort of activity that causes physical injury or psychological trauma is to be banned, they should put that in their manifestos. I will wish them well as I say goodbye to them at the next election.

Members should have the courage of their argument and follow it through, or they should not. However, if sport is to be allowed, it should be regulated. If someone can tell me how we have a better system here today for the hare as opposed to the evidence of Queen's University and Quercus, which shows that the hare is 18 times more likely to survive in the Republic, I wait to hear it.

Mr McKay: I am in favour of the Environment Committee's move to ban snares outright. Retaining the use of snares was not an issue that we had been lobbied strongly on when compared with the issues of hare coursing and keeping birds, etc, which have also been included in the Bill. Of course, the majority of respondents to the consultation opposed snares.

Those groups included the Animal Welfare Federation, the League Against Cruel Sports, Leca Conservation, and the Environmental Link, which consists of many environmental organisations. Indeed, only two groups — the British Association for Shooting and Conservation and the Countryside Alliance — indicated that they wanted to retain snares.

7.00 pm

As Stephen Farry said earlier, snaring is completely indiscriminate. If Members have done their research for the debate today they will have seen many horrific photographs of cats, dogs and other domestic pets that have been caught up in them. The use of snares is not common throughout most of the rest of Europe, and Ireland and Britain are two of the last countries to retain their use. In the Czech Republic, the use of wire snares is banned and the nature protection Act in Poland bans the use of snares there.

It is clear from recently released evidence that snares are being set by gamekeepers and others across the North in violation of codes of practice. It is not a big issue for the farming community and there has been a degree of scaremongering by the Ulster Unionist Party and Mr Beggs today. Indeed, the Ulster Farmers' Union has stated that:

"the use of snares is not considered to be a common farming practice".

The Ulster Farmers' Union also suggests that snares are not used in sheep farming, despite what Members from the Ulster Unionist Party have said today, and it has repeated that view during radio interview since.

Mr Wells referred to how unacceptable it would be if a cat or dog were to be coursed or chased around a field. Why is it acceptable for snares to be put in places that can trap cats and dogs? In some cases, wire nooses tighten around an animal's neck cutting open the animal's throat and choking it in a torturous way. It is absolutely inhumane, and not part —

The Minister of the Environment: Does the Member accept that that we are not debating those types of snares, but snares with stops? The Member is confusing the debate and is not dealing with the issue under discussion.

Mr McKay: Mr Bell, a Member for Strangford, referred to the so-called liberal regime in Scotland, and something similar is proposed here. If Members have done their research for the debate they will have found some quite horrific examples of the damage that has been done to animals by snares. If Members Google "snaring" they will find images of dead cats and dogs and snared animal skeletons. Scotland has a so-called liberal regime, yet a number of dogs have been caught in snares there and have had a great deal of damage done to them. One such example occurred in Forres in northern Scotland where there is a law that snares must be checked every 24 hours. A Mr Powney said that he had:

"the unenviable task of finding and removing my young daughter's pet cat, which was found dead, strangled and hanging in a rabbit snare, set on a fence only 50 metres from my house."

He added that:

"The worst thing was that we could see it from the garden... My daughter was absolutely devastated when she found out."

There are other cases, including one in which another poor creature was almost cut in two by a snare, but was still alive when found by a doctor. When the doctor touched it, its heart fell out still beating before it died. Those are the realities of snaring and what can and does happen. The Minister can screw up his face all the likes, but that is the reality and a fact.

Some local shooting estates have been extremely irresponsible with snares. Indeed, in one of the most significant finds in many years, one club was found to have set 22 snares set along a single fence line this year. It is a problem that involves a small number of people, and humane alternatives are available to them. The public wants to see this practice brought to an end.

Mr Shannon: I will speak on the third group of amendments, which deal with snares, control of animal populations and game. As a member of the Committee for Agriculture and Rural Development, I am aware that when representatives of the League Against Cruel Sports attended the Committee, they could provide no statistical evidence that snares had been used inhumanely in Northern Ireland. That was interesting, because although that body has data from across the water, it is recorded in the Hansard report that the organisation could not provide evidence about Northern Ireland when we asked it to provide it. That says a lot.

On two occasions, Mr McKay asked about the Ulster Farmers' Union. Departmental officials contacted the Ulster Farmers' Union, and its initial reply was as the Member said. However, after that organisation carried out exhaustive research among its members, it told the Committee that a number of its members used snaring. They did not use snaring in large numbers, but a number of them did. I give that information to be accurate about the Ulster Farmers' Union, of which I declare an interest as a member.

Amendment Nos 8 to 15 deal with snaring, which can be a controversial issue. Numerous respondents have contacted me on the matter. I have been contacted by not one, two, three or 10 people but by dozens upon dozens of people. It is important that we make the information available on what modern snaring entails, because Members need to know that.

Modern snaring is a skilful, selective and humane method of capturing and restraining target animals for dispatch. It is important that we support the Minister's proposal, because properly set snares should not kill. A modern snare is free running, and it allows the snare to loosen and any non-target species to be released. The modern snare has a permanent stop fitted to prevent complete closure. The Minister said that on a couple of occasions, and a couple of other Members said the same.

Snaring allows the control of foxes at crucial times of the year, especially at this time of year. Indeed, just last night, one of my farmer friends informed me that, on Saturday, he had to call in someone to control the foxes and that that person dispatched three. At this time of year, when the fox cubs are out, fox numbers are up. They take a significant toll on wildlife. In that case, it was on that gentleman's chickens and bantams, and he was concerned about that.

Other Members mentioned foxes, and it is important that we control them. Snaring is a humane method of doing so, and it is important that that opportunity be given through the regulated system that the Minister indicated will do just that. I have witnessed, and I have talked to other people who have witnessed, what happens whenever a fox gets into a chicken coop or a duck pen. I do not know whether other Members have witnessed that. The fox kills all around him, and that is his method of looking after the pen. Therefore, foxes have to be controlled.

In spring and early summer, the vegetation and crops are often too tall to allow effective control through shooting, so snaring provides an effective method of control to protect ground-nesting birds such as curlew, which other Members spoke about strongly, and their offspring at that vulnerable time. In certain environments, the snare is often the only efficient and effective management option. In answer to an intervention, the Minister mentioned Glenwhirry estate, where 600 foxes were dispatched. The result of that is that curlew, red grouse, snipe and lapwing numbers have increased. Sometimes, an imbalance in nature has to be controlled, and the use of snares is one way to do that.

The red grouse, the lapwing and the godwit are examples of the ground-nesting birds that are included as priority species in the Northern

Ireland biodiversity strategy, which everyone spoke in favour of earlier. Everyone also spoke in favour of biodiversity in the countryside. Snares provide a vital management option for the control of those vulnerable species. That has already been accepted in Scotland, and the new system was introduced there some months ago. The Minister's proposals for here are clear and are suitable for the countryside and the rural community, and, importantly, they regulate the system.

The future of the red grouse and the other species that form a part of Northern Ireland's biodiversity will require the control of foxes, and, undoubtedly, the loss of snaring will increase the pressure on those already vulnerable populations. To protect rural jobs, the rural sector and the biodiversity of Northern Ireland, snares need a future. Members talked about bad practice —

The Chairperson of the Committee for the Environment: Will the Member give way?

Mr Shannon: I am happy to give way.

The Chairperson of the Committee for the Environment: Foxes aside, we are talking about a knotted snare. Mr Wells talked about the stress caused to animals in hare coursing and the stress experienced by an animal, no matter what type of animal, when caught in a trap for 12 or 24 hours. What is the difference? Can you clarify that?

Mr Shannon: I am not in the business of clarifying anything on behalf of Mr Wells. He can clarify his own issues. As far as I am concerned, the snaring process can be regulated as the Minister has proposed, and the snares can be checked every 12 or 24 hours. I know lots of gamekeepers who regularly check their traps and snares, and they have released some animals that were not supposed to be there. However, it is important that we have control over rabbits, weasels and even mink, because they can be very destructive animals as well.

A mechanism is required to raise standards in Northern Ireland. That is important. We are looking at a better methodology to regulate snaring and to professionalise the use of snares for necessary wildlife management in Northern Ireland. The BASC already provides a snaring accreditation course, which is currently being run successfully in Scotland. They have shown how to do it correctly there, and I believe

that Northern Ireland should adopt that industry-led approach. I would approve of legislation for snaring similar to that in Scotland. I also approve of the regulated system that the Minister has put forward. If it is a good system and it is regulated, it can work. There will always be examples of where it has fallen down, but it is getting better. It is a matter of putting in place the legislation to improve snaring and to do it better.

The skills of the individual who sets the snares are essential in minimising welfare problems and the capture of non-target species. Legislation in Northern Ireland should require those wishing to use a snare to be trained. I hope that that will happen through all this legislative change. An accredited course should be developed with the approval of the Northern Ireland Assembly and delivered by the shooting, conservation and farming sector. There are methods through which that can be done. The cost of the course development and its delivery should be shared by those wishing to use the snares. In other words, those who are licensed to do so should pay for that course and deliver the system as put forward.

To provide accountability, legislation should require snares to be tagged. That is a clear condition of what the Minister is saying. The tags will display a unique user identification number, and the tag number will be issued to an individual only on completion of the accredited snaring course. Again, the systems need to be in place to ensure that snares are controlled and looked after.

It is suggested that the legislation should specify how snares should be designed and used and that snares have to be fitted with effective stops to prevent full closure. Again, it comes back to the system that the Minister is putting forward, which will improve the snaring process and ensure that it is acceptable. I believe that that will allay a lot of people's fears. Future legislation should also require snares to be checked to ensure that they are free running and checked at least once every 24 hours, or, as has been suggested, once every 12 hours. I know gamekeepers who check their snares every 12 hours. Snares must have an effective anchor to prevent them from being dragged. Snares should never be set on or near features that could result in animals being fully or partially suspended or drowned.

Decision-making on snaring in Northern Ireland must be made in light of all available science. Let us base this debate on snaring on the facts of the case. DEFRA has commissioned research, which is due to conclude very shortly. That research looks at, among other things, the humaneness of snares. Every effort should be made to examine that work and to ensure that policy decisions on snaring in Northern Ireland do not conflict with modern research.

I support amendment Nos 8, 9 and 10 as sensible approaches to snaring that allow for regulation but not persecution of those who wish to use snares in the right way. Let us regulate snaring, let us control it, and let us have a system that can work. As regards amendment Nos 11 and 12, I support the comments that BASC has made, which I have already outlined, about checking snares every 24 hours. I support amendment No 13, because I believe that snaring is only, and should only, be carried out for the correct and proper reasons, such as pest control, which the Department must recognise. The Minister and, I believe, most Members, even those who are sceptical, recognise the fact that there is a need for pest control, particularly for foxes. It is important that that happens. Importantly, amendment No 15 defines that clearly. I fully support the new clause that is proposed in amendment No 16.

7.15 pm

It is essential that, through all the amendments that relate to snaring legislation, the use of snares is regulated and appropriate and that people who use snares still have the freedom to use their skills to control the land. That is what gamekeepers do: they control the land and the vermin on it and ensure that it is looked after. BASC and the Countryside Alliance reached that compromise with the Department, and I fully support such an accommodation.

I also support amendment Nos 17 and 18. I support the Minister's desire to omit clause 15, which relates to shooting deer from a vehicle, and of the inclusion of the new clause that is proposed in amendment No 19. I also support the Minister's decision to change the date of the deer season from April to March, which is sensible, logical and practical. That is what those amendments offer.

I must stand against amendment Nos 26, 49 and 50, which refer to hare coursing. Hare coursing is a test of speed and agility. Dogs

are muzzled, and hares are coursed only once. People who are involved in the activity say that hares are taken back to the areas from which they were originally taken. We can talk about the past and what was wrong with the former system, but a modern, sensible system is now in place.

Coursing clubs worked closely with Queen's University on a number of groundbreaking research projects. Professor Ian Montgomery is on record as saying that his research would be impossible without the enthusiastic participation of coursing clubs, and, clearly, he could not have obtained the required information without their co-operation. That research confirms that coursing does not have any negative effect on hare populations. The hare population is growing, and that must be recognised.

The Irish Coursing Club has more than 2,000 licensed trainers, and more than 22,000 greyhounds are registered annually. That makes coursing an important rural business, on which the proposal to ban coursing would have an adverse effect. Therefore, I cannot support amendment Nos 49 and 50.

I support amendment Nos 43, 44, 46, 47 and 51, among others, and I urge Members to support them. I also urge Members not to back the amendments that I do not support.

Mr Kinahan: I am pleased to speak in the debate. I started with a nice clean set of logical notes. However, after listening to the debate and going round in circles, I hope that my comments will follow logically. At the start of the process, I said that we would have to be careful not to become emotional and get carried away. We are here to listen to good clean debate and make our decisions.

When the Bill initially came before the Committee, I, like my colleague, was of a mind to ban snares. Indeed, at that time, we were not lobbied much by the Ulster Farmers' Union or others. Subsequently, I have probably received more e-mails on that topic than on almost any other subject. All of them came in after that event.

When snares are properly controlled, they are a necessary evil. The alternatives include lamping, which involves people going out with guns late at night; shooting, which is not necessarily an easy course of action for people who are on the urban border with the countryside; ferreting, which is another reasonable way to catch pests,

although some people may not like it; and hunting, although another 100 packs of dogs would probably be needed to control all the foxes in Ireland. Therefore, snaring is one tool.

Today, we should support the use of snares as long as they copy best practice from places such as Scotland. Snaring needs to be licensed in such a way that people will not be permitted to buy a snare unless they have passed a course and know what they are doing.

I say that snares are necessary from my own experience. I have lost all my hens and ducks on three occasions and two or three deer. Foxes will kill. They will take away as many creatures as they can, and they will store them. Foxes are very organised. There are many of them, and we must control them. At the same time, we have heard from others who say that foxes eat grouse and curlew. It is our job to try to regulate the balance of nature as best we can. I feel that we must, therefore, keep the snare as one of our tools. I support amendment No 8.

I move now to spring traps. My initial instinct, again, was that they were awful, but then I remembered the horror of going to the zoo here. It was not the animals in cages that horrified me, but the 150 magpies that descended at feeding time. Think about the damage that the magpie does to nesting birds, eggs and everything else, and what a sly creature it is. If an individual follows a pattern to shoot a magpie one day, the magpie will remember that pattern the next day, and it will disappear the moment that the individual opens the door again. The magpie learns very quickly; it is one of the birds that need to be trapped. The Larsen trap, which is one of the spring traps, is an ideal way to catch magpies. It is not nice, because the bird is in the trap and someone has to catch it and wring its neck. However, we are not here to talk about whether it is nice; we are here because we want to control.

I move on to hare coursing. It is the subject which brought out all the emotion today, but that is the wrong way to deal with the issue. Rules have been introduced in Ireland with regard to muzzling, catching the hare, letting it out only once and allowing the hare to get out at the far end. One colleague asked, with a smile, whether there was an exit sign. There is probably a sign in Irish. All those measures are sensible. It is all there and is designed to let those people who want to enjoy the countryside, in their way, carry

on enjoying it. I am uncomfortable with banning hare coursing, but it is not perfect. It is on the other side of the coin. When we draw our line, I feel that we have to leave the ban on hare coursing in place until we have found better ways of letting people enjoy it.

The House was sidetracked when the issue of betting at hare coursing was mentioned. That is a different debate. I plead with Members to look at things logically and straight. Get rid of the emotion, think of what we are trying to do, and then we will get the best results.

Mr Molloy: Go raibh maith agat, a LeasCheann Comhairle. It is late in the hour, so I will not go into a long-winded debate. There are important issues that we have to deal with. There is no whip in relation to this particular matter. I oppose the legislation. Angela Smith introduced the legislation some time ago, and I oppose it today in relation to hare coursing and on the lines of trying to complete protection of the Irish hare. The hunting fraternity believes that this is the thin end of the wedge, but some of our people-who-like-to-be-good-to-everything brigade want a nice, cosy situation. This is the thin end of the wedge. First, they want to introduce the protection of the Irish hare, and then they will say that, if the Irish hare is protected, there should not be any hunts, because the hounds will not know which hare is an Irish hare and which is a brown hare. There has to be some form of demarcation.

We have to deal with the coursing as it is at the moment, not along the lines of the emotion that Mr Wells and others have gone through in the past. I thought that they would have got over the trauma at this stage, because it seems that they have looked on for the past 30 years in this situation.

It is better that hare coursing be controlled and regulated than banned. If Mr Wells and others believe that hare coursing does not happen because there is a ban on it, they are living in cloud cuckoo land. The same applies to cockfighting, for instance. If they think that that does not happen in the countryside, they are badly misled.

Mr Wells: Perhaps the Member can give us the view of the Minister of Agriculture on the issue. She has said, both publicly and privately, that she is appalled by hare coursing. Can he confirm that?

Mr Molloy: I cannot confirm that at all. I do not know what the situation is in relation to that. I know the reality of the situation on the ground.

By regulation and control, any situation can be managed. There is already quite a bit of regulation on hare coursing; there is the muzzling and allowing the hare to escape. I know that there are people on the opposite Benches — not all, but some — who would ban all types of betting on sport, whatever it may be. *[Interruption.]* Ban it, yes. They would probably ban horse racing and greyhound racing because of betting and gambling. There is a certain section of people who would want that.

The exhaustion of the hare has been mentioned. However, when I watched the Grand National, I saw that the riders brought the horses back exhausted. Does that mean that horses should not be raced any longer? One can see that, when a horse is racing, it enjoys the race, and the same goes for greyhound racing. We need to be careful that we do not create a cotton-wool community in which we protect everything so much that we cannot do anything at all.

The rural way of life is being jeopardised by a small number of people sitting in cloud-cuckoo land and making decisions for everyone else. Hare coursing has been controlled in the past and it can be controlled now. It is a major way of controlling the sport, and we must look at how we create an industry around it. Greyhound racing in the South of Ireland is a major industry, as is horse racing. We can deal with hare coursing if we manage and control a lot of these things.

The statistics show that in areas where coursing happens, the Irish hare population has increased, and in areas where there is no hare coursing whatsoever, there is no sign of an increase. That is happening because the hares are protected. The people who manage that structure are managing the hares and ensuring that infection and disease are eradicated. The people who work in the various sports and structures around that actually do look after those who are involved in it.

I do not want to get into the issue of snares in any great way. However, it is typical of the approach that people have in a lot of these situations that they collect the fox or they collect these animals. What do they do with them then? Mr Kinahan said that he had to wring the necks of birds caught in traps the next day. What would he do with a fox? Would he hit it

over the head with something? Would he shoot it? Is one method more humane than another? The collecting of animals in a box and putting them through the trauma of being trapped is the same as the exhaustion of the hare that Mr Wells was talking about, if we look along the lines of the hunting process that is involved.

The people who are behind the amendments are the same people who, later on in the year, will come forward with a motion to ban hunting completely. This is the thin end of the wedge. They are preparing the ground for a private Member's Bill that will ban hunting completely. We need to be very careful that we do not introduce legislation in a small way that will be used by those who wish to ban hunting completely, because that is their intention.

Foxes are overrunning parts of the countryside. People who normally keep chickens and fowl and one thing and another in their back gardens have stopped doing so. The game that is naturally running about the fields — pheasants and things like that — are being wiped out because of the number of foxes. At some stage, we may have to return to offering a bounty for foxes. We will have to pay people to catch and kill foxes and bring them in.

That is an angle that we have to look at. We have the figures from Mr Wells on the number of hares that are killed by a dog hitting a hare with its muzzle. That is nearly as difficult an action as catching a hare. I do not know how a dog is trained to know that hitting a hare with its muzzle will kill it; it seems to be an accident. We do not have the figures on the number of hares or badgers killed by cars on the road, but should we ban cars from the roads completely? Do we need some means of protecting animals completely, so that nothing can be killed?

7.30 pm

Mr Wells said that fish were killed suddenly. Why do we throw them back into the river again, if they are dead? If they die suddenly because they have been fished out of the water, why throw them back into the river? Is that just so that other fish can eat them? Are we dealing with cannibalism, in a sense? We need to look at the reality of the world today, not the ideal world that some people would have. We have a good piece of legislation and this amendment detracts from it.

People have suspicions about why the hare was included and concerns about what the long-term plans are. We need to look at what is the best way of protecting the Irish hare. We have proved time and again that the best way of protecting a species is to manage the situation and to create the right environment so that we do not have a situation in which there is no control whatsoever and nobody looking after the hare, so that the population simply disintegrates. Let us not destroy a good piece of legislation by including a number of small items that can damage it in the future.

Earlier, we discussed the issue of people fishing for food and anglers fishing for sport. Fishing is in sporting magazines, so it is not about survival. The sport is simply about catching a fish, reeling it in and then throwing it back in the water again. We also have the situation in which we are being told that coursing is wrong, but course fishing is OK. Mr Wells comes from Kilkeel and, there, fish are not just fished by a rod and a line, they are fished in big nets and rolled in. The fish are not even humanely killed. They are killed by the loss of air when they are rolled onto a big boat. However, we all like to eat them for tea, and there is nothing wrong with that part of it. As another Member said, Mr Wells's thinking might be that a lot of people in his constituency who vote for him are involved in that process, so he would not like to go against it, but let me tell you that there are as many people right across the country who are involved in hunting and rural sports and who might decide to look at all Members' positions on that.

Therefore, let us look at the legislation that we have and how we can protect the rural way of life and rural sports, rather than trying to create an ideal world, in which nothing can be dealt with and that is overrun with foxes and other vermin. The European Union is talking about banning bait for rats, so we could have a situation in which we cannot put down any kind of bait for them. Where do we stop in that kind of situation?

It is important that we deal with the reality of what we have today. Despite what Mr Wells said, ours was an *ardchomhairle* — a national executive — motion that was adopted at the *ard fheis*. It was not decided simply on the lines of what one party member who may have some knowledge of the matter said. One member would not represent the views of everyone.

There were several constituencies across Ireland from which the same types of motions were coming, aiming to ensure that we protect the rural way of life, do not destroy it and create the environment where people will come to this country to participate in those sports, rather than killing it off and destroying it.

Mr Wells: The night is young; it is only 7.30 pm. It is fascinating to see what happens when the shackles of the five-minute rule are thrown off and Members can express themselves. What makes this even more unique, apart from the Members opposite, is that it is amazing to see what happens when Members are given the freedom to say exactly what they want to say, to vote in whichever Lobby they wish to, and have the opportunity to listen to the arguments made and base their decision on the viewpoints expressed by various Members. I have to say that nothing that I have heard this evening and this afternoon has changed my view one iota, but I am sure that for others it has been a very interesting experience. It is only half past seven, and I understand that the canteen is open until midnight, so we have plenty of time to deal with these important issues and to take some crucial votes later on.

First, I want to deal with the issue of hare coursing. I congratulate the Member for East Antrim Mr Beggs for bringing the amendment forward. I made the point to the Minister during Second Stage that, in 30 years' time, he may not be known for some obscure amendment that he made to the RPA Bill, or some issue that he dealt with on the redeployment of planners —

Mr Kennedy: Because he did not.

Mr Wells: He did not, but at the time when I made that point, he could have. He may well be remembered as the Minister who ended the barbaric practice of park hare coursing. Equally, the Member for East Antrim could go down in history as the person who delivered that much-needed change in legislation.

I emphasise that we are talking about park-enclosed hare coursing, within a confined space. We need to differentiate that from open hare coursing, which is practised in England. In 1972, Mr McConnell, who was then an MP in this House, tried to bring in legislation to ban hare coursing. He got through several readings successfully, and the reason why the legislation failed is that the Northern Ireland Parliament

collapsed. Similarly, in 1974, Lord Dunleath, the Alliance Member for what is now North Down —

Mr Ford: Also Alliance.

Mr Wells: Also Alliance, yes. He was within days of getting legislation through to ban park hare coursing. Guess what happened? The Assembly collapsed in 1974. In 1986, in the Assembly that I was part of — the 1982-86 Prior Assembly — I was working hard to bring in legislation to ban hare coursing, and guess what happened? That Assembly collapsed. I do not for one moment want to think that Mr Beggs's proposed amendment is going to bring this place collapsing down around our ears, but it is interesting that we would have had a ban on hare coursing long ago had it not been for three fates of history, and no one would have missed it. It would have been gone forever, and been completely unlamented.

If the proposed ban on park hare coursing does not succeed tonight, it will not be on the strength of the argument, or because of public opinion, as 73% of the population have said that they want an end to it. It will be because the honourable Member for Kerry North Mr Ferris, at a Sinn Féin conference, proposed a motion opposing a ban on hare coursing. That then led to a three-line whip on the Members opposite. I know, from private information that I have, that many of them personally, including the Minister of Agriculture, if given a free vote here tonight, would vote for a ban on hare coursing.

The issue that I have to put to the honourable — not honourable, but the Members opposite — is that no one is going to tell me that all 26 of them, or 25, as Mr McHugh has left, who, on conscience, have considered the issue and weighed up the balance, would come to the same opinion that hare coursing is a good thing. Some of them are educated, some of them have gone through university, some of them are females — I see that Ms Anderson the Member for Foyle has come in. I know that, in their own heart of hearts, if they were given a free vote on it, they would vote to ban park hare coursing.

Not one of them has been prepared to stand up and put hand on heart, including the Chairperson of the Environment Committee, and say that a year ago, they would not have voted for the amendment. They would have voted for a ban on hare coursing, but now they have been whipped by the Sinn Féin machine, which has ordered them not to support it under

any circumstances, even though it has support from Members throughout the House. Is it not sad that that barbaric practice may be allowed to continue in Northern Ireland simply because of the activities of Mr Ferris, who does not even live in the same country? He is hundreds of miles away in County Kerry.

Mr O'Dowd: The Member's fixation with Sinn Féin and its practices is quite admirable. If he wants to do a study of Sinn Féin, I will certainly help him with the research. However, his argument does not carry weight with Mr Shannon or Mr Bell. People across the Floor have varying views on hare coursing, and some of them are very emotionally held. Sinn Féin, as my colleague Mr Molloy said, accepted a motion at its national executive, its ardcumhairle. That went to an ard fheis, which was attended by around 1,000 delegates, and was voted on and passed. It is called democracy within a political party. The Member should try it some time. Our position on the issue is crystal clear and will not change. The Member can berate us all night, and I am happy to sit here until midnight while he does so. What is the Member's viewpoint on banning a countryside sport that provides an economic benefit, which is more important now than at any other stage, to the rural community?

Mr Wells: The greyhound racing industry will continue regardless of whether there is park hare coursing, because suitable alternatives are available, namely, Dunmore Park and another park in the borough of Lisburn. People can train greyhounds there and race them using electronic hares. Therefore, the suggestion that a ban on park hare coursing would lead to redundancies is nonsense. For the past six years, there has not been park hare coursing because of the special protection order, and there have been no redundancies in that time. People simply moved across the border to the Irish Republic to continue their sport.

I would like to hear one of the Members opposite say — they will not respond to me because they are being whipped viciously on the issue — that minds were changed by the decision that came about as result of Mr Ferris's motion. However, their minds have not changed. They were against hare coursing, and now they are being told what to think.

The difference between the Member's party and mine is that the DUP has a free vote, which is unknown to Sinn Féin. In my party, Members

such as Mr Shannon will vote in favour of hare coursing, and wiser Members will vote against it. Our free vote means that DUP Members will go through both Lobbies tonight. The issue is an obvious one of conscience. We cannot turn it into a party political imperative, requiring a vote one way or the other.

Mr Brady is sitting in the back row of the Benches. I know him of old. In fact, I have known him for a very long time. Inside his head is someone who would vote for better animal protection. However, he is squirming because he knows that he would be in big trouble should he not follow the diktat of his party Whip tonight.

A great deal of nonsense has been spoken here tonight. It was suggested that hare coursing is a traditional rural pastime that must be protected at all costs, but, as has been pointed out, so were bear-baiting, cockfighting and badger-baiting. Any reasonable person would find those so-called sports totally unacceptable today. I asked Mr Bell the Member for Strangford where he would have stood on those issues. He stated that we would have voted in favour of banning them because they were no longer acceptable.

There must be some test of public opinion. What do the public in Northern Ireland consider to be an acceptable sport as opposed to a cruel one? At present, the vast majority of the public in Northern Ireland consider fishing to be an acceptable sport. However, no thin end of the wedge argument applies in this instance. None of the Members who spoke here tonight in favour of a ban on park hare coursing remotely suggested that normal, legitimate field sports should be touched. A couple of centuries ago, someone could have said that badger-baiting could not be banned because that would have been the thin end of the wedge.

However, that is nonsense, because certain activities clearly cross the threshold of acceptability. If a cat were raced down the enclosed space at Crebilly and hounded by two greyhounds, would that be acceptable? No, it would not, and it is not acceptable for a hare to be treated in that way. The test is whether people would allow their domestic pet to be treated in that way, and the answer to that question would be an emphatic no.

I accept that I have been too hot-headed tonight, and perhaps I have made mistakes at times. However, I and one other Member who is here tonight have watched hare coursing. I have seen

exactly what happens, and it was a very nasty experience. On Christmas Day 1982, bookies and hundreds of people were lined up along the course at Crebilly. The First Minister, Peter Robinson, the late Henry Dunleath and I were also there. To my dying day, I will remember the agonised cries of hares being ripped to pieces on that course as people cheered and took bets on the fate of the animals. No one can tell me that, in the twenty-first century, it is an acceptable sport. People may say that there have been changes. However, those changes were enforced by the Irish Coursing Club through gritted teeth, and it had to be pulled through the hedges to implement them. That club had no intention of making those changes until public opinion forced it to do so.

I accept that, as a result of those changes, far fewer hares are killed. However, I am not making this an argument about the population or conservation of the Irish hare. Whether or not there is coursing in this part of the United Kingdom or in the Republic of Ireland, it will make no difference to the overall population of the Irish hare. That is not the issue. It is a moral issue. Is it right for hundreds of people to watch the torture of an animal? That is the question that Members have to ask themselves.

7.45 pm

One of the roles of the Minister is not only to protect and conserve wildlife but to increase public appreciation of wildlife and to educate the public on the importance of our native flora and fauna. How can he do that and, at the same time, authorise the grotesque spectre of a sentient creature being pursued by two greyhounds down a 100-yard course in front of a large crowd? No one can square that with me. It is simply not creating an appreciation of our wildlife and the nurture of it.

I know exactly where I will be going as far as this debate is concerned. I urge everyone not to vote on the basis of instructions from a party Whip but to vote on the basis of their conscience. When Members go to bed tonight, they will have to ask themselves whether they walked through the Lobby with a clear conscience or whether they were terrorised into doing so by a Whip who would make it absolutely clear that there would be no positions whatsoever —

Mr Poots: Dessie Ward.

Mr Wells: Look at what happened to Dessie Ward when he stepped out of line. However, they do not have to look to their own party for an example. They need only look at what happened to poor Declan O'Loan when he dared to step out of line. I have heard of blood sports, but being brought before Margaret Ritchie is perhaps more terrifying than being brought before the greyhounds. Declan O'Loan was stripped of his office and humiliated in public. And where is poor Declan now?

Mr Molloy: Does the Member accept that that has happened to some people and they have survived and are still here today?

Mr Wells: Mr Molloy, you survived, but only just. You were publicly humiliated because you dared to suggest that certain aspects of RPA were OK. As it happened, that was done totally in vain, because the whole thing was torpedoed anyhow. You took all that pain for no gain.

We have seen what happened to an errant Back-Bencher who dared to step out of line with the SDLP, which is supposed to be the moderate nationalist party. Therefore, what on earth would happen if a Back-Bencher was to step out of line on hare coursing tonight? It would be very painful indeed —

Mr O'Dowd: They would be forced to listen to one of your speeches.

Mr Wells: That would be too much of a torture.

That leads me to ask another fundamental question: where is the SDLP this evening? Where has the SDLP been throughout the entire debate? Where is that sleeping giant? Perhaps giant is too much to say and I should say party. We have sat here all day and listened to contributions from the DUP, Sinn Féin, the Ulster Unionists, the Green Party and the Alliance Party. However, the SDLP has been very noticeable by its absence. I accept that its Members have made a few interjections, but where are the big guns, or what is left of the big guns?

Mr Kennedy: It occurs to me that they may be running with the hare and hunting with the hounds.

Mr McGlone: We are keeping the best till last, Jim.

Mr Wells: I take it then that the Member for Mid Ulster will be contributing to this important debate.

Mr Kennedy: No, but he is going to vote on it.

Mr Wells: It strikes me as strange that a party that purports to represent rural communities, particularly those west of the Bann, has not said anything. I suspect that, as the Member for Newry and Armagh implied, the SDLP wants to have its cake and eat it. Its Members want to sit in the Chamber and vote for things that they know their community will accept, and vice versa.

Mr McGlone: My name is not Jim Wells. We will make our position very clear later.

Mr Wells: Let me make it absolutely clear to the Member that I am totally consistent. I am against snares and against hare coursing. You will not catch me in the duplicity —

Mr McGlone: Where are you on ASSIs, Jim?

Mr Wells: I am in favour of ASSIs and am against a bungalow blitz. I am absolutely consistent in my environmental credentials in the party and the Assembly. I am still pulling the knives out from my chest and my back as a result of that. I assure you —

Mr McGlone: Are you anti-country sports?

Mr Deputy Speaker: Order. This is a debate, and all Members should be included in it. This little interlude between two Members should not go any further. Mr Wells, have you completed your speech?

Mr Wells: Certainly not, Mr Deputy Speaker. Having a free vote in the Chamber is a once-in-a-lifetime experience. On Saturday, I will have been a Member for 16 years, and in all that time, I have never had a free vote in the Chamber. Therefore, I assure you, Mr Deputy Speaker, that I am going to enjoy this opportunity. It is a very long time since I have had an unlimited opportunity to speak, so I am really going to go to town. As I said, we are going to be here until midnight anyhow.

Let us move on to the issue of snaring. I am going to be consistent and say that I still have grave reservations about the use of snares for the capture of wild animals. I need to explain that, because some Members, particularly Mr McKay, seem to be a bit confused about what we are talking about.

There are several types of snares. There is the self-locking snare, which is banned. That involves a wire going round the neck of the

animal, which tightens as the animal struggles. The animal then suffocates or experiences horrific injury. Those snares were banned under the Wildlife (Northern Ireland) Order 1985, and they will be banned under the new legislation.

The second type is the free-running snare, which has a stop on it. Technically, the snare should shut around the animal's neck but only tightly enough to hold it. The gamekeeper should then find the animal and, if it is a protected species or a domestic animal, remove it from the snare relatively undamaged and let it go. If the animal is a fox or a mink, for example, it is knocked on the head and killed.

If that is what is going on in the countryside at present, very few people could object. However, the League Against Cruel Sports provided us with evidence, even for areas such as the Ards Peninsula and Fivemiletown — I will not name the actual locations — of numerous examples of snares that do not have stops on them, which means that they lock around an animal's neck, or snares that clearly have not been checked for 24 months never mind 24 hours. I have seen a picture of a fox's skeleton in a snare, so it was obviously never checked.

There are also examples of snares being placed at a height where an animal gets caught in it, falls back and is strangled. There are examples of weights being attached to loose snares so that an animal gets a snare around its neck and has to trail the weight around. That is the problem. Despite all the assurances that various Members have given us about how wisely snares are used, in reality, an awful lot of extremely nasty stuff is happening.

I spend an awful lot of time walking in the hills because of my interest in birds of prey, and I regularly come across animals that are trapped in snares that have never been checked. I come across the rotting corpses of animals such as badgers and sometimes even domestic pets, and it is quite clear that nobody has bothered to check the snares for weeks or months. As a result, the animal has either died through strangulation or its neck has almost been cut in two. That is what happens to the lucky ones, but the others are kept trapped with no water or food for day upon day and die of starvation or exposure as a result. That is what is going on, and, unfortunately, it is happening in respectable and well-managed estates and farms where very little effort is made.

I will listen to the Minister with interest. If he can convince me that the proposals will lead to a radical change, that snares will be regularly visited, that protected animals and domestic pets will be released and that the animals caught in the snares and that are classed as vermin will be quickly dispatched, that is a different issue. However, I still have great difficulties with what is being suggested, because, far too often, I have come across the suffering that snares cause. If, as a result of the registration and the training and of what effectively seems to be a licensing system, we get a major change in the attitude to snares, it will be great news for all concerned.

I am concerned about people saying that there is no alternative, because the Larsen trap, which has been mentioned, has been a major conservation success story. Before the Larsen trap reached production, there was what was called the pole trap. Metal jaws were placed on top of a pole in the middle of a field, a bird of prey landed on it, its foot was caught in the trap, and it dangled until it died. That is a very cruel way to die. People said that there was no alternative. Then the Larsen trap was introduced. I am sure that you have seen it in action. It is a cage where the bird sits on top, the roof opens up, and the bird falls in and flies around. Someone then comes along and inspects the trap. If the species is protected, such as a buzzard or sparrowhawk, it is released; if it is a grey crow or a magpie, it is dispatched.

People said for years that that would never work. The Larsen trap has had enormous benefits not only for gamekeeping, but for nature conservation, because under the old system, a pole trap simply killed anything. It was totally indiscriminate, and if a bird was found in one, it was so badly damaged that nothing could be done, and it had to be killed. Hopefully, with the reputable gamekeeping that is practised in Northern Ireland, if something which is protected is found in a Larsen trap, the cage door is opened and it is thrown out back into the wild.

One reason, we believe, why the buzzard population throughout the United Kingdom, and, indeed, the Irish Republic, has increased dramatically has been the move towards the Larsen trap. With a bit of ingenuity, therefore, and maybe a bit of funding from the Department, alternatives can be found. If a realistic alternative is found, we should move rapidly away from snaring, because snaring is so indiscriminate in what it kills. An

awful lot of badgers, in particular, die as a result of snaring.

I will listen to the Minister's arguments and those of other Members. However, at least I am consistent. How can anyone say that hare coursing is not cruel and snaring is cruel? That is totally wrong. It strikes me as wanting to have your cake and eat it. The difference is, of course, that Sinn Féin and its supporters support hare coursing and do not support snaring. It is as simple as that. They see on what side their bread is buttered in terms of votes.

The Minister of the Environment: I appreciate what the Member says about traps as opposed to snares. Will the Member take into account and give some appreciation to the fact that a lot of the terrain where animals are being caught is particularly rough and not suitable for vehicles, and it would just be impossible for a gamekeeper physically to carry numerous traps around to set the numbers to meet the scale of what would be required?

Mr Wells: Whether or not that statement is correct, and whether or not it is viable to carry around small traps, the Department should initiate pilot projects to find alternatives. The Larsen trap is normally quite big, about 5ft by 4ft. Therefore, it would be totally impracticable to use that. However, small traps are already available —

The Minister of the Environment: I know that the Member engages in hill walking, but when he goes on some of those hill walks how many of those 5ft by 4ft cages would he like to carry up the hills on his back?

Mr Wells: The honourable Member misunderstood me. I am saying that it would not be practicable to take a Larsen trap up into those conditions. However, a smaller trap that would catch something the size of a fox or a mink is much more portable. The Department should investigate the other options. I am sure that, with a bit of thought and a pilot project to experiment to find out what the other options are, we can find a system that achieves what we all want. No one in the Assembly is saying that foxes should not be killed —

Dr Farry: I am slightly concerned that the Minister's argument may be somewhat disingenuous. If the purpose of snares or traps is to protect and manage land, surely their use will be much more on lowlands or suitable farmland, rather than

on hills or rough vegetation, where the need for regulation will surely be much less.

Mr Wells: Certainly this is more viable in a lowland situation —

The Minister of the Environment: I am surprised at the ignorance demonstrated, which is the unfortunate aspect of this debate. A lot of ground nesting birds nest in the uplands. When I talked earlier about Glenwhirry, I should have explained that it is north of Doagh in the Larne to Ballymena direction. It is very high ground. That is where they used snares to take out the 600 foxes. As a consequence, we have more snipe, curlew, lapwing and hares.

If people want to destroy Northern Ireland's biodiversity, they should take the route proposed by well-meaning people who do not understand the facts and have not done enough work to ascertain the facts.

Mr Wells: I have been put in my place.

8.00 pm

Mr McGlone: Let me pick up on what the Minister has said. I received a phone call this morning from a conservation group based outside Cookstown. Its members have released red grouse into the lands in the mountains outside Cookstown, and they regularly bring groups of youngsters and school kids to see them. They do not shoot the grouse, but they have a shooting club in a lowland area. Their major concern is how to protect the grouse that they have released, if they cannot use some form of entrapment such as snares or if, God forbid, Mr Wells's proposal to designate ASSIs as areas where there will be no shooting is adopted. That is a major concern for the group. You may shake your head, Jim, but it is an issue for people out there.

That conservation group worked actively with the Department when I was Chairperson of the Environment Committee. Mr Ian McCrea will recall that the Committee went on a visit to Teal Lough and liaised with the members of the group — Mr McCrea and I know them as constituents — who are engaged in active conservation work with the Department in breeding and releasing red grouse into lands up above Teal Lough in a mountainous area outside Cookstown. The group's major concern is that the proposals before Members today will not

only inhibit what it is trying to do but completely eradicate its good work in conservation.

Mr Wells: It may be 10.00 pm before we get around to that matter, but I reassure the Member that it is based on an absolute misunderstanding of what is proposed. There are no plans to ban shooting in ASSIs. That was made clear earlier. It is a total misunderstanding, and it will be clarified when we get to that debate.

Let us be clear: some people who are watching this debate on the Internet or who will read the Hansard report will think that we do not want shooters, gamekeepers or country sports. No one in the Assembly is suggesting for a moment that foxes do not have to be controlled. Of course they must. I keep free range chickens, and I can confirm what Mr Beggs has said. I have had the heartache of finding my entire stock killed by foxes.

This is not an argument about whether there are certain predators that have to be controlled; there definitely are such predators. However, let us make every effort to ensure that the way we do so is as humane as possible and that we do not go down Mr Bell's line that it is the least worst option. Let us try to find a better option. Let us use science and technology to find ways to control foxes, mink and grey squirrels while inflicting the least pain. That is all I am saying. Let us at least ensure that, if there are new rules and regulations on snares, they are obeyed. It is the lack of obedience to the rules on snares that causes suffering.

Mr I McCrea: I thank the Member for giving way. He is asking for new scientific models for dealing with this in future. He has described the difficulty he has had with his own free range stock. I and other Members want to know how he proposes we deal with that issue today and after this Bill becomes law.

Mr Wells: I suggest that the Department initiates pilot studies on estates in Northern Ireland, in conjunction with the respectable organisations that represent shooting and conservation, to find new ways of controlling predators in the most humane way possible. That is all I suggest, and it is reasonable. However, if we fall back on snares for ever and a day, we will not have the impetus to move forward and find those better methods.

I am consistent on this issue; Sinn Féin is not. I leave Members with this thought: I urge them

to examine their conscience and to go home tonight with a clear conscience, so that they can say that they have done what is best for animal welfare in Northern Ireland. If they ask themselves that question, they will not vote for park hare coursing tonight. Their block vote, whipped into action, may be the difference between ending this barbaric practice and not doing so.

Mr B Wilson: I support the banning of snares and hare coursing. I will start with snares, which we have talked about quite a lot. I have no doubt that snares are cruel and barbaric. We do not want to have to use them, and we should look for an alternative. The major indictment of the snare is the fact that it is indiscriminate. It does not attack only what people want to catch; it catches other animals as well. For example, the Scottish Society for the Prevention of Cruelty to Animals released a report on snaring in 2007, which showed that 269 animals had been caught. Only 23 of them were targets, 17% were companion animals and 12% were European protected species.

The objective of snares is to stop vermin or foxes, but their use stops virtually everything else as well. What concerns me is the indiscriminate nature of the device. There are different types of snare: self-locking and legal free-running ones. They can cause severe chest, leg and head injuries to animals. We have seen situations in which animals have had to bite their own leg off to try to get out of a snare.

Mr Wells pointed out that those snares are quite often left for a long time. In theory, snares should be regularly monitored but, in practice, there are records of animals being left in snares for perhaps months. They die of starvation. Think of an animal caught in a snare, trying to get away and dying a long, languishing death because the snares were not properly monitored. That is the issue.

The British Association for Shooting and Conservation refers to rules and regulations that should apply to snares. If those were adhered to, we may feel that there could be some justification for using them. However, the snares that are often used are not operated according to regulations; they are broken or rusty. They are supposed to have permanent stops, which in many cases do not work. If they do not have those stops, they strangle the

animal. In theory, snares are inspected on a regular basis, but in practice they are not.

We have to look at how we control wildlife. There are particular problems for farmers. The Ulster Farmers' Union was initially reluctant to put evidence forward on this legislation.

Mr Beggs: Does the Member accept that that might be because the farming community may not use snaring technology? It may be the professional gamekeepers, such as those at Glenwhirry, who use them. Nevertheless, the farming community will benefit because 600 fewer foxes are roaming the Antrim hills.

Mr B Wilson: I accept that. I was going to make that point in another form. It is not the farming community that has the problem; it is the gamekeepers who look after the shooting areas. Farmers currently do not use snares on an extensive basis. Snares are not used that widely. The suggestion is that it would be disastrous for every farmer if they were not allowed to use snares; however, a very small percentage of farmers uses snares. If snares were banned and the will was there, we could find alternatives. Those that we talked about have not been implemented because they are more expensive. It is a matter of cost not principle. If forced to do so, people can devise another implement, but, if they can get a cheap snare, why bother? That is the issue.

Snares are barbaric, cruel and indiscriminate. I would like to hear anybody who found their cat caught in a snare say that they supported their use. I have seen photographs of cats that have been stuck in snares for about a week dying a horrific death. Any Member who had witnessed that would probably consider finding some alternative to snares. It is honourable of the Minister to propose amendments to minimise the impact of snares, and we could further develop such an approach. On the other hand, the only way to resolve the problem and to stop the suffering is by imposing a total ban.

I welcome amendment No 26 on hare coursing. Mr Molloy may be aware that I am drafting a hunting Bill that will include provisions on fox hunting and deer hunting. Consultation on my Bill has been completed, and it should be introduced to the House in early autumn. I have been involved in opposition to hare coursing since the 1970s or perhaps earlier. Mr Wells referred to Bertie McConnell, who introduced legislation in the old Northern Ireland Parliament

to abolish hare coursing. I was involved with Bertie in those days, as we felt that the issue was important. His Bill was passed unanimously by the old Northern Ireland Commons but was thrown out by the Senate. Stormont was later prorogued, and the Bill never became law. The feeling of the old Northern Ireland Parliament 40 years ago was that hare coursing was a barbaric sport that we should end. Mr Wells also referred to Henry Dunleath, whose Bills were also passed, but the respective Assemblies were prorogued before the legislation could be implemented.

Dr Farry: The Member referred to the stance taken by Henry Dunleath. Does the Member agree that Lord Dunleath's background gives the lie to the allegation that hare coursing is a town versus country issue, in that some people with a country perspective are strong on conservation?

Mr B Wilson: Yes. Henry was very much a country person, but he was obviously very aware of such issues, about which he felt as strongly as anybody else. Hare coursing is not a country versus urban issue; it is a humanitarian issue. That is what we are concerned about. Tonight, I am worried that we are moving backwards, because the old Assemblies and the old Northern Ireland Parliament of 20, 30 or more years ago unanimously favoured such legislation. We now seem to be moving away from introducing such legislation. In the 1980s, every Boxing Day morning, I used to go to Crebilly to protest, and I heard the roar of the crowd as hares were being torn apart. It was totally barbaric and nauseating. I do not want that to happen again.

8.15 pm

I do not understand the economic argument that there would be an impact on the rural economy. As far as I am aware, for the past eight years, there has been no hare coursing, so what impact would banning it have on the rural economy? There is no problem with greyhound racing, which can continue. If events are taking place that no one knows about, how can they attract much of a crowd? If they are taking place, I would be interested to know. I do not accept that the legislation would impact on employment in rural communities. In England, the same argument was made about the Hunting Act 2004, where there was talk about all the jobs that would be lost in the

countryside. In practice, as far as I am aware, not a single job has been lost.

The old Northern Ireland Parliament and the Assembly during the previous mandate were against hare coursing. Therefore, like bear-baiting and cockfighting, we should put the matter to bed for life and say no to any more hare coursing.

Mr McHugh: Go raibh maith agat, a LeasCheann Comhairle. The debate has rolled on, and we still have a way to go, so I will try to shorten what I was going to say. I want to cover a couple of points that people have argued about to and fro for a considerable time, without coming near to a result, other than what I heard this morning.

Snares probably could be described as barbaric. They can be indiscriminate. It was said that farmers often lay snares. However, I do not think that farmers lay them in great numbers. It is more the shooting fraternity attempting to protect wildfowl stocks. That is understandable, but there is also a question about controlling the checking of snares. Do people bother to check snares, or are they simply laid and forgotten about? For the most part, I imagine that people do not even remember where they put them. Those are the difficulties. Young people might be involved, and they simply would not know where they left them. They might lay a number of snares, and that is it. It may be as bad as that. Badgers are also caught in snares, and hunting dogs can easily get caught up in them, which is not a great result. Other than that, I am not sure.

Obviously, the Minister is not against people using snares as a method of controlling such areas. When I pointed out to him that grey crows are protected, I was alluding to the fact that, if people are not interested in shooting them, they will wipe out a lot of stock. They can eat a phenomenal amount of food, which is also the case with magpies. No amount of birds' nests or eggs would do them; they are very damaging in the countryside. Like vultures, they are also scavengers. They hunt the roads for animals and birds that have been killed by cars, often at night. As a driver, I find it difficult to understand why people have to drive over everything that is on the road, just because they have a right to drive. It seems to be that way. Quite a lot of badgers and foxes are killed on the roads, and that, in itself, is a considerable control measure. We need only count the numbers that are killed,

although the bodies do not last long because of grey crows and other scavengers. Nevertheless, that is a control measure that did not exist in the past.

Laying poison bait is a dangerous and horrific practice. It is also indiscriminate: red kites and other birds of prey end up being caught up in that. I suppose that it is directed towards mink or foxes, but it is an indiscriminate control that is not much regulated, and yet it continues. I never understand it. Shooting clubs and others should at least discourage people from the practice.

We need balance. Mr Wells and my friend over here are fighting a lonely corner. It is quite difficult to take on almost everybody else. As I said earlier, however, it is important to listen to their arguments. The fact that they have been made in such a way this evening will change minds over time. The Members may think that they are fighting a losing battle, but perhaps people are listening to the debate. It could, however, be like the World Cup: people could get fed up with it.

Most foxes and badgers are probably killed on the roads. The balance in the countryside is against the endangered species of birds because of their natural predators. That is the way that things happen. It is not so much shooters or anyone else. Quite a lot of the damage is done by elements that should not be there — for example, the mink, which was introduced from the United States. They are now a prevalent and destructive force. They will kill everything, even fish. They will kill dozens of them for the sake of killing. They are so brazen as they go about their business that they just stare people in the face.

There was a recent incident in which a fox tried to attack a child in an urban setting. That was the way that it was reported in the papers, but the fox was probably trying to take the child away. Bins were their previous food source, but bins now have lids. Much of what happens is about food sources. Many foxes are not being fed in the countryside because of changed practices, but nobody shoots them in urban settings.

Amendment Nos 21, 22 and 23 may well be pressed. I am against them entirely because they are not about the protection of flora and fauna or the environment; they are about outlawing gun shooting altogether. Much of Fermanagh is covered by areas of special

scientific interest, so anyone who tries to shoot in the few areas that remain would have to cross a considerable number of ASSIs. The amendments refer to the “disturbance” of flora and fauna, but what does “disturbance” mean? Does it mean walking on the ground? Prohibition of any human activity in an ASSI is also mentioned in the amendments.

Mr Wells: On a point of order, Mr Deputy Speaker. I was punished earlier for drifting into the next set of amendments. The honourable Member for Fermanagh and South Tyrone is doing exactly the same thing.

Mr Deputy Speaker: Thank you for that point of order, Mr Wells. You pre-empted me. Obviously, you are wearing your hat as a previous Deputy Speaker. ASSIs will be debated later. I ask you, Mr McHugh, to refer to the matter at hand only.

Mr McHugh: I take the point. My problem is that segregating the two issues affects what I am trying to say.

Areas that are covered by ASSIs would create a lot of difficulty for people trying to undertake normal countryside practices, hunting or whatever. I was trying to explain that it is about a total ban on shooting or using guns in the countryside rather than the protection of the countryside.

Someone mentioned marsh cowboys, and that could be considered as getting off the loose. Those involved in shooting clubs should control such people. People who are not in clubs are very destructive to the bird life in the countryside. They go out in numbers from urban situations, and they have no concept of the countryside. They will fire 10 or 15 shots to get one kill or maybe kill nothing at all. I have seen it happening close to my land. It is important that people involved in clubs try to get a message across about some sort of responsibility in the countryside regarding any aspect of what we have argued about here today. It must be done by those who have an interest in it. In many instances, that is not happening. A blitz on all fowl on the first day of shooting is also something that needs to be thought about, rather than what happens year after year. That aspect has not been mentioned by anyone.

There is a divided argument about hare coursing. Someone made the point about using cats. They are certainly plentiful, but they would be much too slow for that. I do take the point

that hares caught in this way suffer fear, and the question is whether that is morally acceptable. That is for a lot of individuals to consider. Those involved in the practice probably walked into it like many people who are strongly involved in some of the countryside practices, and they are not in a position to change. It is almost like alcoholism: people get addicted to the practice and either do not see anything wrong with it or cannot make the change. The argument going on across the Floor is about trying to change people's minds and trying to look at the argument from all directions.

I support some of the arguments about conservation in relation to the anti-countryside practices, such as the use of guns and dogs and all that sort of thing. Hunting in other ways is lessening and is less of an issue, although it has been made into an issue here in the way in which the debate has gone. I will leave the rest until later.

The Minister of the Environment: Due to the late tabling of amendment Nos 26, 49 and 50 by Mr Beggs, I have not been able to agree a position with the Executive. Therefore, I cannot make any comment.

On the other issues, I will begin by responding on the issue of snares. The Chairperson of the Environment Committee has recommended that the use of snares should be banned altogether. Although I have considerable empathy with that position and it was probably my starting position as well, as I have investigated the issues and given them proper consideration, I have moved from that position. It is important for countryside management practices, such as farming, game management and the effective control of pest species, and, therefore, we need the suite of tools that is available. The Ulster Farmers' Union responded and said that there is extensive use of snares in areas such as south Tyrone, Fermanagh, south Londonderry and Armagh.

Mr Wells referred to the cages. I have seen the cages, and I have seen the magpies caught in them. They are also suitable for catching grey-backs. However, if anyone thinks that the cages are suitable for catching foxes, they have something else coming to them.

We are being asked to have some form of pest control or to have no form of pest control. If you move from having a form of pest control to no form of pest control, you leave the door open for all sorts of activity to take place which is not

just equally distasteful but considerably more distasteful and, as a consequence, we will have poor animal welfare. Conjoined with delivering a situation where there is poor animal welfare, there will also be poor predation control and, as a consequence, we will undermine biodiversity in Northern Ireland.

That will mean that there will be no nets or traps to catch the gray back crows, magpies or foxes that damage the eggs of the curlew, the lapwing, the snipe and the red grouse — ground-nesting species that are under threat — and real and significant damage will be done to the populations of those birds. Well meaning as the Members are on this issue, they are putting forward a proposal to move from something to nothing, and that would be hugely damaging.

8.30 pm

I have given the issue serious consideration, and I believe that we need to address the concerns that Members are raising on animal cruelty and animal welfare issues. That is why amendment No 13 to the Bill would give my Department the power to set certain requirements by way of an Order on those who set new snares. That mechanism would allow the Department to set much higher standards on how snares are used and give it the flexibility to update those standards at any time. Therefore, the emotional claptrap that came from Mr McKay in relation to animals having their necks severed by snares does not come into the picture with what is being proposed. We should not be debating the subject in those terms, because it is not relevant to the actuality and reality of what would happen. The standards that I would consider would include requiring all snares to be fitted with ID tags and effective stops to prevent full closure, and the Department would look at a requirement for those who wish to use snares to be trained. It would be an offence not to comply with such requirements, and the mechanism would allow the Department to set much higher standards on how snares are used and give it the flexibility to update those standards at any time.

Amendment No 16 aims to insert a new clause relating to the regulation of spring traps for catching wild animals. Currently, such regulations are contained in the Welfare of Animals Act 1972 and are the responsibility of DARD. Those regulations prohibit the use of spring traps, other than those approved by

DARD, to catch wild animals. As a consequence of the proposals contained in this Bill that relate to snares and the proposals for a new animal welfare Bill, it is proposed that future responsibility for the regulation of spring traps would rest with my Department under the Wildlife (Northern Ireland) Order 1985. That action would ensure uniformity and clarification of approach on those issues for the future. Amendment No 46 is consequential to that and revokes the existing provisions contained in the Welfare of Animals Act 1972.

Amendment No 19 is a new proposal concerning the management of certain species of deer, namely the muntjac and Chinese water deer. Those species are not native to Northern Ireland, and, due to their invasive nature, they pose a significant risk to agricultural interests and biodiversity. If they were to become prevalent, control measures may be required. They are very small in size and, consequently, the existing calibre of firearms and ammunition that anyone can legally use to kill deer are not appropriate for humane dispatch. The amendment will, therefore, allow authorised persons to use a smaller calibre of firearms and ammunition to shoot those species of deer.

Clause 26 of the Bill extends the open season for female deer by one month to assist the management of the wild deer population. During Committee Stage, concerns were expressed that the proposal to allow the open season to start one month earlier, on 1 October, would raise greater welfare concerns. That is due to the potential risks posed to dependent young, rather than allowing the season to end one month later on 31 March. The Committee, therefore, recommended that the open season should run from 1 November until 31 March each year. I am aware that there is consensus among deer management stakeholders that that change is appropriate. Therefore, I agree with that recommendation, and amendment No 20 makes that change.

Amendment Nos 43, 44 and 47 are technical amendments that aim to clarify the status of game species within the ambit of the Wildlife (Northern Ireland) Order 1985. An examination of Part II of that Order found a lack of legal clarity regarding the existing interpretations of game birds and field game. The amendments will expressly clarify that the definition of “wild bird” does not include “game birds” and will clarify that the provisions of the Wildlife

(Northern Ireland) Order 1985 will apply to any field game that is specifically named in any of the schedules to the Order.

The draft Bill proposed to allow the shooting of deer from a vehicle, provided that it was stationary and the engine was turned off. That would have allowed anyone who was involved in deer management to use the vehicle as an elevated and stable vantage point from which to discreetly observe and shoot deer safely and humanely. The Committee for the Environment disagreed with the proposal due to concerns that it could assist people involved in illegal activity, such as poaching. I am also aware that a number of deer stakeholders have similar concerns. Therefore, I propose that the clause should not stand part of the Bill.

Due to the inclusion in the Bill of additional measures relating to the management of game species, it is necessary to ensure that the long title be amended to adequately reflect the Bill's revised scope. Amendment No 51 deals with that.

Most Members have come to the debate with animal welfare at heart, but I appeal to Members to be wholly rational in the choices that they make, because they could undermine animal welfare and Northern Ireland's biodiversity. I encourage Members to accept the Department's proposals because we propose a considerable step forward in animal welfare and in the management of our biodiversity. As a consequence, this can be a very good Bill. If we were to introduce a total ban on the use of snares, we would undermine animal welfare and biodiversity in Northern Ireland, and, as a consequence, we would make this a very poor Bill.

The Chairperson of the Committee for the Environment (Mr Boylan): Go raibh maith agat, a LeasCheann Comhairle. As we have heard, the content of the Bill is an area of interest to several Members, who have expressed many varying opinions. It is fair to say that that is a true reflection of the opinions of the general public, representative groups and lobbying organisations.

Members can see why the Committee had such a difficult task in reaching agreement on the clauses that are affected by the issues that have been debated in this group, namely snares, population control and game. Many of the issues are emotive, but, as I said in my opening remarks, it is not for us to make legislation based on emotion. We must look

at the evidence and make balanced decisions that take on board and respect all sides and opinions. We must look at ways of maintaining, protecting and enhancing the North's environment and the animals and plants that live in it, but, as legislators, we must not lose sight of the fact that people also live in it. We need to get that balance right.

I shall refer to Members' comments, and it is good to see that all of them are back after being fed and watered. I am going for some hare now, and, as long as Jim Wells speaks for an hour, I will get a chance to get something to eat.

Mr Weir said that the Committee had to decide on a black-and-white issue. In fact, a choice was made between two suggested amendments, and the Committee decided to support a complete ban. Mr Beggs changed his mind halfway through. He does not want indiscriminate use, and he favours the Minister's amendment. He wants full consultation, and I hope it that that takes place during the summer recess. I assure Mr Beggs that I will not be in; he can deal with that consultation during the summer recess. He noted the need for a ban on hare coursing. The protection of the Irish hare will not prevent other hares from being coursed, so I hope that he is not saying that it is OK for the hybrid hare or the brown hare to be coursed.

Stephen Farry supports the banning of snares and hare coursing, and he commented on the other parties' lack of consistency. He may not know anything about fishing. In angling, the fish are thrown back, but fishermen take them home. My colleague Francie Molloy acknowledged that he is partial to a bit of fish. He is used to brown fish on a Friday.

Jonathan Bell argued that the use of snares is a better alternative for land management, and he is correct. I assure the House that he and I will not be chased around the Chamber by dogs; not at any time. He raised the good point that hare poaching has become the most prolific wildlife crime in England since coursing was banned, and we need to take that on board.

Daithí McKay talked about the banning of snares, but his main point was about the Ulster Farmers' Union, which did not consider it to be a common part of farming practice. Jim Shannon gave us another lively oration. He talked about hare populations increasing where snares have been used, but said that we needed a

mechanism to raise the standards if that is the way that the issue goes today.

Danny Kinahan talked about proper control of snares. Francie Molloy used one of the better lines when he cautioned us against the like-to-be-good-to-everything brigade or, in some cases, the like-to-be-good-to-everything-and-everybody brigade. He is correct. He is also concerned about hare coursing going underground.

As usual, Jim Wells contributed a lot to the debate, but if he takes a break for an hour, I might get a chance to go to get something to eat. He said that it is about an issue of conscience. I suppose that, if you are snared for 16 years and get out, you might have a clear conscience, but it is not for Sinn Féin to examine its conscience on this issue.

Brian Wilson talked about the indiscriminate use of snares and said that he called for hare coursing to be banned 40 years ago. Maybe you will get there at some point, Brian. Gerry McHugh also talked about the indiscriminate use of snares. Finally, the Minister said that if there was no pest control it would leave the door open to worse practices, and he begged the Chamber to support his amendment.

Question, That amendment No 8 be made, put and negatived.

Amendment Nos 9 to 11 not moved.

Mr Wells: On a point of order, Mr Deputy Speaker. What on earth is the sense in us spending three hours debating this issue for the mover of the amendments to not move them? Why did he not at least give us an indication at the start of the debate that he was going to do that?

Mr Deputy Speaker: Thank you for that point of order, Mr Wells, but it is entirely up to the Member whether he wishes to move the amendments.

Amendment No 12 not moved.

Amendment No 13 made: In page 5, line 18, at end insert

“(2F) Any person who—

(a) uses a snare otherwise than in accordance with such requirements as may be specified in an order made by the Department, or

(b) knowingly causes or permits any other person to do so,

shall be guilty of an offence.” — [The Minister of the Environment (Mr Poots).]

Amendment Nos 14 and 15 not moved.

Clause 10, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 16 made: After clause 10, insert the following new clause

“Spring traps

10A—(1) After Article 12 of the Wildlife Order insert—

‘Spring traps

12A.—(1) Subject to the provisions of this Part, any person who—

(a) for the purpose of killing or taking any wild animal other than one included in Schedule 6, uses or permits the use of any spring trap other than an approved trap or uses or permits the use of an approved trap in circumstances or for wild animals for which it is not approved; or

(b) sells, or exposes or offers for sale, any spring trap other than an approved trap with a view to its being used for a purpose which is unlawful under sub-paragraph (a); or

(c) has in his possession any spring trap for a purpose which is unlawful under this paragraph;

shall be guilty of an offence.

(2) Paragraph (1) does not apply to traps of any description specified by order of the Department as being adapted solely for the destruction of rats, mice or other small ground vermin.

(3) In paragraph (1) any reference to an approved trap is a reference to a trap of a type and make for the time being specified by an order of the Department, either generally or subject to conditions as to the circumstances in which or the wild animals for which it may be used, and any reference to the circumstances or wild animals for which a trap is approved shall be construed accordingly.’

(2) In Article 18 of the Wildlife Order (power to grant licences) after paragraph (4) insert—

‘(4A) Article 12A(1)(a) does not apply to anything done for the purpose of enabling a spring trap to be developed or tested with a view to its being approved under Article 12A(3) if it is done under and in accordance with a licence granted by the Department.’ — [The Minister of the Environment (Mr Poots).]

New clause ordered to stand part of the Bill.

Clauses 11 to 13 ordered to stand part of the Bill.

Clause 14 (Licences under Article 18)

Amendment No 17 proposed: In page 6, line 42 at end insert

“() In paragraph (1), for ‘12(1) and (2)’ substitute ‘12(1)(b) and (c) and 12(2)’.” — [The Chairperson of the Committee for the Environment (Mr Boylan).]

Question put and negatived.

Mr Deputy Speaker: I will not call amendment No 18, as amendment No 17 was not made.

Clause 14 ordered to stand part of the Bill.

Clause 15 (Discharging firearms, etc. from vehicle)

Mr Deputy Speaker: No amendments have been tabled to clause 15, and the Minister's opposition has already been debated.

Question, That the clause stand part of the Bill, put and negatived.

Clause 15 disagreed to.

New Clause

Amendment No 19 made: After clause 15, insert the following new clause

“Shooting of certain deer

15A. In Article 20 of the Wildlife Order (exceptions to Articles 12 and 19) after paragraph (8) insert—

‘(8A) An authorised person shall not be guilty of an offence under Article 19(3)(a) if he uses for the purpose of taking or killing or injuring any Chinese water deer (*hydropotes inermis*) or muntjac deer (*muntiacus reevesi*)—

(a) a rifle having a calibre of not less than .220 inches and a muzzle energy of not less than 1,000 foot pounds (1,356 joules); and

(b) a soft-nosed or hollow-nosed bullet weighing not less than 50 grains (3.24 grammes).” — [The Minister of the Environment (Mr Poots).]

New clause ordered to stand part of the Bill.

Clauses 16 to 25 ordered to stand part of the Bill.

Clause 26 (Reduction in close seasons for female deer)

Amendment No 20 made: In page 15, line 9, leave out from “for” to end of line 10 and insert

“for ‘1st March’ in each of the three places where it occurs substitute ‘1st April’.” — [The Minister of the Environment (Mr Poots).]

Clause 26, as amended, ordered to stand part of the Bill.

New Clause

Mr Deputy Speaker: We now come to the fourth group of amendments for debate. With amendment No 21, it will be convenient to debate amendment Nos 22 to 24. The amendments deal with enhancing protection for ASSIs.

Mr Weir: I beg to move amendment No 21: After clause 26, insert the following new clause

“Management agreements

26A. In Article 34 of the Environment Order (management agreements) for paragraph (1) substitute—

‘(1) The Department may, for the purposes of conserving those flora, fauna or geological or physiographical features of an ASSI, enter into an agreement “management agreement” with the owners and occupiers of any land included in an ASSI (or of any other land).’”

The following amendments stood on the Marshalled List:

No 22: After clause 26, insert the following new clause

“Public body: duties in relation to authorising operations

26B. In Article 40 of the Environment Order for paragraph (7) substitute—

‘(7) On issuing the permission, the body shall include sufficient conditions as to ensure that—

(a) the operations are carried out by the applicant in such a way as to give rise to as little damage as is reasonably practicable in all the circumstances to the flora, fauna or geological, physiographical or other features by reason of which the ASSI is of special scientific interest (taking account, in particular, of any such advice as is referred to in paragraph (5)(b)); and

(b) the site will be restored to its former condition by the applicant, so far as is reasonably practicable, if any such damage does occur.’” — [Mr Weir.]

No 23: After clause 26, insert the following new clause

“Power to make byelaws for ASSI

26C.—(1) Article 45 of the Environment Order (Power to make byelaws for ASSI) is amended as follows.

(2) In paragraph (2) in sub-paragraph (c) after ‘fires’ insert—

‘, or the doing of anything likely to cause a fire,’

(3) In paragraph (2) after sub-paragraph (e) insert—

‘(f) prohibit or restrict the killing, taking, molesting or disturbance of living creatures of any description in the ASSI, the taking, destruction or disturbance of eggs, larvae or other immature stage, of any such creature, the taking of, or interference with, vegetation of any description in the ASSI, or the doing of anything therein which will interfere with the soil or damage any object in the ASSI;

(g) prohibit or restrict the shooting of birds or of birds of any description within such area surrounding or adjoining the ASSI (whether the area be of land or of sea) as is requisite for the protection of the ASSI;

(h) include provisions prohibiting the depositing of rubbish and the leaving of litter.’” — [Mr Weir.]

No 24: After clause 30, insert the following new clause

“Statutory charges

30A. In Article 50 of the Environment Order (statutory charges), in sub-paragraph (b) after ‘2002’ insert—

‘any variation under 29(1) of that Order, any additional under 30(1) of that Order, any denotification under 31(1) of that Order.’” — [Mr Weir.]

Mr Weir: As the hour is fairly late, I will keep my comments extremely brief. There are four amendments in the group, three of which are fairly minor and uncontroversial. One amendment has created a degree of controversy. I will deal with it last.

With Members’ indulgence, I will try to make my contribution fairly brief, and, hopefully, it will be over fairly quickly. I will begin by taking the House through the three uncontroversial amendments. Amendment No 21 deals with the management agreements. All those relate to pre-existing positions. There are already provisions for management agreements. The only effect of amendment No 21 is that it clarifies the reference to the purpose of the management agreements. The key word is “agreement”. Nothing can be done without agreement between the landowner and government in that regard.

Amendment No 22 deals with the notification duties of public bodies. That is a slight change to what is in the Bill. It requires a public body to notify the requisite team if it is carrying out operations in ASSIs. I do not think that that is particularly controversial.

I will come back to amendment No 23.

Amendment No 24 is a small variation on what is in the Bill. It ensures that relevant information on ASSIs is included in any land registry issues. There should not be any controversy around those three amendments.

There has been a degree of confusion and misunderstanding around amendment No 23. It was never the intention to ban people from shooting or to restrict them from doing so, and it was envisaged that the clause would be very rarely used. A lot of genuine concerns have been raised about amendment No 23. There is a danger that, despite the fact that the amendment was intended to be limited in its scope, people, unfortunately, are not interpreting it in that way. Consequently, I think that the use of a different form of wording would be a better way to go forward and a better route towards achieving the desired intention. There may be a better way of conveying the intention, but I will yield to the Minister if he wishes to make a comment.

The Minister of the Environment: If the Member is happy for me to do so, I will look at a better form of wording. After consultation with relevant bodies, perhaps we can bring forward something that has widespread support to Further Consideration Stage.

Mr Weir: I am happy to have something that builds greater levels of consensus on the issue. In light of the commitment that the Minister has given, I am happy to indicate that I will not be moving amendment No 23 and that I will withdraw it. I am also happy to indicate that I have faith in whatever proposals the Minister decides to bring forward in the process that he adopts. Consequently, I will support the Minister on any further proposals that he brings forward on this issue, and I will not be reintroducing anything. I hope that that gives a degree of reassurance to Members. I think that the other three amendments are relatively uncontroversial, and, hopefully, the withdrawal of amendment No 23 will expedite the debate.

The Chairperson of the Committee for the Environment: Go raibh maith agat, a LeasCheann Comhairle. At the end of the previous debate, I mentioned an amendment that had been tabled at the last moment on which the Committee did not have an opportunity to reach a position or to undertake any scrutiny. Here we have a suite of amendments that falls into the same category, so some might think that I should sit down and

say no more. If that is what Members think, this is not their day, because I have several concerns about these amendments to which I would like to draw Members' attention, partly from my own perspective, but also to stress the importance of a comprehensive Committee Stage and scrutiny of any amendment.

Amendment No 21 expands article 34 of the Environment Order to specify the purposes of entering into agreement with landowners, not only within areas of special scientific interest, but on any other land. A similar suggestion for an amendment was made to the Committee by one of the stakeholders, and when it was suggested to the Department, the Committee was told that it had the potential to be resource heavy, so the Committee did not pursue it further. In light of the constrained times in which we find ourselves, the Committee is aware of the need to be responsible when scrutinising legislation. It has to establish what is financially feasible as well as environmentally desirable.

In amendment No 22, the term "reasonably practicable" is used. I do not know what that means, and, no doubt, had that proposal been put before the Environment Committee for scrutiny, other members would be seeking to find out what the term means and who would provide guidance on its interpretation.

Those amendments may be worthy, and they may lead to better protection of the countryside and its wildlife, but, in the absence of time for detailed scrutiny to ascertain their full impact, I urge some caution.

Mr Kinahan: I will be brief. The more I read the amendments when they first arrived by e-mail, the more I was irritated by amendment No 23. I am pleased that it has been withdrawn. It was well intentioned, but it caused havoc. Given the number of phone calls that were made as a result, BT shareholders would have done extremely well over the weekend and this morning. It is a lesson that we should never allow amendments that should have been discussed with stakeholders to be tabled at the last moment. Amendments must go through Committee Stage. We should have much tighter regulation on whether amendments can be tabled at the last minute. Amendment No 23 caused havoc over the weekend, but it need not have done. There is much to consider in that amendment, and I look forward to hearing how the Minister will deal with those points.

Mr Wells: The Member has spoken some great words of wisdom tonight, and I appreciate his comments. Members of the Environment Committee have the luxury of tabling and scrutinising amendments. The difficulty is that those of us who are not members of that Committee receive the relevant documents at a late stage, and it is a mad rush to get amendments in on time. In this case, we received the documents at 9.30 am last Thursday. Given that the debate was to be held today, that, unfortunately, did not give outside bodies much time for scrutiny.

The Committee on Procedures should consider that situation. I accept that the amendment created havoc. It had no hidden subtext and did not intend to do anything to restrict shooting — legitimate shooting, I emphasise — but I can understand where the Member is coming from. We must look at our procedures in the long term. MLAs who are not members of particular Committees should be allowed to table amendments a good week or two before they come before the House. That would give everyone a chance to clarify issues and prevent the misunderstandings that clearly arose in this case.

Mr Kinahan: I thank the Member. We should take that on board. Perhaps we need to get better within parties at telling one another what we are doing in our respective Committees.

Mr McFarland: In light of Mr Kinahan and Mr Wells's comments, is there a case for the amendments in question to be referred back to the Committee and tabled again at Further Consideration Stage?

Mr Kinahan: I will leave that decision to the system. There is nothing in amendment Nos 21, 22 and 24 that cannot be supported. We should let them go ahead.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I thank you, Deputy Speaker, and all the Members who gave their time today. I concur with the Chairperson of the Environment Committee on the issue of amendment Nos 21 and 22. They were sprung on us and require much more deliberation and consideration before we can move them on any further. We may not be privy to the full extent of the ramifications of those amendments or to the considerations and concerns that may exist, especially among the farming community and rural dwellers.

That brings me to amendment No 23. The debate has been informative and informed, and I appreciate the contributions that Members have made. The Wildlife and Natural Environment Bill is important legislation. I compliment the members of the Environment Committee, the Committee staff and the Department's officials on their efforts, and I compliment the Minister on his pragmatic approach this evening. He listened to the issues that arose and to the true voice of the rural community.

I must explain where I am coming from. I have been attacked by Mr Wells during debates on many other issues, not least for being an advocate for rural issues and for the right of people to live in a measured environment in the communities from which they come.

9.00 pm

In case any of you are unaware of the implications of this amendment, I will read it:

*"In paragraph (2) after sub-paragraph (e) insert—
(f) prohibit or restrict the killing, taking, molesting or disturbance of living creatures of any description in the ASSI ...*

(g) prohibit or restrict the shooting of birds or of birds of any description within such area surrounding or adjoining the ASSI ".

Mr Kennedy: It has been withdrawn.

Mr McGlone: I am aware that it has been withdrawn, but I have been asked by representative groups —

Mr Weir: Will the Member give way?

Mr McGlone: Sorry, Peter, I have only just started.

I have been asked by those people to come here and articulate their views. They are deeply concerned that what is happening is the thin end of the wedge and that an anti-rural agenda is being driven through the Assembly. In fact, a very distraught man stopped me the other day and handed me a membership card from a hunt club dated 1912-13, which is part of his heritage in Ballinderry, and he said to me: "Patsy, don't these people understand?" That was last week, prior to hearing about the amendments. He went on to say: "they will be coming after our shooting next."

As a young lad, I went to Lough Neagh, which, coincidentally, is an ASSI. I was brought up on the shores of Lough Neagh. I was reared beside the banks of the River Moyola. Every 1

September morning, which is, for those who do not know, the first morning of the shooting season, I went with my uncle, God rest him, to Lough Neagh. It is part of a rural tradition and is seen by many as their right. As Mr Wells outlined earlier, he is consistent in his support for country sports. I do not see how you could be ever consistent in your support for country sports and introduce an amendment such as this, an amendment that prohibits or restricts the shooting of birds over ASSIs and lands adjoining them.

Mr Weir: Will the Member give way?

Mr McGlone: Yes, I will give way now.

Mr Weir: That is part of the misunderstanding. I appreciate that there has been a degree of misunderstanding, and that is why we are withdrawing the amendment. It is not about prohibiting those activities; it is about creating the power to introduce by-laws that can, under certain circumstances, be brought into force. For example, because the Bill amends previous legislation, one provision would be a requirement for the consent of the landowner to bring anything in. I am not going to get into the detail of it, and I can understand why people may have misunderstood it, but that is not the intention of the amendment, so you should not quote it out of context.

It is a fair point that we need to look at our procedures and the length of time allowed for amendments to be tabled. There are no problems with amendment Nos 21, 22 and 24, but after this stage there will be a Further Consideration Stage, which will happen in the autumn. If there is any complication whatsoever with any of the amendments or, indeed, any other part of the Bill, that has not yet been realised, there is an opportunity to table further amendments. I urge people not to throw the baby out with the bath water. Do not throw out reasonable amendments, which are not particularly major in their scope, simply because some of the detail has not been grasped. However, if people have concerns, there is a further opportunity to change the legislation at Further Consideration Stage.

Mr Wells: There is an old adage in the media: do not let the facts get in the way of a good story. If what the Member for Mid Ulster is saying were true, that somebody was deliberately trying to slip in at a late stage an amendment that would have banned shooting

per se on ASSIs, it would be a scandal. That was never the intention: I want to make that categorically clear. However, I can see where the Member is coming from. As soon as that issue was raised, it was decided, as the Minister has indicated, that it needs to be reworded. The responsible shooting organisations, such as the BASC and the Countryside Alliance, would need to be consulted about any amendment, and I believe that the Committee should have another look at it. Rest assured that there was no sleight of hand.

The difficulty we are caught in is the very strict time span that is left for non-members of the Committee to table amendments. What is proposed in the amendment would have been done only if those who occupied and owned the land had agreed to it. In other words, someone who had the shooting rights to or owned land in an ASSI would have to say that they wanted it to happen. There was never any intention of inflicting it on the general shooting community. However, because of the confusion, it has been withdrawn and there will be a complete redraft.

Mr McGlone: I thank the Members for their contributions. Nevertheless, two questions spring to mind. First, why introduce an intention to bring about legislation when the overall intention is not to enforce it? When there is an intention to bring in laws, there is surely an intention on the need to enforce them. Secondly, as I know, because I have been with landowners, people do not have a God-given right to step over other people's land to shoot. If they are forbidden from shooting, they would be trespassing. I know that because I am involved with shooting clubs. I do not think either of those arguments stand up.

I am duty-bound to reflect those views. I touched earlier on the views of the people who rang me last night to ascertain what madness, as they saw it, was going on. Those were the views of the average shooter who enjoys his country sports, going down to the lough, going out to shoot game, or even to indulge in a bit of rearing of fowl, as they do at Teal lough outside Cookstown. A representative of one of those groups rang me this morning very concerned that what was happening here was the thin end of the wedge; that they could not engage in rearing red grouse; that they could not engage in their collaborative efforts with voluntary and community groups; that they could not engage in the education programmes with local primary

schools; and that they could not engage with the Department.

Mr Kennedy: I am grateful to the Member for giving way. He is obviously intent on delivering the speech that he carefully prepared before everyone knew that amendment No 23, the offending amendment, would be withdrawn. I appeal to the Member for mercy. *[Laughter.]* Many of us have been ensnared here since the Minister first rose to his feet at 2.00 pm. Since that time, with the exception of Question Time, we have heard and considered the issue in some detail, and listened very carefully. We have not made the mistake of entering into a debate that some of us felt unqualified to speak on.

However, given that amendment No 23, which is so flawed — not only in the Member's eyes but those of a great many Members — has now been withdrawn, there is a future opportunity, should it emerge in any unacceptable way, to carefully debate it and give due process to it. I now appeal, even at this late hour, with business still to conduct on behalf of the Assembly, for the Member to desist from the temptation, which he clearly wants to pursue, of subjecting us to a debate that is rather like talking about last year's snow.

Mr McGlone: With the greatest of respect, most of my time so far, or, at least 50% of it, has been given to the grace of listening to other Members' interventions. In response to Mr Kennedy: I have sat here and listened intently to the contributions of all other Members with great patience. I can assure the Member that what I was just saying was not a carefully prepared speech. It may have been careful in its deliberations and its delivery, but it was not a speech. Secondly, if the Member had just given me time, including the time that he has eaten into, I would probably have been finished. *[Laughter.]*

I am conscious of the time. However, many people have asked me to put on record their strongly held views about the issue. Those people include members of the conservation group that I mentioned, sportsmen and people who are trying to run a business selling wares such as cartridges and guns and who are trying to work with the shooting lobby. They are all deeply concerned about the issue. I feel that I must put those views on record here on behalf of that group and on my behalf — I have an interest as a sportsperson — to inform whatever debates might manifest in future.

The issue is about the potential threat to a way of rural life, the rural economy and the conservation of that rural life. A lot of jobs are tied up in this. One gun dealer rang me this morning to say that there would be job losses with him. Another person who runs a drive-and-shoot said that, if this provision goes through today, five jobs would go there. It is important that I articulate that here this evening.

I wish to put down a clear marker: we cannot have ill-considered proposals that are widely perceived as anti-rural. We cannot have the type of legislative process whereby interest groups that are external to the Assembly spontaneously determine the way of life for rural people in Northern Ireland.

Dr Farry: I welcome the SDLP's belated contribution to this long debate. Members will be delighted to hear that my remarks will be incredibly brief, not least because someone has wandered off with my speaking notes for this debate. In light of the spirit that Mr Kennedy outlined and the comments of Mr Weir and the Minister, I will simply say that the Alliance Party supports the amendments that still stand in the fourth group. We look forward to reviewing the revised amendment if that should come forward at Further Consideration Stage.

I wish to make two other points. First, I wish to reiterate that this is not an urban versus rural issue. The issue is about conservation and combating animal cruelty. Secondly, I recognise that there are circumstances in which people may wish to shoot animals and birds. However, I do not regard that as a sport, because it is not an even contest; birds cannot shoot back for starters. Nevertheless, I recognise that there are circumstances in which some animals must be controlled and that shooting is sometimes the only avenue open to do so. *[Interruption.]*

Mr Deputy Speaker: Order.

Dr Farry: I just wanted to make that distinction. We support the remaining amendments in the group, and we are, therefore, happy to move on given the late hour.

Mr Shannon: I am conscious of the time, of Danny Kennedy's remarks and of the fact that we have to vote on a whole load of amendments, so I will make only a couple of comments.

I welcome the withdrawal of the amendment tabled by Peter Weir and Jim Wells; that is

good news. Given that I had prepared a 14-page script and that Stephen Farry and Patsy McGlone probably had equally long speeches to deliver, it could have been a very long night, and midnight would not have come quick enough for some Members.

Members are aware of the background and circumstances of the issue. However, given that this may be the last time that I have the opportunity to speak in the Assembly, it would be remiss of me not to use it to speak for shooting organisations and clubs, the Countryside Alliance and BASC. There is something wrong with legislation that is brought to the Chamber at the last moment, and we are concerned about that.

9.15 pm

I spoke to the Minister this morning and went over the issues very clearly. He has given me his assurance as Minister that when it comes to the amendment proposed by Peter Weir — the other proposer is not speaking to me — he was prepared to accept the issues that I brought forward on behalf of wildfowling clubs and those people who go out every day and do their bit for conservation. Whether it is as a wildfowler or a member of a pheasant shoot, those are the people who contribute greatly and every day, and I want to make sure that they are looked after.

There are 305 ASSIs in the Province, and there are more to come. The Agriculture Committee was told this week by the Northern Ireland Environment Agency (NIEA) to prepare for more ASSIs, because it has a yearly target to meet. Therefore, there will be lots of ASSIs across the Province. That will potentially affect Strangford Lough, Lough Neagh, Carlingford Lough, Lough Foyle and some of the shoots in my area that are in ASSIs, such as those in Donaghadee and the Copeland Island. The reason I make those points is because, if legislation is brought in, it has to involve the people that it would directly affect. Those concerns were put forward by Patsy, and I am putting them forward again, on record, now. I am pleased to have had an opportunity to look at that issue.

The Assembly, and some Members, ignore at their peril what is happening in relation to those issues. There are 65,500 firearm certificate holders in the Province, of which a large proportion are involved in country sports and shooting. A large number of people in the Province, from across the community and

from all parties, enjoy country sports and do not want to be affected adversely and without consultation on the process. The Minister has told me that he is happy to make sure that the farming community, estate owners, managers, gamekeepers and other countryside users have an input in the process.

On behalf of the wildfowling clubs that this will affect directly, we have to be aware of what is happening. Some Members are in a wee cocoon. However, they should look outside and see what is happening in the constituencies that they represent and see the people whom this will affect. We are all aware that this will affect Mid Ulster, North Antrim, North Down and, for those who need to be reminded, South Down. It will also affect the people of Strangford. Therefore, it is very important that we are aware of all the issues.

There are five wildfowling clubs around Strangford Lough. An ASSI cannot be pushed through in that area without consultation, and I want to make sure that that consultation takes place. The Minister has made a commitment to do that. Peter Weir has also made that commitment, which I appreciate. He even put it in writing, which means a lot to me. I have every faith that Minister Poots will make the right decisions. The most important thing is that the Countryside Alliance, the BASC, all shooters and everybody who owns land have an input in the process. If that is progress, it is a good day in this Assembly.

Mr Bell: Given the lateness of the hour, I am happy to go along with what my colleagues Jim Shannon and Mr Weir, Chief Whip, have said.

Mr Deputy Speaker: I call Mr Roy Beggs.

Mr Beggs: On what issue? I had not indicated that I wanted to speak.

Mr Deputy Speaker: Mr Beggs, your name is on the list to speak.

Mr Beggs: I apologise for that.

Mr Deputy Speaker: We will move on. I call the Minister of the Environment, Mr Edwin Poots.

The Minister of the Environment: You will be glad to know, Mr Deputy Speaker, given the late hour at which the amendments came in, the Executive have not had an opportunity to discuss them. Therefore, I am not in a position to give an Executive position.

Mr Wells: I tried to intervene, because an important procedural issue has arisen around the three amendments that still remain. I have had my differences with Mr McGlone, but I take his point of view. I was going to explain those differences, but I do not have two hours; Argentina are playing and I am sure that some of us want to see that.

Some Members: It is over.

Mr Wells: The match is over? Oh gosh. Well, I want to be home for Christmas.

This issue has exposed a difficulty, in the sense that, as we have said, the gap between the closing date for the tabling of amendments and their consideration by the House at Consideration Stage is far too short. Also, we are not certain whether amendments that have been tabled can be referred back to the Environment Committee for further consideration. I take the point that the Chairman and others have made: if someone who is not on the Committee tables an amendment at such short notice, it is impossible for the Committee to consider it in depth. That means that the Committee has no input. I would like to know whether it is possible to refer an amendment to the Committee and for Committee members to bring their views back at the Further Consideration Stage. That is important.

I do not want to labour the point, because people like me have sat here for nearly seven and a half hours. However, there never was, never will be and definitely was no intention of imposing a blanket ban on shooting in ASSIs. Never, never, never. It is a pity that those who orchestrated campaigns, like Mr McGlone who got his constituents to ring, did not take the time to have a five-minute talk —

Mr McGlone: With the greatest of respect to Mr Wells, I did not get my constituents to ring me; he got them to ring me. *[Laughter.]*

Mr Wells: Somebody in this Chamber from Mid Ulster gave out my private mobile number, because I had a lot of people with Magherafelt and Cookstown accents ringing me to give off about the issue, and it was not Ian McCrea.

To be serious, five minutes of discussion would have allayed the fears of those people. Anyone that we have described the intent of the amendment to is perfectly happy with it; it is just a misunderstanding. The situation reminds me of a funeral that I attended many years ago

in south Antrim, where the clergyman stood up and said that the deceased, who I will call Mr Smith, must have loved the Lord because the Lord's name was never off his lips. Half of the congregation thought that Mr Smith was a pious gentleman for always having the Lord's name on his lips, whereas the other half knew that he was an absolute vagabond who was constantly swearing and delving into the realms of profanity. Exactly the same statement was taken totally differently by the two sides of the congregation.

Similarly, here we have wording for an amendment that one side can see nothing wrong with, yet the other side are saying that it is part of a major plot and an attempt to do down the respectable wildfowling community, particularly in Mid Ulster, and ban shooting in ASSIs. Looking at the situation from his perspective, and from what has been explained to me, I can see where Mr McGlone is coming from. The moment that that occurred to Mr Weir and me, we agreed to withdraw the amendment to let the Minister consult with those who are directly affected to come up with a form of wording on by-laws for ASSIs that everyone will accept. I would not lend my support to anything that those who are involved in normal shooting and field-sport activities could not sign up to through their established organisations, such as the Countryside Alliance, BASC, Shaftesbury Estates, etc.

Can I give Mr McGlone any more of an assurance than that? Does he accept that, or is he going to leave the Chamber tonight thinking "that good-for-nothing so and so from South Down is still trying to do in my constituents"? Apart from prostrating myself in the middle of the main street in Coagh and pleading for mercy, I cannot do anything more for him. What disappoints me is that there are still people like him who feel that there is some subtext. There is not. There is nothing hidden, and there is no attempt to place him in any great difficulties. Let us hope that we can bury the issue once and for all.

Maybe we can look at our procedures, because had there been more time between the submission of the amendments and their consideration in the House, this could all have been sorted out long beforehand. Unfortunately, because of the restricted timescale, people felt that there was an attempt to rush things through. There was also a concern that the text of the amendments was not available on the

website until Friday past, which gave people a very short time in which to consider them.

Dare I say it, I do not think that there is anything of great import in the other amendments, but, having been shot down in ribbons by Mr McGlone and his colleagues, I have to tread very carefully. However, my understanding is that they are simply common sense.

For instance, amendment No 21 enables the Department to enter into a voluntary agreement whereby the landowner and the Department can get together and unanimously support a certain set of actions. There is no compulsion, and no trying to force someone to do something that they do not want to do. The voluntary agreement would be to protect land inside and outside the ASSI, but again with the agreement of the landowners. Will someone tell me whether there is something wrong with that, or whether I am missing something?

I will give an example of what could happen, and I will quote again from Mr McGlone's constituency. I could not get a wife from South Down, so I had to go to Mid Ulster to find a bride, and I went to Tobermore. The Member will know Ballynahone Bog, which is between Magherafelt and Tobermore, and which is one of the very few examples of an intact raised bog in Northern Ireland, in fact in the island of Ireland.

Mr Kennedy: Is that where you courted?
[Laughter.]

Mr Wells: No, I went to Coleraine for that, and that is probably too much information already. Ballynahone Bog ASSI is, as the Member knows, protected as a result of the activities of John Savage, from Maghera, who fought tirelessly to protect that bog from being exploited for horticultural peat. However, there could have been a situation whereby the bog was well protected, but the surrounding land was being drained, undermining and destroying the dome feature of the bog.

The amendment gives the Department the right to enter into negotiations with surrounding landowners to try and reach a management agreement with them to stop that from happening. Is that reasonable? I think that it is, and if the landowner is unhappy, he can say, sorry, I am just not interested and simply walk away. That is the sort of situation that we are talking about.

Secondly, —

Mr McFarland: I have no doubt that the three amendments are valid and are of no threat to anyone. However, having sat here for seven hours, I feel that there is an issue of propriety involved, not for just this matter, but for all Committees. We have three amendments that were introduced at the last minute and of which the Committee had no sight. The essence of the Committee is to be an upper house in the Assembly and to act as a check and balance against matters being introduced without being properly examined.

If we are now introducing a system whereby Members can bring issues in at the last minute, avoiding the Committee and any detailed scrutiny, we are getting ourselves into all sorts of trouble. It is in order for the amendments to be withdrawn at this stage and go to the Committee. They can then be proposed at the Further Consideration Stage, which keeps the propriety of the process. I agree that we need some system to ensure that people have an opportunity to introduce amendments, put them in front of the Committees and bring them to the Assembly at Consideration Stage.

Mr Wells: The honourable Member is right. However, no one can give me an assurance that what he is asking for can be delivered. If it can, I will sit down and do exactly what he asks, but the problem is —

Mr Deputy Speaker: Order, Mr Wells. Just for clarity, and I believe that you are seeking clarity: on a procedural matter, where an amendment is not moved, and provided that it is not in conflict with other decisions on the Bill, then it can be tabled at Further Consideration Stage.

Mr Weir: On a point of order, Mr Deputy Speaker. Could I also clarify that if amendments are passed, there is still the opportunity at Further Consideration Stage for further amendments if there was any concern about those amendments. So, it is probably a question of which way round the thing goes, but I question the need to kill off amendments at this stage when there is a further bite of the cherry.

Mr Deputy Speaker: I confirm that further amendments can be taken provided that they do not conflict with decisions already made.

Mr McFarland: On a point of order, Mr Deputy Speaker. My understanding from way back is

that if the amendments are brought before the House tonight and passed, they technically become part of the law, and it is quite difficult, as I recall, to overturn them at Further Consideration Stage. My understanding is that Further Consideration Stage is for bringing new issues that have not been before the House. My sense is that if the amendments are not moved tonight, they can come forward anew at Further Consideration Stage, and there will be no conflict between issues that are, technically, passed tonight into law, and those being revisited at Further Consideration Stage.

Mr Deputy Speaker: Amendments can still be made, but decisions that have been made cannot be reversed.

Mr Wells: Your guidance is very clear, Mr Deputy Speaker. I propose not to move, in conjunction with my —

Mr Weir: I do not particularly see a problem with this. The amendments in this group are not all completely fresh, in that they are all refinements of existing law and they all make reference to pre-existing law. The management agreements and everything else are all in pre-existing law. Therefore, this legislation would simply be a refinement of a refinement. There is no particular problem with these amendments. People have clearly raised major concerns about amendment No 23, but not one of the thousands of people who have been in contact about the others in the group raised issues about them. If we are still keen to move those —

Mr McFarland: I have no doubt —

Mr Weir: Jim Wells has given way to me, so I am not sure that I can give way to someone else who has given way, if you know what I mean.

Mr Wells: You give way to me, and I will give way to you if you give way to him.

Mr McFarland: I thank Mr Wells for giving way to me.

My worry is that, although I have no doubt that there is no conflict with these amendments, I come back to the sense of the system that we use here. Committees, which act almost as an upper House here, scrutinise legislation before it comes to this House. If we think about propriety, we are discussing amendments to legislation coming to this House without their having been anywhere near the Committee. There could be an issue with that, although

there probably will not be, because if this matter goes back to the Committee, it might identify problems in these three particular amendments.

There may not be a problem, but surely it is up to the Committee to confirm to the House that there is no problem with the amendments. However, if we pass the amendments tonight, my understanding is that there is no opportunity to change them again and they will become a part of the Bill.

Mr Deputy Speaker: I suggest, Members, that we take a five-minute suspension so that you have time for consideration. I therefore propose, by leave of the Assembly, to suspend the sitting for five minutes.

The sitting was suspended at 9.31 pm.

On resuming —

9.40 pm

Mr Deputy Speaker: Order. We shall continue.

Mr Wells: Mr Deputy Speaker, the usual channels have prevailed, and I think that we have reached a conclusion. I suggest that the Question on amendment No 21, which does not seem to cause any problems and has already been debated, be put. However, we propose that amendment Nos 22 and 24 be referred back to the Committee for the Environment, the Chairman of which may intervene to say whether that is acceptable to its members.

The Chairperson of the Committee for the Environment: Thanks. I could have asked to intervene. The Committee will accept taking back amendment No 22 and amendment No 24 to address them urgently.

Mr Wells: That being the case, Mr Deputy Speaker, I propose to say no more. We will take the appropriate action at the time of the vote.

Question, That amendment No 21 be made, put and agreed to.

New clause ordered to stand part of the Bill.

Amendment Nos 22 and 23 not moved.

Mr Deputy Speaker: No amendments have been tabled to clauses 27 to 30. I propose, by leave of the Assembly, to group the clauses for the Question on stand part.

Mr Shannon: On a point of clarification, Mr Deputy Speaker. Are you going to group amendment No 27 with other amendments? Some Members have concerns about amendment No 27, which relates to the curlew. Will you please clarify where we are at this stage?

Mr Deputy Speaker: For clarity, it is the Question on clause 27 not amendment No 27 that is being put, Mr Shannon.

Clauses 27 to 30 ordered to stand part of the Bill.

Amendment No 24 not moved.

Clauses 31 and 32 ordered to stand part of the Bill.

New Clause

Amendment No 25 made: After clause 32, insert the following new clause

“Special protection for game

32A.—(1) *The Game Preservation Act (Northern Ireland) 1928 is amended as follows.*

(2) *In section 7 (close seasons) after subsection (3) insert—*

‘(3A) If it appears to the Department expedient that any game birds should be protected during any period outside the close season for those birds, the Department may make an order with respect to the whole or any specified part of Northern Ireland declaring any period (which shall not in the case of any order exceed 14 days) as a period of special protection for those birds.

(3B) This section shall have effect as if any period of special protection declared under subsection

(3A) for any game birds formed part of the close season for those birds.

(3C) Before making an order under subsection (3A) the Department shall consult a person appearing to the Department to be a representative of persons interested in the shooting of game birds of the species proposed to be protected by the order.’

(3) In section 7C(1) (special protection order for game) after ‘purchase’ insert ‘or possession’.” — [The Minister of the Environment (Mr Poots).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 26 proposed: After clause 32, insert the following new clause

“Hare coursing

32B.—(1) *A person commits an offence if he—*

- (a) participates in a hare coursing event,*
- (b) attends a hare coursing event,*
- (c) knowingly facilitates a hare coursing event, or*
- (d) permits land which belongs to him to be used for the purposes of a hare coursing event.*

(2) Each of the following persons commits an offence if a dog participates in a hare coursing event—

- (a) any person who enters the dog for the event,*
- (b) any person who permits the dog to be entered, and*
- (c) any person who controls or handles the dog in the course of or for the purposes of the event.*

(3) A ‘hare coursing event’ is a competition in which dogs are, by the use of live hares, assessed as to skill in hunting hares.

(4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.” — [Mr Beggs.]

Question put.

Mr Deputy Speaker: I think that the Ayes have it.

Mr Shannon: I do not want to keep Members here any longer than necessary, Mr Deputy Speaker. That is not my intention at all. However, when an issue has created controversy in the Chamber and differences of opinions have been expressed fairly clearly, we should vote on the matter. Mr Deputy Speaker, I am not trying to tell you what to do, and I apologise if that appears to be the case, but, given the level of debate —

Mr Deputy Speaker: Order. The Member has challenged my decision, and rightly so.

Question put.

The Assembly divided: Ayes 23; Noes 18.

AYES

Mr Beggs, Mr Bresland, Mr T Clarke, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Givan, Mr Hamilton, Mr McCallister, Mr McCarthy, Mr I McCrea, Mr McDevitt, Mr McFarland, Miss McIlveen, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr B Wilson.

Tellers for the Ayes: Mr Beggs and Mr Wells.

NOES

Ms Anderson, Mr Bell, Mr Boylan, Mr D Bradley, Mrs M Bradley, Mr Brady, Mr Butler, Mr G Kelly, Mr Leonard, Mr F McCann, Ms J McCann, Mr McGlone, Mr McLaughlin, Mr Molloy, Ms Ní Chuilín, Mr O’Dowd, Mrs O’Neill, Mr Shannon.

Tellers for the Noes: Mr Leonard and Mr Shannon.

Question accordingly agreed to.

New clause ordered to stand part of the Bill.

Clauses 33 to 36 ordered to stand part of the Bill.

Schedule 1 (Amendments to Schedules to the Wildlife Order)

Amendment No 27 made: In page 20, line 10, at end insert

“Curlew	Numenius arquata”
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— [The Minister of the Environment (Mr Poots).]

Amendment No 28 made: In page 20, line 17, at end insert

“Lapwing	Vanellus vanellus”
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— [The Minister of the Environment (Mr Poots).]

Amendment No 29 proposed: In page 20, line 18, at end insert

"Plover, Golden	Pluvialis apricaria"
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— [The Chairperson of the Committee for the Environment (Mr Boylan).]

Question put and negatived.

Mr Deputy Speaker: I call the Minister to move formally amendment No 30.

The Minister of the Environment: Aye. Sorry. Moved. We are all getting confused.

Mr Deputy Speaker: We are all suffering from confusion.

Amendment No 30 made: In page 20, line 20, at end insert

"Redshank	Tringa totanus"
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— [The Minister of the Environment (Mr Poots).]

Amendment No 31 made: In page 20, line 22, at end insert

"Whinchat	Saxicola rubetra"
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— [The Minister of the Environment (Mr Poots).]

Mr Deputy Speaker: I will not call amendment No 32. It is consequential to amendment No 29, which has not been made.

Amendment No 33 made: In page 21, line 2, at end insert

"(3) In Part 1 omit the following entry—

Common name	Scientific name
Curlew	Numenius arquata"

— [The Minister of the Environment (Mr Poots).]

10.00 pm

Mr Deputy Speaker: I will not call amendment No 34. It is consequential to amendment No 29, which has not been made.

Amendment No 35 and amendment No 36 are mutually exclusive. Therefore, if amendment No 35 is made, I will not call amendment No 36.

Amendment No 35 not moved.

Amendment No 36 proposed: In page 21, line 5, leave out sub-paragraph (2) and insert

"(2) Omit the following entries—

Common name	Scientific name
Bunting, Reed	Emberiza schoeniclus
Twite	Carduelis flavirostris
Yellowhammer	Emberiza citronella"

— [The Chairperson of the Committee for the Environment (Mr Boylan).]

Question put and negatived.

Dr Farry: In the light of your earlier clarification on the Bill's Further Consideration Stage, Mr Deputy Speaker, I will not move amendment No 37 at this time.

Amendment No 37 not moved.

Amendment No 38 made: In page 21, line 34, after "Common" insert

"(in respect of Article 10(1) only and with respect to coastal waters only)". — [The Minister of the Environment (Mr Poots).]

Amendment No 39 made: In page 24, line 17, at end insert

"Deer, Chinese water	Hydropotes inermis"
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— [The Minister of the Environment (Mr Poots).]

Amendment No 40 made: In page 24, line 18, at end insert

"Deer, Roe	Capreolus capreolus"
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— [The Minister of the Environment (Mr Poots).]

Amendment No 41 made: In page 25, leave out line 16 and insert

"Knotweed, Giant	Fallopia sachalinensis
Knotweed, Himalayan	Polygonum wallichii
Knotweed, Japanese	Fallopia japonica"

— [The Minister of the Environment (Mr Poots).]

Schedule 1, as amended, agreed to.

Schedule 2 (Amendments)

Amendment No 42 made: In page 26, line 12, at end insert

"1A. After section 7F insert—

'Relationship of this Act with Wildlife Order

7G. Sections 7(1) and (2), 7A(1) and 7D(4) do not have effect in relation to a hare included in Schedule 5 to the Wildlife (Northern Ireland) Order

1985.’” — [The Minister of the Environment (Mr Poots).]

Amendment No 43 made: In page 26, line 20, leave out from beginning to “(interpretation)” and insert

“4.—(1) Article 2 (interpretation) is amended as follows.

(2) In paragraph (2).” — [The Minister of the Environment (Mr Poots).]

Amendment No 44 made: In page 26, line 23, at end insert

“(3) In paragraph (2) in the definition of ‘wild bird’ at the end add ‘or any game bird’.

(4) Omit paragraph (3).” — [The Minister of the Environment (Mr Poots).]

Amendment No 45 made: In page 28, line 2, at end insert

“18. In Article 29(3) (orders) after ‘any order’ insert ‘(other than an order under Article 4(10))’.” — [The Minister of the Environment (Mr Poots).]

Schedule 2, as amended, agreed to.

Schedule 3 (Repeals)

Amendment No 46 made: In page 28, line 7, at end insert

“The Welfare of Animals Act Section 21.”
(Northern Ireland) 1972 (c. 7)”

— [The Minister of the Environment (Mr Poots).]

Amendment No 47 made: In page 28, line 7, at end insert “Article 2(3).” — [The Minister of the Environment (Mr Poots).]

Amendment No 48 made: In page 28, line 10, at end insert

“In Article 4(12) the words ‘Without prejudice to Article 29(3),’.” — [The Minister of the Environment (Mr Poots).]

Amendment Nos 49 and 50 not moved.

Schedule 3, as amended, agreed to.

Long Title

Amendment No 51 made: After “game dealers’ licences” insert

“and amend the Game Preservation Act (Northern Ireland) 1928”. — [The Minister of the Environment (Mr Poots).]

Long title, as amended, agreed to.

Mr Deputy Speaker: That concludes the Consideration Stage of the Wildlife and Natural Environment Bill. The Bill stands referred to the Speaker. I ask Members to take their ease while we change the top Table.

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

Medical Profession (Responsible Officers) Regulations (Northern Ireland) 2010

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): I beg to move

That the draft Medical Profession (Responsible Officers) Regulations (Northern Ireland) 2010 be approved.

I seek the Assembly's approval of the aforementioned statutory rule. Subject to the Assembly's approval, the rule will formalise a role that will be called "responsible officer". The purpose of the role is to ensure that all doctors who practise in Northern Ireland do so to a high standard in a safe and competent manner. For the vast majority of doctors, that is indeed the case, but a small number fall short of the high professional standards expected. Consequently, there is a need to ensure that doctors are supported in maintaining and improving on that high standard of practice to fulfil the requirements of the medical regulator, which is the General Medical Council (GMC).

Over the next few years, the GMC will change the way in which doctors in Northern Ireland and the UK are regulated. That revalidation process will mean that doctors will need to demonstrate regularly that they continue to meet the appropriate professional standards that the GMC sets them. In addition, doctors will have to show that they are continuing to learn and develop their skills and knowledge. The responsible officer will ensure that the organisation for which they work supports the revalidation process. On the basis of evidence accumulated over five years, they will have personal responsibility for making a recommendation on the fitness to practise of individual doctors to the GMC as part of the revalidation framework.

I will move now to the content of the regulations. Provisions for responsible officers are set out in the Medical Act 1983, which was amended by the Health and Social Care Act 2008. Broadly speaking, the responsible officer role will operate consistently across the UK. My Department is bringing forward this set of regulations, which has been specifically tailored to suit the organisational arrangements in Northern Ireland. The regulations will require the main healthcare bodies in Northern Ireland to

nominate or appoint a responsible officer. Any body in Northern Ireland that employs or contracts with doctors — for example, a health and social care trust — will be required to have a responsible officer.

Responsible officers will be required to evaluate doctors' fitness to practise. That includes ensuring that regular appraisals are undertaken, supported by sufficient information to allow an evaluation of fitness to practise when the doctor is required to revalidate. The evidence needed to assess fitness to practise, such as proof of participation in annual appraisal, feedback from patients and colleagues and a continuing professional development portfolio will be available to each responsible officer to help him or her to reach an objective decision. A responsible officer will work closely with the GMC to monitor compliance with any conditions or undertakings imposed on a doctor by the GMC. A responsible officer must be a licensed medical practitioner and must have been a licensed doctor for the preceding five years.

In carrying out his or her role, a responsible officer must continue to be a licensed medical practitioner. All doctors who wish to retain a licence to practise must be associated with a responsible officer. The regulations set out the designated bodies that doctors will associate with. For example, all doctors working as GPs in Northern Ireland will relate to the Health and Social Care Board's responsible officer. Trust employees will relate to their trust's responsible officer. As licensed medical practitioners, each responsible officer will need to have a responsible officer.

During policy development and the consultation process, issues were raised about situations that can arise where there is a conflict of interest or appearance of bias between doctors and their responsible officer. The regulations were amended to allow for a second responsible officer to be nominated or appointed in such circumstances. To ensure that the clearly defined role of responsible officer is carried out, each designated body must provide the officer appointed or nominated with the resources necessary to carry out those responsibilities. The Secretary of State for Health, the Rt Hon Andrew Lansley, has given his commitment to proceed to lay the GB responsible officer regulations shortly at Westminster and at the Scottish Parliament.

I consider these to be reasonable steps to take to ensure safety for patients who access care in Northern Ireland. We must ensure that the policy is applied consistently throughout Northern Ireland. All doctors who hold a licence to practice medicine must demonstrate that they are fit to undertake their role. Patients' safety cannot be compromised. In summary, the role of responsible officer will ensure that doctors who provide care continue to maintain a high standard of practice; ensure that doctors are properly supported and managed in sustaining and, where necessary, raising their professional standards; and, for the tiny minority of doctors who fall short of the high professional standards expected of them, ensure that there are fair and effective local systems to identify them and to ensure that appropriate action is taken to safeguard patients. The aim of the regulations is to increase public and professional confidence in the regulation of doctors. I ask the House to support the motion.

10.15 pm

The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells):

I will speak in my capacity as Chairperson of the Committee for Health, Social Services and Public Safety. Before I do so, I want to say that Tuesday 22 June 2010 will go down as a great day for animal welfare and conservation in Northern Ireland. I am absolutely delighted with the results tonight and thank everyone who supported the amendments.

I will now move to the subject at hand. I understand that Members possibly do not have the stomach for a good hour-and-a-half debate; therefore, my remarks will be brief. The Committee first considered and approved the SL1 on the matter at its meeting on 30 April 2009. I looked at the records of the meeting, which preceded my time as Chairperson, and found that Members had expressed no major concerns.

The Department received 19 responses to its consultation. It reported to the Committee on 3 June 2010 to outline the response to the consultation and the draft statutory rule that it intended to table under the affirmative resolution procedure. The Committee took evidence from officials on the consultation and the statutory rule on 3 June 2010.

Before I outline the Committee's thoughts, it might be worthwhile to provide a brief background.

The Chief Medical Officer in England produced a report in 2006 that introduced the concept of the local responsible officer. The role of responsible officer was intended to plug a perceived regulatory gap between local and national processes for medical regulation.

Over the next few years, the General Medical Council will change the way in which doctors are regulated by introducing a process known as revalidation. Revalidation is a process that demonstrates that doctors continue to learn, develop and update their skills and are fit to practise. It is a bit like continued professional development. Therefore, it is welcomed.

The Committee noted that the purpose of the regulations on the responsible officer is to put new accountability into the health system. The person who carries out the new accountability would make recommendations to the General Medical Council in respect of the fitness of a doctor to practise and be revalidated. That person would be called the responsible officer, and the regulations cover the person and the creation of the post. That accountability is, as I said, a bigger process known as revalidation. The Committee received evidence that there are about 1,600 doctors who would be subject to revalidation. That is a substantial number. In order to be revalidated, a doctor must be linked to what is known as the responsible officer.

Concerns raised by the Committee on 3 June 2010 included the fact that some doctors whose first language is not English appear to have difficulties. I have had experience of being treated by a perfectly competent doctor, but, whether he could not understand my accent or I could not understand his, there were communication difficulties. The Committee raised the issue as more doctors come here from eastern Europe and the Indian subcontinent. We checked that out. As I said, they are perfectly competent doctors and are very welcome. However, language is an issue. We heard that such issues would be dealt with by the annual appraisal system rather than through revalidation.

There was also some concern about who would carry out an assessment, particularly for GPs. That is a group of people who all know one another and among whom there appears to be a certain camaraderie. It would be frowned upon to cast doubts on the revalidation of a fellow professional. We have heard that there will be checks and balances to counteract that scenario. However, one of our members, Kieran

Deeny, asked whether revalidation would go ahead at all. Apparently there is some doubt as a result of the new Conservative/Liberal demographic — liberal democratic — covenant in London. That shows that I have been here for a long time, Mr Deputy Speaker. Will the Minister clarify whether there is still a cloud of doubt hanging over the whole process?

Despite the doubt over revalidation, the Committee is content that the statutory rule that relates to the responsible officer part of revalidation be approved by the Assembly.

The Minister of Health, Social Services and Public Safety: I thank the Chairperson of the Health Committee for his comments and the members of the Health Committee who made a contribution as these regulations worked their way through. It shows that a Minister and a Committee working together can produce the result that is required.

With regard to the point that was raised about the Conservative and Lib Dem Government, Andrew Lansley has given an undertaking to raise this matter for GB in Westminster and the Scottish Parliament. As far as I am concerned, therefore, there is no doubt that this will go ahead. The Member made another point about GPs knowing each other. That may be the case to a large extent, but there are over 6,100 licensed doctors in Northern Ireland, more than 1,700 of whom are GPs. Their responsible officer will work through the Regional Health and Social Care Board. As a matter of interest, in 2009, for example, 108 doctors from Northern Ireland were referred to the GMC. That demonstrates that there is no question of protection where patient safety is concerned. Such referrals are taken very seriously, although I am pleased to report that 49 cases were closed without further action.

Apart from conveying my thanks to the Members who played a part in bringing forward the regulations and the rule, I must say that the contributions have been positive and helpful towards this aspect of reform. It is an important reform of the health and social care system in Northern Ireland.

Question put and agreed to.

Resolved:

That the draft Medical Profession (Responsible Officers) Regulations (Northern Ireland) 2010 be approved.

Committee Business

Allowances to Members of the Assembly (Repeal) Bill: Consideration Stage

Mr Deputy Speaker: The next item on the Order Paper is the Consideration Stage of the Allowances to Members of the Assembly (Repeal) Bill. Members will know that the Second Stage of the Bill did not proceed yesterday. Therefore, the Consideration Stage cannot proceed today. We will move on to the next item of business.

Sunbeds Bill: Extension of Committee Stage

The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 4 November 2010, in relation to the Committee Stage of the Sunbeds Bill [NIA Bill 18/09].

The Sunbeds Bill passed its Second Stage on 25 May and, under the 30 working day rule, should complete its Committee Stage on 8 September 2010. However, the Committee has one other Bill at Committee Stage and is heavily involved in the scrutiny of the health budget. The Committee will, therefore, require an extension to the period allocated to consider the Bill. The extension that is requested is to 4 November. We hope that we will not require all of that time. In fact, considerable progress has been made and is being made on the Bill, and the Department and the Committee are working well together in getting the Bill through. It has been radically improved as a result of concessions that have been made by the Department. Therefore, I hope that we will not require all of the extra time. With a second Bill at Committee Stage and the potential for further private Members' Bills, it is prudent that we ask for additional time.

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 4 November 2010, in relation to the Committee Stage of the Sunbeds Bill [NIA Bill 18/09].

Executive's Priority Measures to Deal with the Economic Downturn

Mr Deputy Speaker: The Business Committee has agreed to allow up to two hours for the debate. The proposer will have 10 minutes in which to propose the motion and 10 minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister (Mr Kennedy): I beg to move

That this Assembly takes note of the written ministerial statement, 'The Executive's Priority Measures to Deal with the Economic Downturn'.

I am grateful to Members for remaining for the debate. I am conscious of time, but it is an important motion. The motion takes note of 'The Executive's Priority Measures to Deal with the Economic Downturn', which was published as a written ministerial statement on 20 May 2010. The Committee for the Office of the First Minister and deputy First Minister received an embargoed copy of that statement and agreed at its 19 May meeting that it would table a motion to give Members the opportunity to debate the Executive's priority measures to deal with the economic downturn.

The effect of the economic downturn is being felt by people across Northern Ireland. Earlier today, George Osborne, the Chancellor of the Exchequer, announced his Budget and the new Government's economic plan. This year, 2010, is the European Year for Combating Poverty and Social Exclusion, and, in the very difficult economic circumstances that we are experiencing, it is fair to say that it is probably the poor who will suffer most.

My Committee held a formal meeting in the Committee of the Regions office in Brussels on Thursday 10 June 2010. We took evidence from the Spanish, Belgian and Hungarian Governments on their priorities for their presidency of the Council of the European Union and, in particular, their priorities concerning poverty and social exclusion. At that meeting, we heard the stark reality of the economic downturn that faces families not only in Northern Ireland but across Europe. It is the view of the Committee that we must continue to ensure that government services respond decisively to the needs of the growing number of low-income families; that they help to move

children out of the child poverty trap; and that they provide opportunities for children to break the cycle of poverty.

I thank junior Minister Kelly for attending the debate. My Committee was advised at the meeting in Brussels that the Council of Ministers had agreed to propose to the European Council:

"that the quantified target of the Europe 2020 Strategy to promote social inclusion, in particular through the reduction of poverty, be formulated in such a way that it would aim at lifting at least 20 million people from the risk of poverty and exclusion by 2020".

Clearly, because of the current circumstances, the aim is to alleviate poverty rather than to eradicate it. Nonetheless, because of the economic downturn, that too will be a particularly challenging target.

The impact of the global economic downturn is also being felt across many sectors. My Committee has met representatives of the Construction Industry Group and the Construction and Property Group to hear evidence of the impact of the global recession on that sector. Those groups underlined the seriousness of the situation and emphasised the need for intervention to save jobs and to make provision for apprenticeships, thus ensuring sustainable employment in Northern Ireland.

In December 2008, the Executive introduced measures to deal with the economic downturn, one of which was to establish the cross-sector advisory forum. The forum met on a number of occasions, and its recommendations helped to form the Executive's priority measures to deal with the downturn. The measures cover six areas: infrastructure, planning and procurement; skills and business; hardship, poverty, debt and energy; agriculture; banking, lending and finance; and housing and property. The Executive's paper provides actions for immediate implementation, actions for short- and medium-term consideration and actions for longer-term consideration, which cover most of the Departments in the Executive.

I am sure that everyone will welcome the measures detailed in the paper, and my Committee is keen to see how they will be implemented, monitored and reviewed. I look forward to hearing Members' contributions and

that of the junior Minister and I will take careful note of all the comments made.

10.30 pm

Mr G Robinson: The First Minister and the deputy First Minister have tried to deal positively with the economic problems affecting Northern Ireland. The written statement of 20 May shows how comprehensive their approach has been, and I welcome the wide range of input essential to an inclusive report. I especially welcome moves that will protect the most vulnerable in our society.

The measures to address illegal moneylending are particularly welcome. That practice causes great distress and leads to greater poverty for those who use it, and since it may also be linked to criminal activities, the terrorising of debtors is, sadly, commonplace.

As many of us know from our constituency work, the number of benefits available makes it difficult and off-putting for people to register genuine claims. The measures to increase the uptake of benefits are very important, particularly for our elderly population. Times are tough and if people have an entitlement, we should make sure that they can claim easily. I also urge that the making of a claim be seen as a natural action. Some of our older people still see claiming what is lawfully theirs as somehow wrong. Therefore, we must ensure that those most in need receive their full entitlement. An important part of that approach is to continue reducing fuel poverty. I welcome the long-term considerations that the statement makes in that regard.

Housing problems in my constituency, and doubtless in every other one, are increasing. Therefore, I welcome the proposals to aid people threatened with repossession. It makes sense to keep people in their own homes rather than to pursue repossessions and so put additional pressure on an already overstretched public sector housing market. The statement makes it clear that the banks and mortgage lenders have a significant role to play in that, and their attitude should change. I also welcome the call for banks to introduce new mortgage products aimed at first-time buyers. In Ballykelly recently, we saw people's desperation to buy a home, with the sale of former MOD housing. Banks must be realistic about lending so as to reduce the possibility of toxic debt, but they cannot sit on the money in their reserves while people cannot get a mortgage.

Those are just a few points about the document. I support the aims and objectives of the First Minister and the deputy First Minister. I welcome the fact that Northern Ireland can address its own priorities, and this debate goes to show that my party welcomes being in government and is not afraid to take the tough decisions that, sadly, are necessary.

Ms Anderson: Go raibh maith agat. As a member of the Committee for the Office of the First Minister and deputy First Minister, I welcome the Executive's latest efforts to mitigate the worst effects of the economic downturn and thank the cross-sector advisory forum for its efforts. This, of course, follows the original £70 million response in 2008, which included progressive measures such as the household fuel payment, the Financial Assistance Bill and the freezing of business rates, all of which displayed a real willingness on the part of the Executive to make a positive impact on people's lives.

That initiative also created the cross-sector advisory forum, which has now completed its deliberations, and that work forms the basis of this latest Executive package, which contains many positive elements designed to assist local businesses and families to survive the recession. The identified actions cover a broad range of issues, such as planning, availability of bank finance, the promotion of renewable energies, benefit uptake and the social economy.

On the issue of local business surviving the recession and the availability of bank financing, as I have heard my colleague Mitchel McLaughlin say a number of times in the Chamber, what is needed is for banks to allow businesses to continue with existing banking arrangements. Because banks are putting pressure on businesses to change the arrangements, they are destroying businesses.

I am glad to see that a specific focus is being placed on public procurement contracts, because I know that accessing government tenders remains an ongoing and major problem for SMEs across the North. That is something that my colleague Jennifer McCann has raised on a number of occasions in the Chamber as Chairperson of the Committee for Finance and Personnel and as a Sinn Féin MLA. Welcome as those measures are, no one is pretending that the package will deliver the answer to all our financial woes.

We have to recognise that there is a limit on what the Assembly and the Executive can deliver because of the political constraints in which we operate. As one businessperson told the 'Irish News' in response to the package, it highlights the fact that this Administration does not have fiscal powers or the ability to affect monetary policy, and on this particular day, that is something that we should all reflect upon. It goes to the heart of our great difficulties here. I firmly believe that all the parties have displayed the political will to make a real difference to the people whom they represent. However, political will only takes us so far, and while we remain tied to the purse strings of Britain, we will remain hamstrung.

For example, we cannot harmonise corporation tax on the island of Ireland. We cannot reduce the duty on petrol and household fuel. We cannot reform the benefits system to ensure that resources are properly means tested and go to those who need them, rather than the current ludicrous situation and system in which millionaires are perfectly entitled to receive a winter fuel payment and child benefit. Those are the issues that really matter to our people. Those are the issue that can make a real and meaningful difference, yet the Assembly refuses to take responsibility for them.

The main barrier to the creation of a vibrant, sustainable economy here is that fiscal policy, taxation, public expenditure and the regulatory framework for the Six Counties are all set in London. The North is only incidental to British economic decisions that are made in the interest of the island of Britain. The Six County economy is unsustainable and cannot exist in isolation from the rest of Ireland — a fact that has publicly been conceded by a number of prominent British politicians, as well as a number of eminent economists. The regional economy is distorted and abnormally dependent on subsidies and the public sector for employment.

The absence of an all-Ireland, integrated economy is wasteful and inefficient for the island of Ireland. It involves a duplication of government and public service structures, imposes an unnecessary administrative burden on those wishing to do business in both jurisdictions, and creates barriers to the economies of scale. I believe that it is long after time for us to have sensible, rational debate on the need for an all-Ireland economy. What we have received

today from the British Prime Minister in relation to the cuts should at least provoke people's minds, provoke those thoughts, and take us along that pathway to at least having that sensible, rational debate. In the current economic climate, for any party to continue to duck that debate is to abdicate its responsibility to the electorate. Go raibh míle maith agat.

Mr McDevitt: I will start with some observations on today's Budget in Britain. One could not help but be struck by the notion that government used to stand for the redistribution of wealth, and, in Tory Britain today, it may well stand for the redistribution of poverty. However, that is not what we are here to debate. We are here to debate an attempt by the two larger parties in the Executive and the Office of the First Minister and deputy First Minister to give the impression that they were busily trying to deal with our economic downturn. When reading the report, I wonder where the evidence is for that activity.

The report breaks its recommendations into three categories. The first is a series — 118 on my count — of measures to be implemented with immediate effect. I can only see about 10 that are novel in any significant way. Every other measure is a repetition of something that the Assembly, through the Programme for Government, existing policies, or custom and practice, has already agreed to do.

On the basis of that, I do not feel that tackling the economic downturn is a big priority for the Office of the First Minister and deputy First Minister. Those measures, even the non-novel ones, are not about tackling the downturn but about managing it through strengthening the social infrastructure, the welfare system and housing benefits.

Ms Ní Chuilín: I thank the Member for giving way, particularly given the late hour. Given the path that the Member is going down in this debate, will he comment on the position that his party took on the Welfare Reform Bill last week? It accused the Executive of regulating poverty; what position did he take?

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

Mr McDevitt: With the greatest respect to Ms Ní Chuilín, the debate is about the Executive's priority measures to deal with the economic downturn. If we understand that to mean that the Executive's priority measures for dealing

with the economic downturn are to manage the welfare fallout from that rather than trying to rebuild the regional economy, that is fair enough. I respect the Member's perspective. However, that would certainly not be the perspective of any other regional Assembly or Parliament. Nor is it a particularly sustainable perspective, because if our response to the economic crisis were simply to say that we only need to manage the welfare consequences of it — I do not dispute the need for that — we would not be responding to it; we would simply be firefighting.

There is a further set of recommendations — 28, in fact — for further consideration. Again, I found that only four were in any way significantly new. Everything else is a restatement or an evolution of existing policy. There is nothing substantially innovative or interesting in the paper. The First Minister and deputy First Minister brought together some of the most important individuals from all the major sectors and social partners in our society and asked them to give their time to produce what seems to be more a validation of the First Minister and deputy First Minister's management of the exercise than an imaginative programme or series of proposals for getting us out of the downturn. That disappoints me and my party.

The final part of the report outlines actions that are not feasible at present. It is ironic and a bit sad that that section contains really good measures that the Executive and Assembly should be debating. The section has challenging proposals and opportunities to implement aspects of the green New Deal. On everything that could have made a significant difference, for some reason, the decision was taken not to implement it. Therefore, we have ended up with a report that is more like an audit of what we are doing and how we are getting on. We already know the answer to those questions yet the report is written up in such a way that says that there are loads of things that, for example, the Department for Social Development or the Department of Enterprise, Trade and Investment could be getting on with.

In the immediate measures section, there is a recommendation to develop the tourism strategy. I should hope that we are developing that strategy, because it has been in the Programme for Government for four years. Another recommendation is to continue the implementation of the MATRIX report: that would

be helpful, because it is also a Programme for Government commitment.

With the greatest respect to Ms Anderson, we do not need a lecture from the Assembly and the Executive about the macroeconomic context of the region. We need some creative thinking on using the powers that are already devolved to us. The report proves that we are not doing that. If we were, we would be debating the bits of the report that are supposedly not feasible today as things that we must do tomorrow.

Dr Farry: In the spirit of taking a glass half full approach, I welcome the comments and recommendations in the cross-sector advisory forum report. However, we have to reflect on the gaps that exist in thinking.

10.45 pm

It was Rahm Emanuel, the current White House Chief of Staff, who said never let a good crisis go to waste. However, in Northern Ireland, we wasted the opportunity to balance our economy, particularly during the brief upsurge in public spending. Now, in the economic downswing, public spending is going to be tightened along with our opportunities for doing things on a more creative basis.

In responding to the downturn, the Executive have two primary responsibilities. First, they have to try to address, as far as possible, the impact of the downturn on people. However, I appreciate that the Executive have limited tools and that what they do has to be part of a wider UK response and, indeed, take in the spin over effects from what the Republic of Ireland Government are doing. Secondly, they have to rebalance and restructure the economy. Our economy is fundamentally weak, with an over-dependence on the public sector and too small a local tax base, resulting in the need for large subvention. That is the reality that has to be taken into account and recognised by Members, such as Martina Anderson, who talk about our fiscal and monetary independence. Our tax base is barely half that which is required to meet current public spending needs. Therefore, when we talk about tax varying, realistically, we can talk only about variations from that which is set at a UK-wide level. To think otherwise would be to leave Northern Ireland very short.

The challenge is to try to marry, as much as possible, how we use additional resources to address the downturn with, as a side effect,

rebalancing our economy and addressing its weaknesses. My fear is that the Executive have used too much available resources to focus merely on what I call the demand side of any response. The Executive, through headline policies, have sought to cut the cost pressures faced by businesses and households. The assumption is that additional money in the economy will keep it ticking over and keep people in jobs. Obviously, there is a very strong Keynesian element to that. However, the difficulty with that approach alone is that Northern Ireland went into the recession with a set of problems and will emerge from the recession with that selfsame set of problems still in place. We will not have moved on in any shape or form. A lot of the demand-side interventions have not helped the situation at all and some have been very inefficient. Take, for example, the freeze on industrial rates. Superficially, that was a very attractive policy. However, it ossifies the current manufacturing profile, rather than trying to make our economy more productive and competitive. Again, we are in almost a standstill situation.

A lot of the demand management benefits that have gone to households have, in effect, been subsidies that have overly benefited the better off in society rather than the worse off. Members talk about what the Executive are doing to fight poverty. However, in reality, the balance of money is going in the opposite direction to that which Members claim to be seeking to achieve. A lot of those benefits have been across the board, but the flip side has been that our public services are under-resourced, and the people who depend on those services come, disproportionately, from less affluent backgrounds. That is the reality that a lot of Members have to take on board. We need to go back to the four main drivers as set out by the UK Treasury — skills, infrastructure, innovation and enterprise — to see how our policies fit with those.

I echo the previous comments about the green New Deal, which is something that could be done in Northern Ireland, or, indeed, on an all-island basis, very well. However, I fear that we are missing the boat on that wonderful opportunity.

The junior Minister (Office of the First Minister and deputy First Minister) (Mr G Kelly): Go raibh maith agat, a LeasCheann Comhairle. First, I thank Members for their contributions to the

debate and for staying behind despite the late hour. Hopefully, in my response I will be able to broadly deal with all the issues that were raised.

Given today's Budget, it is clear that we are working in a constrained fiscal environment. Our officials are looking at the Budget in detail and the implications of it locally. This debate came before Members had time to analyse today's Budget.

We can take some comfort from the fact that there are no further changes in comparable spending of Departments in Britain in 2010-11, which means that there are no Barnett consequential for the Executive. The Executive's departmental expenditure limit for the spending review period will be set in the spending review, which will be published this autumn.

We have said on a number of occasions that the current economic crisis is not amenable to quick or easy fixes. Everyone would agree with that. The complexity and evolving nature of the problems meant that it was not possible to deliver a single solution. From day one of our Administration, we said that the economy is our priority, despite what Conal McDevitt said.

Mr McDevitt: I never disputed that. I accept the junior Minister's word that the Administration have always said that the economy is their priority. However, Professor Richard Barnett and the Independent Review of Economic Policy panel found that that was the problem. There was a lot of talk about the economy being the priority, but, when the Programme for Government and the Budget are analysed, there is little evidence of it turning into a priority in this region. That is the problem.

When I talk critically, I do so in a constructive sense rather than in a partisan way. I am trying to say that if we mean that we are going to put the economy at the heart of things, we have to start behaving as if it is at the heart of things.

The junior Minister (Mr G Kelly): With respect, when the Member was speaking, he said that we had not put the economy at the centre, not just that we had said that we would do that but were not acting on it. I am reacting to what he said. In fairness, most Members were at least supportive of the statement that was made in May. I will deal with some of the issues that the Member raised as I go.

From day one of this Administration, we said that the economy is our priority. Hence, we have been taking steps to support the economy from the inception of the Programme for Government, the Budget, the investment strategy and our December package. We have also set up the cross-sector advisory forum. Conal McDevitt criticised the entire process behind that as well as all those who sat on the forum. We have now released our economic recovery package.

When the credit crunch began to bite in the summer of 2008, we were fortunate in that we already had our eyes firmly fixed on the economy and on building a fair and more equal society. Therefore, it is not surprising that many of the measures that are already in place address problems arising from the current crisis.

As Members know, the credit crunch and economic downturn have adversely affected the local economy over the past two years, with employment falling, unemployment rising and output in the construction, manufacturing and service sectors contracting. The local purchasing managers' index indicates that our private sector has been slower to emerge from recession than that in many other areas.

In December 2008, at the beginning of the economic crisis, we released our credit crunch package, which focused on five areas. Danny Kennedy outlined that package and went through its five themes. If he does not mind, I will also do that. The five themes were energy and fuel poverty, dealing with debt, support for the housing market and construction industry, support for household budgets, mitigating the threat of unemployment and support for business.

Some measures address fuel poverty directly, such as the £25 million spent on fuel credit and spending on the warm homes scheme. There have been other measures, such as the domestic rates freeze, the waiving of double payment for water, the introduction of free prescriptions and an extension of the free bus scheme for the elderly. Those measures gave relief to many, particularly those who live in low income households. As all Members have said, it is the most disadvantaged in our society and, as Danny Kennedy said, across Europe who are suffering most from the downturn.

We also expanded current debt advisory services and looked into illegal moneylending, an issue that was raised by George Robinson.

We explored how we might work with the credit union network to enhance and support the network and promote responsible borrowing at a local level.

Other measures focused on the construction and housing sector, such as the measures to maintain the £150 million programme for social housing and to accelerate planning approval.

The 2008 December monitoring round offered a further boost to the construction industry, with allocations to the farm nutrient management scheme, school maintenance, road structural maintenance, public transport capital works and the public sector housing programme. We also had measures to assist businesses, for example, maintaining industrial rates at 30% and introducing a targeted small business rates relief scheme and a new 10-day prompt payment policy across all Departments.

We understood the complexities of the economic crisis and that it was an issue that we needed to keep under review as it developed in order to allow us to tailor our responses appropriately. For that reason, the economic downturn is still a standing item on the agenda of every Executive meeting.

The package of measures that we announced in December 2008 is largely complete, and officials are undertaking a short post-programme evaluation of the benefits of the complete package. We established the cross-sector advisory forum in April 2009 to continue our dialogue with business, trade unions and voluntary and community stakeholders, which got to work on a series of recommendations to address problems arising from the economic crisis. The Executive's priority measures to deal with the economic downturn package is the culmination of the forum's work, as well as recommendations submitted by the Economic Development Forum, Ministers and Departments. On behalf of the First Minister and deputy First Minister, I want to thank everyone who contributed to that work and gave so freely of their time.

The recovery package builds and develops. Conal McDevitt mentioned a few times that there was nothing new in the package. We cannot make apologies for the fact that we were already dealing with some of those issues and that we built on and developed them. That, in itself, is not a problem. Why would that be seen as a problem? Something that is not new but which is built upon then develops into a new theme.

There are also many new, innovative actions, especially in addressing hardship through the promotion of benefits awareness and research into illegal moneylending. In the area of agriculture, there is bank lending to farms and the promotion of renewables, which Stephen Farry mentioned. In the area of banking and finance, there is the promotion of lending, new surveys on lending charges and work to support the social economy and to encourage the development of new mortgage products for the property markets. Other innovations include supporting business growth by developing management and leadership programmes, addressing financial exclusion, investigating funding opportunities for housing associations, issuing Planning Policy Statement 5 on retail development as soon as possible, further improving the ISNI portal, making resources available to deal specifically with small company export issues, and introducing new powers to allow for the bulk purchase of energy at a discounted tariff.

The measures will support investment in infrastructure and best-practice planning and will stimulate procurement. The package uses public sector capital spending to support the local construction sector and other business sectors. That will help to use public procurement to stimulate the economy and to assist in the delivery of the most economically advantageous outcomes, and it will also help to use planning to assist local business. Martina Anderson raised a number of issues in that area, including the need to support the social economy and the use of procurement to boost the economy and to tackle disadvantage. I absolutely agree with that.

Promotion of business growth and skills are key measures designed to enable the unemployed to get back into work, to harness and support local innovation, to develop the opportunities available from local tourism, and to support local job creation and retention. Again I say to Conall McDevitt, during the week, I was at a North/South Ministerial Council meeting in tourism sectoral format with Tourism Ireland, which concentrated on adapting and changing. Of course, there is always progression in tourism in Ireland, but it is in very difficult economic circumstances. I came away from the meeting charged with the energy that was shown and with the innovation and new way of approaching all those matters. We are finding that across the board, and I emphasise that because there are huge pressures, but people

are rising to the challenge in all those areas and pushing forward. That is what the advisory forum was about, and that is why it was a good idea and has helped us.

The package addresses hardship, poverty, debt and energy issues. The measures will help to relieve the social and welfare hardships and inequalities arising from the economic crisis. They will help to combat illegal moneylending and will help local people to manage debt.

The actions include promotion of benefit uptake and awareness of support; new powers allowing registered social housing landlords to broker, for instance, energy at a discounted tariff; and enhancing the role of credit unions. The package also promotes agriculture and the local farming industry and provides opportunities for renewables and the green New Deal, as mentioned by Stephen Farry.

In the area of banking and finance, measures will promote lending by helping to secure a sufficient flow of credit to support local businesses and people. The actions include ensuring easier access to existing loan guarantee schemes and short-term aid schemes and encouraging local banks to consider working with the Ulster Community Investment Trust to support the social economy sector.

11.00 pm

Martina Anderson and Mitchel McLaughlin rightly raised concerns about the lending practices of banks and how they are driving solvent companies out of business. They are doing this mainly by revising, in a punitive way, lending facilities that have already been agreed. That is having detrimental economic and social consequences. Those banks were bailed out by substantial sums of public money, and it is not acceptable that they drive businesses to the wall so that they can rebalance their books. That is not why they were bailed out. The First Minister and deputy First Minister have continually stressed the need for banks to have fair lending practices that will help us out of recession.

The package aims to assist the local housing and property market through measures to help prevent repossession and address the growing need for social housing, which a number of Members mentioned; help for first-time buyers; keeping supply on track; and support for the construction industry. To ensure that we remain focused on implementation — and this was

raised by Danny Kennedy — it is proposed that OFMDFM officials ask Departments for updates on progress with the recovery package actions once every quarter in order to allow for periodic updating of the Executive. It is proposed to ask Departments for the first update in September.

The cross-sector advisory forum will meet later this year, when progress on implementation will be reviewed. The fragile nature of our economy, LeasCheann Comhairle, reinforced and validated the decision of the Executive to make the economy the top priority of the Programme for Government and validates our approach as undertaken with the cross-sector advisory forum. Our aim was, and remains, to develop a strong and vibrant economy, characterised by high productivity and a highly skilled workforce, which underpins a fair, more equal and inclusive society. Facing a major economic crisis, unparalleled in generations, so early in the life of the Executive has been challenging to say the least. Nevertheless, the ability of the Executive and the Assembly to prioritise the interests of local people and businesses has produced significant benefits.

Despite the economic downturn, there was an 8.6% increase in spending by Departments in 2009-2010, and that equates to over £863 million in additional investment. That has been made possible because of improved financial management under local Ministers. That highlights the vast improvement in spending performances under a local Administration compared to under direct rule when, for example, almost £380 million of resources were left unspent at the end of 2005-06.

The Executive will continue to monitor and to address the economic downturn and we will ensure that we do all we can to mitigate the worst effects of the crisis on local people and businesses. Mr Deputy Speaker, the measures in our economic recovery package are the right ones to address the downturn, given the limited tools that we, as an Executive and an Assembly, have. Those limitations were referred to earlier: we are unable to use fiscal or borrowing powers to tackle the economic crisis or to put in place a public expenditure framework that serves people here. Martina Anderson also spoke about the wasteful duplication of not having integrated public service structures on the island of Ireland. That is a continuing source of frustration for republicans and nationalists. I am not too sure about unionists on that one.

The measures outlined in our package represent the best that the Assembly and the Executive can do to support the economy at this critical time. However, the economic downturn is, as I said earlier, a standing item on the agenda of Executive meetings and, therefore, it is under continual review and discussion. Go raibh maith agat.

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister:

I am grateful to Members, and to junior Minister Kelly, for taking part in this take-note debate, which has provided a useful snapshot and a view from all political parties in the Assembly. Although I accept the junior Minister's point that it came rather too soon after George Osborne's Budget today, I still hope that it will be a useful template for the Executive to consider.

I will now deal with Members' contributions. Mr George Robinson made the point well that the Executive and the Assembly are charged with protecting the most vulnerable. He welcomed the action taken against illegal moneylending and the efforts to improve benefit uptake as well as that taken to tackle fuel poverty, in which, he said, the banks have a clear role.

Martina Anderson thanked the cross-sector advisory forum for its work and welcomed progress on the measures being taken on public procurement projects. She bemoaned the political and economic constraints, as she sees it, on monetary control and powers being retained at Westminster, as they are not subject to the authority of the Assembly.

Mr McDevitt was generally underwhelmed by the measures and was critical of many aspects of the report. I think that he wanted to be a critical friend, but some of his criticisms were quite stinging. He said that the measures contained nothing innovative or interesting, and he asked for some creative thinking. However, at this late hour, that might be a bit much to ask for.

Dr Farry described the glass as being half full and said that the Executive should seek to rebalance and restructure the local economy. He also said that we should return to the four main drivers of economic policy: skills, infrastructure, innovation and enterprise.

Before addressing the junior Minister's comments, I will make a party-political point on behalf of the Ulster Unionist Party. Since the general election, I have been struck by the

willingness of parties to embrace the notion that we would have to grow the private sector in Northern Ireland as part of our economic recovery. That idea met a fairly toxic reaction when it was mooted by the leader of the Conservative Party during the general election. However, by way of what can only be described as a Pauline conversion, it appears that all parties locally accept the point made by the leader of the Conservative Party and, indeed, by the Ulster Conservatives and Unionists at the time. We hope to see progress on that.

The junior Minister (Mr G Kelly): Will the Member accept that the criticism at the time was that the emphasis was on the private sector to the detriment of the public sector? I think that everyone agreed that the private sector needs to grow, but not to the detriment of the public sector.

The Chairperson of the Committee for the Office of the First Minister and deputy First Minister: I thank the junior Minister. Here was me thinking that it was cheap electioneering, although I am sure that it was not. However, the point that the junior Minister now makes was made abundantly clear at the time by the leader of the Conservative Party.

I will address the remarks made by the junior Minister. The indication that no Barnett consequential arise from today's Budget is welcome. Much attention will now focus on the spending review announcements in the autumn. It is helpful and encouraging for Members to learn that the economy remains, as it should, the priority for the Executive and the Assembly.

Junior Minister Kelly went through in some detail the measures in the written ministerial statement and outlined some of the progress that has been made. He assured us that the economic downturn is discussed at every Executive meeting. It is to be hoped that they will produce significant proposals as quickly as possible that may yet impress Members such as Mr McDevitt, if that is possible. Job creation measures will certainly be very welcome, as was the indication that the Executive have increased government spending compared with that under direct rule. That is an important message to get out. Those of us who believe in local accountability and in devolution take that as a positive sign that should be more widely reflected

I am grateful to the Members who contributed to the debate. The economic downturn has been

felt by everyone and in every sector. We need only look at Departments' efficiency savings — I will not invite the Minister of Health, who has just entered the Chamber, to comment on that — to see the possible cuts and tightening of belts that there will be across the whole of Northern Ireland. Therefore, it is important to see how the Executive respond to the downturn. I am sure that Members welcome the measures detailed in the paper, but my Committee is keen to see how those measures will be implemented, monitored and reviewed. All Statutory Committees have a duty to consider the measures and the ongoing work, and they must ensure that Departments implement the measures in a timely manner.

I am grateful to Members who contributed to the debate, and I commend the motion to the House.

Question put and agreed to.

Resolved:

That this Assembly takes note of the written ministerial statement, 'The Executive's Priority Measures to Deal with the Economic Downturn'.

Motion made:

That the Assembly do now adjourn. — [Mr Deputy Speaker.]

Adjournment

Out-of-hours GP Service in Limavady

Mr Deputy Speaker: I remind Members that the proposer of the Adjournment topic will have 15 minutes in which to speak. All other Members who wish to speak will have approximately 10 minutes.

Mr G Robinson: I thank the Minister of Health, Social Services and Public Safety for staying until this late hour for the Adjournment debate. I assure him that this is not a personal attack on him. I appreciate that we are living in dire economic times. I requested the debate owing to the great public concern that the cut to this front line service in Limavady has generated. I have a petition with at least 5,000 signatures, which expresses the feelings of the public in the Limavady borough. The petition has cross-community and all-party support in the Limavady area.

When I was first informed of the reconfiguration of GP services to cover the red-eye period, I knew that it would be a backward move for the people of Limavady. Nothing can justify a 40% manpower cut to a vital front line service. Regardless of the language used, in reality there will be two fewer doctors on duty and two fewer on call to cover the Western Health and Social Care Trust area, with Limavady greatest affected.

The most worrying aspect was the complete lack of consultation, primarily with the public, who are most affected, but also with local elected representatives and staff who operate the service. Consultation took place only when I, as a member of Limavady Borough Council, requested a meeting. If the cut in the number of doctors was to prove so effective, why was the service not introduced in that form to begin with?

The current service was the safest model for out-of-hours GP provision, and now it is to be cut. From 1 July, there will be one GP on duty from 12.00 am, but what about the 11.00 pm to 12.00 am period? That GP will be based in Londonderry and will be expected to cover

from Limavady to Strabane and the entire city of Londonderry. My understanding is that the planned triage nurses to assist the GP cannot do house calls and are not yet fully trained.

11.15 pm

The two other GPs on duty will be based in Enniskillen and Omagh; therefore, their ability to respond within the 20-minute target is seriously compromised. The same applies to the two on-call doctors. Their response time is compromised by the fact that they will be at home and by the time that they will need to get to the base. Too much of the argument for the cut relies on the on-call doctors and on the other duty GPs being available. It just will not be viable.

At present, there is a GP on duty in Limavady and one on call at home. From 1 July, there is to be no doctor based in Limavady. A doctor driving from Strabane to Magilligan will have poorer response times to calls, possibly turning urgent calls into emergency ones. It is a total waste of the valuable time of highly trained doctors. That could put in danger patient outcomes and, possibly, lives.

Many calls to the service are from terminally ill patients, sick children and nursing home patients. They are among the most vulnerable groups in our society and will be the first to suffer under the proposed changes. Other patients who will be affected adversely will be those who suffer strokes, heart attacks and many other serious and sudden onset illnesses. There is no plan B. There is no trial period. From 1 July, Limavady will lose yet another vital service. That is being done to save less than 0.5% of the Western Health and Social Care Trust's budget.

As I said at the beginning, I appreciate that money is tight for all Departments. However, making false economies will not save money. I say that because I am convinced that pressure will increase on the Northern Ireland Ambulance Service. Hospital admissions will increase too, which cost much more than an out-of-hours GP service. Has the Minister or Western Urgent Care taken that into account?

I am disappointed that a vital front line service is being reduced and that no meaningful consultation has been carried out. On behalf of the people of Limavady, I urge the Minister to look at what the service is intended to do, who it is intended to serve and who will suffer as a result and to ensure that the cuts are not

implemented from 1 July. I remind the Minister of his words of 25 May 2010:

"if I'm faced with further cuts the reality is that will eat very much into the frontline services."

I appeal to the Minister, even at this late hour, at least to introduce a compromise that the Western Health and Social Care Trust reduce the present proposal from five-doctor coverage to four.

I say honestly and categorically that, if it had not been for the out-of-hours service in Limavady five years ago, I would not be standing here. I thank the medical staff who saved my life on that day at 6.30 am. Had it not been for that service, about which I am so passionate, I would not be here today.

Mr Leonard: Go raibh maith agat, a LeasCheann Comhairle. It is ironic that we are talking about an out-of-hours service at 11.20 pm. It is usually referred to as the red-eye service, and there are a few red eyes around the Chamber, although there are not too many Members here.

This is a serious issue. George Robinson is absolutely right to table the debate. The cross-party work on the issue, which involved petitions as well as public and other meetings, shows the feeling in the Limavady area on the matter. It is serious, and there have been some serious failings, of which the lack of consultation is one. It has been said quite dismissively that there has not been a complete policy change and, therefore, consultation was not required. That is grossly offensive to a public who have treasured that service. They have treasured the service because it has been a good service. I noted Mr Robinson's very serious personal anecdote. We were all struck by the number of people who turned up at the public meeting in Limavady and talked about the great service that they had been given. I anticipate that the Minister will respond by saying that the service is there and that it is being reconfigured, rather than cut out.

There have been serious failings on the issue. I echo the appeals that have been made not only here but at the public meeting, as well as those that have been made through the petition and through letters in the press, asking for the decision to be reconsidered. I still stand by that. However, in anticipation of some of the Minister's stock lines about the matter, I want to refer to a couple of nitty-gritty issues. Obviously, we have asked questions, and the issue has been referred to in Question Time. The Minister has

talked about the idea that "you" or "your party" voted for cuts. Today, we have a situation —

The Minister of Health, Social Services and Public Safety (Mr McGimpsey): You did it three times.

Mr Leonard: You have spoken from a sedentary position. I will not interrupt you.

The Minister of Health, Social Services and Public Safety: It is midnight.

Mr Leonard: It is not midnight: it is 11.20 pm. The Minister has spoken from a sedentary position. I made one reference to the Minister. Is this in order? Can I continue unbroken?

Mr Deputy Speaker: I ask all Members to address their remarks through the Chair.

Mr Leonard: Thank you.

The Minister said "you voted for cuts" and "your party voted for cuts". Today, we have headline figures of 25% cuts, we will have the CSR from the autumn onwards, and we will have more cuts. That has all come from the Minister's Tory friends.

Of course decisions have to be made about cuts at a local level. However, we are not talking about cuts at a micro level. We can still argue about the micromanagement of the out-of-hours service and at least bring the public's concerns to the House without having them dismissed so simplistically. At a public meeting, the commissioning group — not us — quoted figures of £600 a night and £900 for bank holidays, so surely there is room for movement with that.

I come to the issue of scaremongering, and I think that the Minister had a go at a Member other than me about that. I can assure the Minister that we were not scaremongering. Medical practitioners discussed the issue of the nurses. If the Minister wants to accuse anybody of scaremongering, he should go to the medical practitioners. We were the messengers bringing the message to the Floor, which we are entitled to do. That is what the Assembly is meant to be here for. I am not turning the issue into a head-to-head discussion, but applying the cuts argument at a micro level does not stack up. It is a genuine plea from the community. We are here to represent the views of the community, and we have brought those views to

the Minister. That is our responsibility as public representatives.

I echo the view that the out-of-hours service in Limavady is a good service. However, there will be a different service if that presence is taken out of Limavady and if the number of GPs who travel the distances that will be expected of them is possibly reduced. The people of that community are quite entitled to be worried about it and are quite entitled to come to us, and we are quite entitled to raise those issues on the Floor. The issue is more than just the global accusation that the Minister makes regularly.

Mrs M Bradley: I agree that this is a serious issue that all parties must handle sensibly and sensitively, not least the parties that are proposing and implementing change. It affects Limavady, but there are knock-on effects for Derry, which is the area that I represent.

Change is never easy. It unsettles people, and, where health issues are concerned, it causes fear. Sometimes that fear may be unfounded, but it is, nevertheless, genuine. There is particular concern about the out-of-hours GP service. It does not matter whether it is in Limavady, Derry, Strabane or elsewhere in Northern Ireland, because vulnerability becomes an issue. The decision to change the out-of-hours service in Limavady was handled badly, with no consultation whatever. Therefore, no one should be in the least surprised that there has been a great deal of public interest in and concern and, indeed, anger about the matter.

Information about the changes has been drip-fed to the public in a negative way. Doctors who are involved in the out-of-hours service have been made to appear motivated by greed, which is unfortunate, because I do not believe that anyone enters the medical profession for the sake of money and certainly not for money earned in the dead of night, when most people are comfortably asleep in their bed.

Questions must be asked about changes to the service, and equally important questions must be asked about the manner in which the changes were brought about. There was no consultation, and no effort was made to explain how the changes would impact on those who fear being left without an out-of-hours service. People need to know that, in the event of their becoming sick during the night, a doctor on call will come to their aid, without delay, to provide the necessary medical help. The proposal could require a

doctor to travel from Strabane to Limavady, which is quite a distance. Naturally, that would unsettle anyone, and the Minister should not be surprised or angry that that is the case.

The issue would be best parked, at least until a proper, professional consultation has taken place and people have been reassured that the out-of-hours service has not been diluted in any way and has, if anything, been improved. Then and only then will people feel comfortable with the change. They could accept it as a change for the better and not another swingeing cut in the Health Service, which, at face value, will affect the most vulnerable — those who are very sick and need a doctor, and elderly people.

The Chairperson of the Committee for Health, Social Services and Public Safety (Mr Wells):

As you may be aware, Mr Deputy Speaker, it is unusual for the Chairman of the Health Committee to be involved in an Adjournment debate. However, I feel that I can comment, because the subject is one that has come before the Committee.

Coincidentally, I was in Limavady one evening, pursuing interests that I outlined during the Consideration Stage of the Wildlife and Natural Environment Bill earlier. I told my colleague that a certain George Robinson lived in Limavady. I said that not a blade of grass grew there that George did not know about and that we called him the “mayor of Limavady”. About 10 minutes later, the “mayor of Limavady” phoned me to voice his concern at the change in the out-of-hours provision in his district.

Subsequently, I learned from Claire McGill, a member of the Committee, that the change in service extended far beyond Limavady and was a Western Trust issue. The following day, as it happened, the Committee heard evidence from the Health and Social Care Board and departmental officials on the commissioning plan for 2010-11. That unleashed a forensic examination of officials by Committee members from the area, particularly Claire McGill, and it was instructive to hear how the situation had arisen. The Committee has given the issue a good airing, and, when the Hansard report of the meeting is published, Members will see that a good 40 minutes were set aside for it.

I am concerned by the lack of adequate consultation with local representatives. Regardless of the merits of the decision, the change has implications for three council areas.

Therefore, the least that should have happened was that the commissioning board or the trust — I am not certain which — should have consulted the three councils on whether they realised that there would be major changes to their out-of-hours service. That would have made councillors better informed about but not acquiescent in the decision.

One of the benefits of my extra-curricular activities is that I know the area around Strabane, Limavady and Londonderry quite well. I know the geography and understand the prospect of having to rely on a GP to drive from Strabane to Limavady. That is a dreadful journey. There is no main route, and the road infrastructure is poor. The choice is to drive through the mountains via Donemana or find an alternative route, perhaps via New Buildings. If I were to require that out-of-hours service in the middle of winter, I would not like my life to depend on a GP who had to make that journey. Therefore, the local councillors and MLAs have every right to be concerned.

I became extremely worried when I became aware of the view of a hands-on clinician in the area. I will not name the individual, but I watched his slide presentation, which local representatives sent to me. The fact that he, who has been involved in out-of-hours provision, seems to be desperately worried sets alarm bells ringing.

11.30 pm

It is opportune that this debate is taking place on 22 June, which is Budget day. I have been locked in the Chamber for the best part of 10 hours, so I have no idea what happened in the Budget, but as I am a non-drinker and non-smoker, I have not rushed out to do anything rash ahead of it. However, I am certain that there will have been bad news for healthcare provision in Northern Ireland, and, sadly, we may be coming back to debate that time and again. I am concerned not only about how the decision was dealt with and the lack of consultation but about the implications that it has for vulnerable people who live in remote rural areas.

The testimony of Alderman Robinson the Member for East Londonderry is particularly telling. We are delighted to see him back to full health and strength. Indeed, I understand that his association has handed him another 30-year contract and that it will review his status after that. That is absolutely right, because, in

a year's time, he will no doubt be asking his quota of voters to form an orderly queue to return him to the House for another four years. That is good news, but, of course, he would not have been here tonight had it not been for the excellent provision that was in place already.

There is community confidence in the provision of five GPs, and that confidence is certainly not there with three GPs. We can be reasonable in understanding that there is a need for economies, so we would accept the provision of four GPs at night. The reasonable suggestion was made that the decision on the matter be postponed until September 2010 to enable the nurses to acquire the amount of training that is required to implement the new procedures.

I thank the Minister for staying on. It has been a desperately tiring day for us all, particularly for him, because he took part in a much earlier debate on the Safeguarding Board Bill. At least we have the Assembly and directly accountable Ministers who can be called to the House at, frankly, ridiculous hours of the evening to answer important questions. That shows the Assembly in action. Tonight, I will leave the Building greatly cheered, because we have made major changes for the good to legislation, and we have had an opportunity to raise an issue of local concern to Members. It is unfortunate that this debate has taken place so late because, undoubtedly, some Members from the constituency would have attended but simply could not make it.

The Minister of Health, Social Services

and Public Safety: I restate categorically my comments in the Assembly on Tuesday 15 June. I am committed to providing the best health and social care services to everyone in Northern Ireland within the resources that are available to me. That includes ensuring that people have access to essential medical treatment at all times.

On the issue of out-of-hours medical cover in the Limavady area, I emphasise, once again, that the proposed changes to the services that Western Urgent Care provides will not result in any diminution of service to patients. Out-of-hours medical services will continue to be delivered from the Limavady out-of-hours centre, as they will from other western centres. Anyone who lives in the Limavady area who requires urgent medical services during the weekend or at night will continue to receive out-of-hours

services. I repeat what I said in the House last week: that service is not being withdrawn. Patients will not experience any difference to the level and quality of service that they normally receive. I am disturbed that some Members are ignoring that fact.

Over the past few months, I have answered a number of Assembly questions on the issue. Last week, I answered a question for oral answer in which I explained the situation, yet my explanations are simply ignored. Out-of-hours GP services are available for patients with an urgent medical condition who cannot wait until their GP practice is next open, and that remains the case. It is important that Members are clear that the out-of-hours service is not, and was never designed to be, an emergency service. George Robinson talked about strokes and heart attacks, and the normal procedure for people in such a situation is to ring 999 for the Ambulance Service. The Ambulance Service in Northern Ireland, including the Limavady area, is very good.

There was scaremongering about rapid response vehicles, an issue with which I dealt a matter of months ago. We heard that there was no service whatsoever to people who live in the area. Anyone who contacts the out-of-hours service for the support provided by a general practitioner will have their calls triaged within 20 minutes by a trained nurse. Some people may require a consultation with the doctor, some may be given advice for self-care and others may be referred to the Ambulance Service.

Prior to the introduction of the general medical services contract in 2004, GPs were responsible for providing out-of-hours services to their patients. The introduction of the contract enabled GPs to opt out of providing the service, and all GPs in Northern Ireland opted out of providing the service. As a consequence, the former health and social services boards, and now, under the new structures, the Health and Social Care Board, became responsible for commissioning out-of-hours services. Out-of-hours services are commissioned from five providers in Northern Ireland at an annual cost of £21 million. It is a huge cost, and it is absolutely right that the board should look at that area and determine whether the service could be more effective.

There are around five calls a night from Limavady to Western Urgent Care after midnight,

and possibly three, but usually two, of those calls require a GP consultation. Therefore, we are employing a GP to be permanently based in Limavady to deal with two or three calls a night, at a cost of £1,000 per night. There are better ways to do that. Those two or three patients will continue to receive a consultation either at home or in the Limavady centre, but there will not necessarily be a GP sitting there dealing with the two calls — the patients may be dealt with by another GP. There was talk of a public consultation, but the service is not changing. The service will remain. The delivery of the service is largely a matter for the trust. Some changes are being made, and the Western Urgent Care management team met affected staff as a group and individually to outline those changes. The proposed changes will come in some time during the summer. The cost of delivering the service is £1,000 a night, but we plan to save £600,000 as a result of the proposed changes in the Western Trust.

For the benefit of George Robinson and others, let me say that £600,000 would pay for around 50 cardiac operations a year. Would they prefer it if I paid for a GP to sit in the Limavady out-of-hours centre to deal with two or three patient consultations either in the centre or in their own home, or would they rather that we saved £600,000, which is the equivalent of around 50 cardiac procedures, and still looked after those two to three patients, but with a GP coming from elsewhere rather than being based in Limavady? It seems to me that that is a simple question.

Billy Leonard might say that when it comes to votes for cuts, I am not talking about the micro level, but cuts are cuts. You and your party voted for cuts, Mr Leonard, not once, not twice, but three times, so do not come here and complain about changes. There will be changes, but we will not cut the service. It will continue, but it will be done in a more effective and efficient way. Do not tell me that —

Mr G Robinson: Will the Minister give way?

The Minister of Health, Social Services and Public Safety: No, I am going to continue. You have had several opportunities to speak. I am very disturbed about the way in which some of this matter has been addressed in the Limavady area. A lot of people have been upset and disturbed by the allegations that the service is being withdrawn and that the two or three patients a night in Limavady will not be seen. The service

is not being withdrawn. Those patients will be seen. We will maintain the service, but we will do it in a more cost-effective way.

I understand that one GP earns £5,000 a month as part of that service. We can save that money and still maintain the service. We are not changing; we are not taking the service away. That is not the proposal, and it never was. If we were saying that the out-of-hours service was being removed, it would be right to say that there should be a consultation, but that is not what is happening. The way in which the service is being delivered is changing. Furthermore, the reason why we are in this situation is that the introduction of a contract enabled GPs to opt out of providing out-of-hours services.

It was unfortunate that GPs took that step. The responsibility, therefore, falls on the Department and the Health Service to provide that service in other ways, through employing GPs back in. Of course, we look at the best and most effective way to use money and resources. That is exactly what we are doing.

Out-of-hours services will continue to be provided from Limavady out-of-hours centre between 6.30 pm and 8.30 am Monday to Friday, at weekends and on public holidays. Changes that have been proposed relate to services between midnight and 8.30 am only. No GP will be based on site in the Limavady centre between those hours. However, patients who contact the centre out of hours will have their calls triaged by a nurse. GP consultations will still be provided where appropriate, either through an out-of hours GP attending the Limavady centre or through a home visit. That service can be provided without having a GP sitting in the Limavady centre, particularly when there are just two or three patients each night.

Western Urgent Care will have additional GPs on call —

Mr G Robinson: Will the Minister give way?

The Minister of Health, Social Services and Public Safety: No. I will not give way to Mr Robinson because I have answered numerous questions and made the point over and over again. I do not see how an intervention at this time of the night will help him along the road.

Western Urgent Care will have additional GPs on call. They can be used to support Limavady out-of-hours service should there be an unexpected

increase in demand. If the two or three patients who contact Western Urgent Care out of hours between midnight and 8.30 am require a GP consultation, they will get it. If they require consultation at the centre, they will get it. If they require it at home, they will get it. That service is provided not only in Limavady but in the Western Trust area. The Department endeavours to provide that throughout Northern Ireland.

That is the situation. We can provide that service to two or three patients in Limavady each night more cost-effectively. By year 2, we could save an estimated £600,000 per annum. That is equivalent to around 50 heart operations. Would Mr Robinson prefer that a GP was sitting in Limavady and those 50 heart operations were lost, or would he prefer the 50 operations? He talks about lives being in danger. Situations in which lives are in danger are emergencies. In emergencies, patients should call 999 for an ambulance.

Let me say that the Ambulance Service in Northern Ireland is excellent. It is excellent in Limavady. Despite scaremongering that was going on a few months ago about changes that I made to rapid response vehicles and the Ambulance Service, there have been no changes or hours withdrawn in Limavady.

Adjourned at 11.43 pm.

Committee Stages

Northern Ireland Assembly

Committee for the Environment

15 June 2010

Local Government (Disqualification) (Amendment) Bill (NIA 7/09)

Members present for all or part of the proceedings:

Mr Cathal Boylan (Chairperson)
Mr Patsy McGlone (Deputy Chairperson)
Mr Roy Beggs
Mr Jonathan Bell
Mr John Dallat
Mr Danny Kinahan
Mr Daithí McKay
Mr Brian Wilson

The Chairperson (Mr Boylan): I refer members to the Local Government (Disqualification) (Amendment) Bill, a paper on which is tabled. Members need to clarify the Committee's position on its formal clause-by-clause analysis of the Bill.

I seek agreement from members on clarification on clause 1. I agreed the clause, as amended, and other members abstained from voting. I ask members who are present whether they are content to clarify that point for the benefit of the record? Mr Dallat, Mr Wilson and Mr Kinahan were present at that meeting.

Mr Bell: What is it that we are clarifying? That the members abstained?

The Chairperson: Yes. For the record, I agreed to clause 1, but other members who were present at the meeting abstained. Today, we are simply seeking the Committee's clarification of that.

Mr B Wilson: Yes, I abstained.

The Chairperson: Thank you very much.

Mr Kinahan: I abstained.

Mr Beggs: Yes, that is accurate.

Mr Dallat: I abstained.

The Chairperson: Once more, for clarification, are all members of the Committee agreed that that reflects the outcome of last week's meeting?

Members indicated assent.

The Chairperson: Thank you very much.

Northern Ireland Assembly

Committee for Enterprise, Trade and Investment

17 June 2010

Unsolicited Services (Trade and Business Directories) Bill (NIA 12/09)

Members present for all or part of the proceedings:

Mr Alban Maginness (Chairperson)
Mr Paul Butler (Deputy Chairperson)
Mr Gregory Campbell
Mr Leslie Cree
Dr Alasdair McDonnell
Mr Stephen Moutray
Mr Sean Neeson

Witnesses:

Mr Philip McClenaghan	Department of
Mr Patrick Neill	Enterprise, Trade and Investment

The Chairperson (Mr A Maginness): We now move to the initial consideration of the Unsolicited Services (Trade and Business Directories) Bill. This is the Committee's opportunity to raise any issues, concerns or matters that have arisen from the consultation process. I advise members that departmental officials are on standby to address any questions or concerns. This agenda item does not constitute the formal clause-by-clause scrutiny of the Bill. However, if there are no unresolved issues or concerns following this agenda item, the Committee will move immediately to formal clause-by-clause scrutiny.

I advise members that the issues tables in their packs explain each clause of the Bill. No issues were raised during the Department's or the Committee's consultations on the Bill. The three responses to the Department's consultation

stated that they welcomed the Bill. The Clerk will take the Committee through the clauses, and, after he has outlined the provisions of each clause, I will ask members whether they have any issues or questions for the departmental officials.

The Committee Clerk: Clause 1 sets the prohibition on charges unless one of four conditions or requirements is met, as prescribed in clauses 2 to 5. Those conditions are: if an order form is signed; if a note of agreement to charge is signed; in certain cases of electronic communication; or in certain cases of renewed or extended contract.

No issues or concerns were raised in respect of clause 1 during the Department's or the Committee's consultation.

The Chairperson: Are members content?

Members indicated assent.

The Committee Clerk: Clause 2 sets the requirements for a charge when an order form has been signed. Requirements are met when an order form has been signed by, or on behalf of, a person in hard or electronic copy, which must bear the person's name and address.

No issues or concerns were raised during either the Department's or the Committee's consultation.

The Chairperson: Are members content?

Members indicated assent.

The Committee Clerk: Clause 3 sets the requirements when a note of agreement to charge is signed. The requirements are met when the note: specifies the particulars as set in paragraph 1 of the schedule to the Bill; gives reasonable particulars of the entry in respect of which the charge would be payable; and when a copy of the note was given to the person, or a person acting on his or her behalf, before it was signed.

No issues or concerns were raised in respect of clause 3 during the Department's or the Committee's consultation.

The Chairperson: Are members content?

Members indicated assent.

The Committee Clerk: Clause 4 sets the requirement for a charge permitted in certain

cases of electronic communication. The requirements are met if: there has been an electronic communication from or on behalf of the person that states that they agree to the charge; and, before the electronic communication was sent, the following information was transmitted to the person: "(i) the particulars set out in paragraph 1 of the Schedule; and

(ii) reasonable particulars of the entry in respect of which the charge would be payable".

Additionally, the electronic communication has to be readily produced and retained in a visible and legible form.

No issues of concern were raised in respect of clause 4 during either the Department's consultation or the Committee's consultation.

The Chairperson: Are members content?

Members indicated assent.

The Committee Clerk: Clause 5 sets the requirement for charges permitted in certain cases of renewed or extended contract. No issues or concerns were raised relating to clause 5 during either the Department's consultation or the Committee's consultation.

Mr Cree: Does the clause cover a situation in which an insurance company would notify its customers that renewal of contract will happen automatically and that customers will, therefore, be debited accordingly without any further communication? Does it put the onus back on to the customer?

The Chairperson: It would perhaps be helpful at this stage if Mr McClenaghan and Mr Neill came forward and joined us at the table.

Mr Philip McClenaghan (Department of Enterprise, Trade and Investment): The legislation is aimed only at trade directories. Therefore, it would not apply to insurance contracts or their renewals.

Mr Cree: It may or may not link to those, howsoever they are arrived at. Continuing on, we could have a situation in which there would be automatic renewal.

Mr McClenaghan: For insurance contracts?

Mr Cree: That is just one example. It could be any contract.

Mr McClenaghan: The legislation is aimed at, for example, a tradesperson with an advert in the 'Yellow Pages', or a similar trade directory, who wishes to renew that advert on an annual basis.

Mr Cree: The same would apply to insurance. A customer may receive a communication to say that their contract will be renewed unless the company hears otherwise.

Mr McClenaghan: Yes.

The Chairperson: Are members content?

Members indicated assent.

The Committee Clerk: Clause 6 sets the offence to demand payment when clause 1 is contravened. No issues or concerns were raised in respect of clause 6 during either the Department's consultation or the Committee's consultation.

The Chairperson: Are members content?

Members indicated assent.

The Committee Clerk: Clause 7 sets the power to amend the schedule. The Department of Enterprise, Trade and Investment will have the power to amend the schedule to the Bill by Order, subject to negative resolution. An Order made under clause 7 may also make any necessary transitional provisions and amendments to revisions that are referred to in the schedule.

No issues or concerns were raised relating to clause 7 during either the Department's consultation or the Committee's consultation. Furthermore, the Examiner of Statutory Rules gave advice on the powers to make subordinate legislation under the clause — which was considered by members on 10 June — and stated that the powers seemed appropriate.

The Chairperson: Are members content?

Members indicated assent.

The Committee Clerk: Clause 8 repeals articles 5 and 6 of the Unsolicited Goods and Services (Northern Ireland) Order 1976 because they are being replaced by the provisions of the proposed Bill. Article 2(3) of the 1976 Order is being amended because it will need to refer to the conditions set out in paragraph 4 of the schedule to the Bill.

No issues or concerns were raised in respect of clause 8 during either the Department's consultation or the Committee's consultation.

The Chairperson: Are members content?

Members indicated assent.

The Committee Clerk: Clause 9 sets the short title as the Unsolicited Services (Trade and Business Directories) Act (Northern Ireland) 2010. The clause also sets out that the Act will come into operation two months after the day on which it receives Royal Assent.

No issues or concerns were raised in respect of clause 9 during either the Department's consultation or the Committee's consultation.

The Chairperson: Are members content?

Members indicated assent.

The Committee Clerk: The schedule specifies the matters and details referred to in clauses 3, 4 and 5 of the Bill, including: particulars of the directory or proposed directory, which must be given in a note for charging a person; information required in a written notice; information to be given to a person; and conditions applying to an invoice or similar document that does not assert right to payment.

No issues or concerns relating to the schedule were raised during the Department's consultation or the Committee's consultation.

The Chairperson: Are members content with their initial consideration of the Bill?

Members indicated assent.

The Chairperson: No issues having arisen, we will now move directly to the formal clause-by-clause scrutiny of the Unsolicited Services (Trade and Business Directories) Bill. I will go through the nine clauses and the schedule to seek the Committee's position. I remind members that, having given their views on each clause as drafted, no amendments have been made to date by the Department or by the Committee.

Clauses 1 to 9 agreed to.

Schedule agreed to.

Long title agreed to.

The Chairperson: That concludes the formal clause-by-clause scrutiny of the Unsolicited

Services (Trade and Business Directories) Bill. Next week, members will consider the first draft of the Committee's report on the Bill. Thank you.

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 18 June 2010

Written Answers to Questions

Office of the First Minister and deputy First Minister

Titanic Quarter

Mr B Wilson asked the First Minister and deputy First Minister if any declarations of interest were made by the First Minister in relation to departmental or Executive discussions on the Titanic Quarter.
(AQW 4328/10)

First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness): There were no declarations of interest by any Minister. The only Executive discussions in relation to the Titanic Quarter were regarding the Titanic Signature Project.

Display of Flags in Public Areas

Mr C McDevitt asked the First Minister and deputy First Minister for an update on the review of the inter-agency Joint Protocol in relation to the Display of Flags in Public Areas.
(AQW 7231/10)

First Minister and deputy First Minister: The working group set up to look at the current Flags Protocol and to review it has so far met on two occasions on 7 October and 23 November 2009.

The Programme for Cohesion, Sharing and Integration (CSI) is currently being developed for consultation. When the consultation is completed and the CSI Programme launched then the Flags Protocol will be reviewed in the context of the new Programme.

Officials are still actively monitoring this issue of flags and research is continuing into the monitoring of a baseline report commenced in 2006.

Committee of the Regions

Mr J Shannon asked the First Minister and deputy First Minister to outline the annual cost of (i) air fares and travel; and (ii) wages for the representatives who attend the Committee of the Regions.
(AQW 7277/10)

First Minister and deputy First Minister: European Union Committee of the Regions representatives are not paid a salary for attendance. Their travel costs and permitted allowances are taken from the Committee's budget, which is administered by its Brussels-based Secretariat. No costs accrue to Member States or regions.

Student Complaints

Mr P Butler asked the First Minister and deputy First Minister what progress has been made, to date, in establishing an Ombudsman, for the further and higher education sector, to address student complaints.
(AQW 7278/10)

First Minister and deputy First Minister: A review of the Offices of the Assembly Ombudsman and Commissioner for Complaints undertaken in 2004 recommended that the Ombudsman could assume responsibility for additional public bodies on the principle of 'following public funds'. It was suggested that this might include universities and further education colleges.

Given the passage of time since Deloitte submitted its report in 2004, officials have undertaken an internal review of the report's recommendations. Ministers are currently considering the advice provided by officials.

Draft Public Assemblies, Parades and Protests Bill

Mrs D Kelly asked the First Minister and deputy First Minister to explain the reasons for the delay in publishing the statutory Code of Conduct in relation to the Draft Public Assemblies, Parades and Protests Bill and when this will be published.

(AQW 7482/10)

First Minister and deputy First Minister: The Working Group on Parades is still considering the detail of the draft Code of Conduct. It is still intended that the draft document will issue for public consultation in the next couple of weeks.

Draft Public Assemblies, Parades and Protests Bill

Mr C McDevitt asked the First Minister and deputy First Minister for their assessment of whether a full and informed consultation can take place on the Draft Public Assemblies, Parades and Protests Bill in the absence of the statutory Code of Conduct.

(AQW 7495/10)

First Minister and deputy First Minister: The Code of Conduct is being finalised. It is hoped that it will issue shortly in order to allow for an overlap with the consultation period of the draft Public Assemblies, Parades and Protests Bill thereby allowing for full and meaningful consultation.

Prioritisation of Planning Appeal Hearings

Mr C McDevitt asked the First Minister and deputy First Minister whether their office has the authority to seek prioritisation of planning appeal hearings when an application is of strategic regional importance.

(AQW 7708/10)

First Minister and deputy First Minister: The Planning Appeals Commission is an independent tribunal Non-Departmental Public Body which operates at arms length from Government and exercises its functions independently and free from influence by OFMDFM or any other body.

OFMDFM holds sponsorship responsibility for the Commission and provides the financial and administrative support to the Commission. OFMDFM has no locus in planning appeal matters and has no operational remit.

It is for the Chief Commissioner therefore to schedule her workload and her 'Procedure for Prioritising Casework' is published on the Commission's website.

Department of Agriculture and Rural Development

Forestry Commission Tree Planting Target

Mr J Shannon asked the Minister of Agriculture and Rural Development whether her Department or the Forestry Commission has consulted their counterparts in Scotland on enhancing the Forestry Commission Tree Planting target.

(AQW 7271/10)

Minister of Agriculture and Rural Development (Ms M Gildernew): DARD's Forest Service officials have regular discussions with Forestry Commission Scotland colleagues on issues concerning new woodland creation. In 2008/09 Scotland achieved 3,440 hectares of new woodland against their target of 10,000 hectares and in the same year Forest Service achieved 289 hectares against our target of 550 hectare. Scotland and this part of Ireland both have forest strategies including ambitious afforestation aims, which seek to encourage more landowners to consider forestry as an alternative land use. In response to lower than expected levels of woodland creation, both organisations last year reviewed their respective grant rates and announced significant increases in Autumn 2009. Since then both Forest Service and Forestry Commission Scotland have noted renewed interest in their respective schemes and we will encourage landowners in the north of Ireland to convert this interest into new woodland in the 2010/11 tree planting season.

Staff at Glenree House in Newry

Mr P J Bradley asked the Minister of Agriculture and Rural Development how many members of staff at Glenree House in Newry are currently off work; and to give the reasons recorded for their absence.
(AQW 7387/10)

Minister of Agriculture and Rural Development: The following details relate to staff at Glenree House who are off work at 7 June 2010.

No of staff off work	Reasons for absence
11	Sickness absence (more than 20 days)
3	Maternity leave
5	Career break

Fine from the European Commission

Mr G Savage asked the Minister of Agriculture and Rural Development (i) to detail the reasons for the imposition of a €60m fine from the European Commission; (ii) to outline any shortcomings and where they took place within the Department; (iii) what measures have been introduced to prevent a recurrence of these shortcomings; (iv) to outline any concerns in relation to her Department's interpretation or understanding of European Legislation; (v) taking into account the current strain upon the public finances, to detail what the Minister has done and intends to do, in conjunction with her Executive colleagues, to achieve a reduction or removal of this fine from the European Commission with immediate effect; and (vi) to detail the urgency with which this fine will be expected to be paid.
(AQW 7631/10)

Minister of Agriculture and Rural Development: Firstly, there is no £60m fine. The Commission have advised of their intention to disallow a flat rate of 5% of area aids claimed from 2004 to 2006. Allowing for currency movements this is around £30m. This is based on a Commission audit in 2006 and its subsequent concerns that the Department had weaknesses in its control processes. These concerns related to:

- the accuracy of our mapping system;
- farmers not reporting changes to fields or ineligible areas;
- ineligible land being accepted at on farm inspection;
- the application of sanctions and retro-active recoveries;
- the application of penalties being too lenient.

A decision on this disallowance is expected later this month.

A further audit in 2008 (covering the scheme years 2007 and 2008) found that while our controls had improved, it was still not possible to estimate precisely the risk to the EU Fund. In these

circumstances, the Commission view was that the correction should remain at 5%. This proposal is currently being taken through the conciliation process to help clarify both our and the Commission's understanding of the actual risk to the Fund.

My Department has implemented a number of improvements including:

- By 2009 all on farm inspections were supported by ortho photography
- We have improved the training of DARD inspectors to ensure a consistency of approach and observance of the standards required by the Regulations.
- Where we find that money has been overpaid we recover this.
- We have actively encouraged farmers to notify DARD of map changes.

In 2009, we initiated a Land Parcel Identification System (LPIS) Improvement Project. Through this we will systematically review and where necessary amend, every field with the DARD LPIS system. This project is being funded from the Executive's Invest to Save Programme.

I have no concerns in relation to my Department's interpretation or understanding of European Legislation. Every effort is made by my officials to ensure that their understanding of what can be very complex issues is correct. My Department engages with all the other administrations in Scotland, Wales and Defra to ensure that our views are represented and that consistent lines are taken.

I, the ARD Committee and my officials have all lobbied the Commission. As stated we have used the conciliation process and we have engaged in both formal and informal discussions with Commission officials, these discussions are ongoing.

So far between the Executive and DARD, we have been able to meet the pressure for 2004, 2005 and 2006. We have challenged and countered the arguments put forward by the Commission. In our view, as many of the errors found are small, the real risk to the Fund is less than 2% and disallowance proposed is disproportionate and that no financial correction is required. DARD has challenged the Commission's proposal and is considering the possibility of legal action through the European Court of Justice".

As stated, we expect that a decision on the 1st flat rate correction will be made later this month. This amount will be deducted from our subsequent claim for reimbursement of subsidies paid.

Brucellosis in the Keady Area

Mr W Irwin asked the Minister of Agriculture and Rural Development to detail any contact she has had with the PSNI regarding the most recent case of Brucellosis in the Keady area.

(AQW 7711/10)

Minister of Agriculture and Rural Development: Veterinary Service continues to work closely with the PSNI in relation to brucellosis related irregularity and where we have evidence of unlawful activity we share it with them.

It would not however be appropriate to comment on the details of ongoing investigations.

Single Farm Payments

Mr W Irwin asked the Minister of Agriculture and Rural Development (i) to detail the total number of Single Farm Payment entitlements that have been withdrawn from farmers who failed to claim them; (ii) for an assessment of the monetary value of these entitlements; and (iii) where the money from the withdrawn entitlements has been used.

(AQW 7729/10)

Minister of Agriculture and Rural Development:

- (i) Up to the present, a total of 12,523 Single Farm Payments (SFP) entitlements have been withdrawn from farmers because they failed to claim them.

- (ii) The total monetary value of the withdrawn entitlements is €1,290,489. A breakdown of the number and value for each year has been provided in Annex A.
- (iii) Withdrawn entitlements are placed in the SFP National Reserve. As these entitlements are no longer claimed or paid, the corresponding amount of money is not drawn down from the EU Budget.

ANNEX A

SINGLE FARM PAYMENT ENTITLEMENTS CONFISCATED (2005 TO 2009)

Year	Number of Entitlements	Value (€)
2005	52	10,789
2006	218	38,806
2007	605	74,808
2008	7,633	776,579
2009	4,015	389,507
Totals	12,523	1,290,489

Department of Culture, Arts and Leisure

Joint Initiatives Between Sport NI and the Irish Sports Council

Mr P Butler asked the Minister of Culture, Arts and Leisure to outline any current joint initiatives between Sport NI and the Irish Sports Council aimed at benefiting sport in both jurisdictions.

(AQW 7307/10)

Minister of Culture, Arts and Leisure (Mr N McCausland): In order to benefit sport in both Northern Ireland and the Irish Republic, Sport Northern Ireland (SNI) and the Irish Sports Council (ISC) have established an All Island Planning Committee. This Committee has a broad remit dealing with matters such as sports participation, facility development, high performance sports development, anti-doping and coaching in both countries. In addition, a bi-annual conference, alternatively hosted by SNI and ISC, is held to consider relevant sports development issues in Northern Ireland and the Irish Republic. The next conference will be held in Dublin in October 2010.

Staff Salaries

Mr S Gardiner asked the Minister of Culture, Arts and Leisure how many staff in his Department, and associated Quangos, are paid in excess of £100,000 pa in salary and/or remuneration packages.

(AQW 7342/10)

Minister of Culture, Arts and Leisure: The remuneration of the most senior officials in each government department in Northern Ireland is routinely published in departmental Resource Accounts; DCAL Resource Accounts may be accessed at www.dcalni.gov.uk

The number of staff within DCAL and its Arms Length Bodies (ALBs) currently paid in excess of £100,000 per annum in salary and/or remuneration packages are as follows:

DCAL	1
ALB	1

Pool Cars

Mr S Gardiner asked the Minister of Culture, Arts and Leisure how many of his departmental officials have the use of pool cars.

(AQW 7343/10)

Minister of Culture, Arts and Leisure: Ministers have first call on the use of the cars in the central car pool. When available these cars can be used by officials at Grade 7 and above for business purposes.

Provision of New Stadia

Mr P Butler asked the Minister of Culture, Arts and Leisure what progress has been made to date on the provision of new stadia for (i) the Gaelic Athletic Association; (ii) Ulster Rugby; and (iii) the Irish Football Association.

(AQW 7580/10)

Minister of Culture, Arts and Leisure: Consultants have been commissioned, through Sport NI, to produce an Outline Business Case on the value for money, operational viability, sustainability and affordability of the Football, Rugby and Gaelic games options for regional stadium development, aimed at meeting their long-term needs.

The ongoing consultancy exercise has appraised the Governing Bodies' options, together with a range of other options for stadium development, and will be advising on the most economically advantageous options. The sports' Governing Bodies have been actively involved in discussion with the consultants, the department and Sport NI throughout the process.

It is anticipated that the consultants will formally report in the near future, following which the proposals will be reviewed within my department and Sport NI. It will also be essential that the Department of Finance and Personnel are able to scrutinise and comment on the Outline Business Case.

Ultimately, I will bring my proposals on regional stadium development and the attendant budgetary implications to the Executive for consideration.

Department of Education

Senior Management Posts in the Education and Library Boards

Mr D O'Loan asked the Minister of Education to detail the number of senior management posts, at Grade 5 and above, across the Education and Library Boards; and the amount spent on salaries for those posts since 2007.

(AQW 7314/10)

Minister of Education (Ms C Ruane): Dhearbhaigh na Príomhfheidhmeannaigh ar na Boird Oideachais agus Leabharlainne líon na bpost bainistíochta sinsearaí agus costais tuarastail na bpost bainistíochta sinsearaí i limistéir a mBord faoi seach, agus tá na sonraí seo mionsonraithe thíos. Cuirtear in iúl duit nár cuireadh an bronnadh pá don bhliain 2009/10 (d'fheidmiú le linn na bliana 2008/09) i bhfeidhm go fóill do na poist bhainistíochta sinsearaí seo cionn is go bhfuil sé á mheas ag mo Roinn faoi láthair.

The Chief Executives of the Education and Library Boards have confirmed the numbers and salary costs of senior management posts for their respective Board areas, the details of which are outlined below. Please be advised that the 2009/10 pay award (for performance during 2008/09) has not yet been implemented for these senior management posts as it currently remains under consideration. As Minister of Education I have the ultimate responsibility for approving this pay award within the Department.

Board Area		2007/08	2008/09	2009/10
BELB	No. Senior Mgmt Posts	6	6	5
	Salary Cost (000s)	569	657	525
NEELB	No. Senior Mgmt Posts	5	5	4
	Salary Cost (000s)	476	494	409
SELB	No. Senior Mgmt Posts	6	6	5
	Salary Cost (000s)	563	581	444
SEELB	No. Senior Mgmt Posts	7	7	6
	Salary Cost (000s)	583	512	454
WELB	No. Senior Mgmt Posts	8	8	7
	Salary Cost (000s)	740	777	714

Department for Employment and Learning

Northern Regional College

Mr P Weir asked the Minister for Employment and Learning to list the capital builds confirmed for the Northern Regional College; and the start date for each.

(AQW 7223/10)

Minister for Employment and Learning (Sir Reg Empey): The only confirmed capital build for the Northern Regional College is at the Newtownabbey campus. Building work commenced in the spring of 2009 and is due for completion by September 2010.

A high level case has been prepared by the college to build new premises at the Coleraine and Ballymena campuses. More detailed business cases, however, are required before any decision will be taken to proceed with these projects.

Northern Regional College

Mr P Weir asked the Minister for Employment and Learning to detail the budget for the Northern Regional College in each of the last five years.

(AQW 7224/10)

Minister for Employment and Learning: Recurrent block grant funding for the Northern Regional College is allocated annually on an academic year basis. The 2005/06 and 2006/07 budgets were determined using historical enrolment data. From 2007/08 onwards with the introduction of a new funding model and the College Development Plan process, budgets are determined on planned rather than historical provision. The block grant allocation for Northern Regional College for the last five years is detailed below

2005/06	2006/07	2007/08	2008/09	2009/10
£19,837,633	£19,660,269	£22,027,757	£21,776,400	£22,614,401

Careers Advice

Mr P Weir asked the Minister for Employment and Learning to detail the number of unemployed people, aged 16-22, that have sought careers advice in the North Down constituency, in each of the last 24 months.

(AQW 7226/10)

Minister for Employment and Learning: My Department's Careers Service does not collate statistics in this format. The attached appendix details the total number of Careers Adviser contacts with unemployed clients, aged 16-22, in careers offices in the North Down constituency, within each of the last twenty four months.

These figures may include clients who have been seen by a Careers Adviser on more than one occasion.

APPENDIX 1

TOTAL CAREERS INTERACTIONS WITH UNEMPLOYED CLIENTS AGED 16-22 BANGOR AND NEWTOWNARDS CAREERS OFFICES (NORTH DOWN CONSTITUENCY) JUNE 2008 – MAY 2010

Month	YP (16 & 17)	AP (18-22)	Total
June 2008	24	4	28
July 2008	31	0	31
August 2008	32	1	33
September 2008	19	2	21
October 2008	11	2	13
November 2008	8	1	9
December 2008	8	0	8
January 2009	21	2	22
February 2009	17	2	19
March 2009	20	2	22
April 2009	19	0	19
May 2009	26	1	27
June 2009	16	6	22
July 2009	21	1	22
August 2009	25	4	29
September 2009	50	13	63
October 2009	11	6	17
November 2009	16	0	16
December 2009	20	5	25
January 2010	24	2	26
February 2010	27	2	29
March 2010	18	2	20
April 2010	22	1	23
May 2010	13	0	13

Programme-led Apprenticeships Scheme

Ms M Ritchie asked the Minister for Employment and Learning what consultation has taken place with the skills sector in relation to Programme-led Apprenticeships; and to make a statement on this matter. **(AQW 7363/10)**

Minister for Employment and Learning: The Programme Led Apprenticeship (PLA) provision was introduced in September 2009 as a contingency measure. The urgency to respond to a changing and worsening economic downturn meant that consultation was more restricted than would have been the case in normal circumstances. However, a number of FE Colleges and the Education and Training Inspectorate were involved in the design of the programme.

Officials also met with Summit Skills, the SSC for the building services industry and ETT and PMST, the training delivery bodies for electrical, plumbing, heating, refrigeration and ventilation, during the development stages of the PLA programme.

Since the introduction of PLA there has been a range of meetings with stakeholders to address difficulties in gaining work-based placements and future provision. The DEL Committee also hosted a meeting at the end of

April with Department officials, some Sector Skills Councils, employers and FE Colleges and these discussions have continued under the chairmanship of the Alliance of Sector Skills. A further meeting is planned.

You will also be aware that I responded in the DEL Committee's motion in the Assembly on 8 June last.

I trust this response helpful.

Apprentices

Ms M Ritchie asked the Minister for Employment and Learning what consideration he has given to (i) the provision of financial incentives to employers during the current economic recession, in order to retain apprentices and recruit new apprentices; and (ii) measures, where appropriate which support employers to continue to employ apprentices rather than engage in a Programme-led Apprenticeship scheme.

(AQW 7364/10)

Minister for Employment and Learning:

- (i) During the current economic recession, financial incentives for employers within the ApprenticeshipsNI Programme have remained unchanged. The apprenticeship training package on offer to employers is very attractive, in that the apprentices' directed training costs are paid by the Department. For some frameworks this could amount to £5,000 for a Level 2 or up to £6,500 for a Level 3. On completion, an incentive between £500 and £1,500 is paid to the employer.

During the recession, I have introduced a number of schemes to support employers to retain apprentices in the workplace. The use of employment incentive schemes has also been considered but these raise issues such as state aid and risk of possible displacement of existing experienced workers. However, I will continue to keep such initiatives under consideration.

- (ii) ApprenticeshipsNI is the Department's flagship employer-led programme and is the preferred option for those wishing to follow an apprenticeship. In order to ensure that the ApprenticeshipsNI Programme is not undermined by the Programme-Led Apprenticeship scheme, I have put in place measures whereby employers are not permitted to offer placements to Programme-Led participants if they have made ApprenticeshipsNI apprentices redundant in the previous 6 months.

Additionally, the Department's 2010 ApprenticeshipsNI advertising campaign will have a strong focus on encouraging employers to recruit apprentices.

My Department will continue to work to raise employment levels and, within that, to encourage employers to provide apprenticeship opportunities.

Northern Ireland Regional Area Network

Mr P Weir asked the Minister for Employment and Learning for his assessment of the contribution of the Northern Ireland Regional Area Network and the Northern Ireland Regional Area Network II to the further and higher education sector.

(AQW 7370/10)

Minister for Employment and Learning: The Northern Ireland Regional Area Network provides an extremely high quality and value for money service, achieving average reliability levels of 99.9% uptime on all Internet connectivity. This enables further and higher education institutions in Northern Ireland to pursue world-leading international research projects, and to deliver “anytime-anywhere” on-line learning programmes to students within Northern Ireland and around the world.

Therefore, the Northern Ireland Regional Area Network’s contribution to the Northern Ireland further and higher education sector is invaluable. Its unique combination of high-speed bandwidths and outstanding reliability provides a vital infrastructure to facilitate both the essential business operation of the institutions and, above all, their fundamental purpose of teaching, learning, and research.

Northern Ireland Regional Area Network

Mr P Weir asked the Minister for Employment and Learning what representations have been made to the Joint Information Systems Committee (JISC) and the Joint Academic Network UK (JANET) in relation to proposed changes to the management of the Northern Ireland Regional Area Network.

(AQW 7371/10)

Minister for Employment and Learning: The Department has consulted with the Northern Ireland Regional Area Network (NIRAN) Board to assess the implications of the proposed changes to the management of NIRAN. Consequently, the Department is of the opinion that the proposed changes to the present governance arrangements, which include the loss of local control, may be detrimental to the interest of the further and higher education sectors in Northern Ireland.

The Department has written to the Joint Academic Network UK (JANET), expressing its concern at the proposal to centralise the Regional Network Operators, of which NIRAN is one, and requested that a discussion takes place before the proposal is developed further.

Programme-led Apprenticeships Scheme

Ms S Ramsey asked the Minister for Employment and Learning to detail (i) the number of young people, under 24 years old, on the Programme-led Apprenticeships scheme in each of the last five years; and (ii) the current level of funding for this scheme.

(AQW 7385/10)

Minister for Employment and Learning: Programme-Led Apprenticeships were first introduced on 7 September 2009 and consequently there are no figures for recruitment to Programme-Led Apprenticeships in the years prior to that date.

A total of 3,352 participants have enrolled on the programme since it was introduced. All enrolled participants were under 24 years of age at the time of enrolment.

The Department has spent £11,291,303 between September 2009 and May 2010 on Programme-Led Apprenticeships.

Further Education College Staff

Mr C McDevitt asked the Minister for Employment and Learning to detail, for each Further Education College, the current number of staff, broken down by gender, (i) employed at Deputy Director/Vice Principal level (ii) paid at (a) Head of Department level; (b) Principal Lecturer level; (c) Senior Lecturer level; (d) Lecturer level; and (e) Associate Lecturer; (iii) the number of staff receiving a former L2

allowance paid at Senior Lecturer level; and (iv) the number of hourly paid lecturing staff employed at 1 June 2010.

(AQW 7415/10)

Minister for Employment and Learning: The six Further Education Colleges have confirmed the number of current staff, broken down by gender in the categories requested. This information has been placed in the Assembly Library and Department for Employment and Learning's website.

Further Education College: Full Cost Recovery Courses

Mr C McDevitt asked the Minister for Employment and Learning to detail, for each Further Education College, (i) the number of full cost recovery courses; (ii) the name and duration of each course; and (iii) the number of people, broken down by gender, employed to deliver each course in (i) 2007/08; (ii) 2008/09; and (iii) 2009/10.

(AQW 7416/10)

Minister for Employment and Learning: My Department does not hold this information. Whilst I have a general responsibility for the performance of the Colleges and their use of public funds, issues relating to course provision, including full cost recovery courses, are matters for each of the individual College Directors and their respective Governing Bodies. I have asked each of the College Directors to write to the Member.

University Staff

Mr C McDevitt asked the Minister for Employment and Learning to detail the number of academic and academic-related staff employed on fixed term contracts in (i) Queen's University; and (ii) the University of Ulster, broken down by gender, in the 2009/10 academic year.

(AQW 7417/10)

Minister for Employment and Learning: My Department does not hold information on university staff or their terms of employment. However, the Queen's University of Belfast and the University of Ulster have provided the following details of the number of academic and academic-related staff employed on fixed term contracts, broken down by gender, in the 2009/10 academic year.

		2009/10
(i) Queen's University Belfast	Male	390
	Female	371
	Total	761

(ii) University of Ulster	Male	95
	Female	120
	Total	215

University Staff

Mr C McDevitt asked the Minister for Employment and Learning to detail the number of academic and academic-related staff who were employed on fixed term contracts and then awarded permanent status in (i) Queen's University; and (ii) the University of Ulster, broken down by gender, in the 2007/08; (b) 2008/09; and (c) 2009/10 academic year.

(AQW 7418/10)

Minister for Employment and Learning: My Department does not hold information on university staff or their terms of employment. However, the Queen's University of Belfast and the University of Ulster have

provided the following details of academic and academic-related staff who were employed on fixed term contracts and then awarded permanent status, broken down by gender, in the 2007/08; 2008/09; and 2009/10 academic years.

		Academic Year		
		2007/08	2008/09	2009/10
(i) Queen's University Belfast	Male	4	10	3
	Female	3	7	3
	Total	7	17	6

(ii) University of Ulster	Male	16	16	16
	Female	19	11	17
	Total	35	27	33

University Staff

Mr C McDevitt asked the Minister for Employment and Learning to detail the number of persons employed on an hourly-paid basis to deliver teaching to students for the (i) 2007/08; (ii) 2008/09; and (iii) 2009/10 academic years, in (a) Queen's University; and (b) the University of Ulster, broken down by gender.

(AQW 7451/10)

Minister for Employment and Learning: My Department does not hold information on university staff or their terms of employment. However, the Queen's University of Belfast and the University of Ulster have provided the following details of the number of persons employed on an hourly-paid basis to deliver teaching to students for the (i) 2007/08; (ii) 2008/09; and (iii) 2009/10 academic years, broken down by gender.

		Academic Year		
		2007/08	2008/09	2009/10
(i) Queen's University Belfast *	Male	1076	983	624
	Female	1053	978	637
	Total	2129	1961	1261

(ii) University of Ulster	Male	139	163	243
	Female	182	216	261
	Total	321	379	504

* QUB has advised that it does not employ staff specifically on an hourly basis to deliver teaching to students. Rather, it engages individuals on a contract for service for a given time period and details are set out above.

University Staff

Mr C McDevitt asked the Minister for Employment and Learning to outline the employment terms which apply to staff engaged on an hourly-paid basis in (i) Queen's University; and (ii) the University of Ulster; and to detail the hourly rate of pay made to these staff.

(AQW 7452/10)

Minister for Employment and Learning: My Department does not hold information on university staff or their terms of employment. However, the Queen's University of Belfast and the University of Ulster have provided the following information on hourly paid staff including the hourly rate of pay made to these staff.

(i) Queen's University Belfast

As indicated in response to AQW 7451/10, the University does not employ staff specifically on an hourly basis to deliver teaching to students. Rather, it engages individuals on a contract for service for a given time period. Those engaged on contract for services are paid £33 per hour for recognised University courses, and £22 per hour for extra mural courses.

(ii) University of Ulster

Hourly paid lecturing staff are contracted for either a semester or an academic year. The contract stipulates the number of teaching hours to be delivered during the engagement period and the rate of pay. Hourly paid staff are only paid for the actual hours which they work. There are two rates of pay: the higher rate is £34.28 per hour and the lower rate is £22.43 per hour. The hourly rate is pro-rata to the full-time rate of pay. Hourly paid lecturing staff are granted access to the Universities Superannuation Scheme (USS) pension scheme for the duration of their engagement.

Apprenticeships

Mr A Ross asked the Minister for Employment and Learning how many people enrolled in apprenticeships in East Antrim in each of the last 24 months.

(AQW 7464/10)

Minister for Employment and Learning: The Department has supported a total of 701 apprentices between the 1 April 2008 and 31 March 2010 and whose given address is within the East Antrim constituency. The data in the table below lists the number of apprentices who have enrolled in each of the last 24 months. Although these apprentices reside within the East Antrim constituency, they may not have enrolled with training providers in the East Antrim constituency and may not be employed by companies within the East Antrim constituency.

Number of enrolments for apprenticeship programmes in the East Antrim Constituency 1st April 2008 – 31 March 2010.

Apr-08	16
May-08	7
Jun-08	15
Jul-08	15
Aug-08	4
Sep-08	131
Oct-08	45
Nov-08	15
Dec-08	21
Jan-09	29

Feb-09	25
Mar-09	19
Apr-09	26
May-09	28
Jun-09	35
Jul-09	23
Aug-09	27
Sep-09	89
Oct-09	25
Nov-09	27
Dec-09	6
Jan-10	15
Feb-10	17
Mar-10	41

Education Maintenance Allowance

Mr I McCrea asked the Minister for Employment and Learning to detail the amount of Education Maintenance Allowance paid to students attending college in the Mid-Ulster area in each of the last three years.

(AQW 7475/10)

Minister for Employment and Learning: Data is not available in the constituency format requested, however, the table below details the total amount of Education Maintenance Allowance (EMA) paid to students at Further Education (FE) colleges in Northern Ireland in each of the last three full academic years.

Academic Year	2006/07	2007/08	2008/09
Total EMA paid to students at FE colleges	£6,272,300	£6,258,000	£6,824,600

Future Jobs Fund

Ms S Ramsey asked the Minister for Employment and Learning when he will report to the Assembly on the pilot scheme of the Future Jobs Fund.

(AQW 7749/10)

Minister for Employment and Learning: The Pilot, which is known locally as the Young People's Employment Initiative, is currently underway. It is due to finish in mid-September and will be evaluated in the autumn. I will publish the report when the evaluation is complete.

Department of Enterprise, Trade and Investment

Jobs in the West Belfast Constituency

Mr P Butler asked the Minister of Enterprise, Trade and Investment to detail (i) the number of visits she has made to businesses; and (ii) the number of announcements she has made in relation to the creation of jobs in the West Belfast constituency since becoming Minister.

(AQW 7238/10)

Minister of Enterprise, Trade and Investment (Mrs A Foster):

(i) Since taking up this post in June 2008 I have made 5 visits to the West Belfast Parliamentary Constituency Area. Details of these visits are as follows:

- 24/10/08 - Official opening of Small Wonders Childcare - Shankill Women's Centre
- 02/12/08 - Branding of the Shankill to encourage tourism - Shankill Library
- 06/02/09 - Visit to APT Audio Processing Technology Ltd - Whiterock Business Park
- 02/07/09 - Press Launch of the Orangefest/Spectrum Festival - Spectrum Centre
- 02/06/10 - Visit to Farset Enterprise Park and Invest NI Site - Springfield Road.

Additionally, I also met with representatives from Townsend Enterprise Park on 2 December 2008.

(ii) Although I have not been directly involved in making announcements about job creation projects in the area, Invest NI has approved support worth more than £1m to 17 projects that plan to invest over £8m in West Belfast and create 130 new jobs whilst safeguarding 8 existing jobs. These jobs are expected to attract salaries worth £3.65m per annum.

In addition, in December 2009 Invest NI announced an offer of over £400k to Colorite Europe Ltd to support a £3m investment, which is expected to create 12 new jobs and safeguard 26 existing jobs. Invest NI approved this offer of assistance in February 2008. As this was prior to the date of my appointment as DETI Minister, the assistance, investment, jobs and salaries are not included in those reported at (ii) above.

Furthermore, Invest NI has also offered support to 141 innovation-based projects in West Belfast since June 2008. These projects have been offered almost £4m in assistance contributing towards planned investment of nearly £10m. Although not directly related to job creation, these capability development activities will underpin business competitiveness leading eventually to growth and employment opportunities and included companies such as LBM Holdings who were offered £177k towards a £600k project aimed at developing staff capability and improving its commercial competitiveness.

Comprehensive Study on the All-Island Economy

Mr P Butler asked the Minister of Enterprise, Trade and Investment what steps her Department has taken to implement the recommendations of the Comprehensive Study on the All-Island Economy commissioned by the British and Irish Governments in 2006.

(AQW 7240/10)

Minister of Enterprise, Trade and Investment: The Comprehensive Study on the All-Island Economy was published and taken forward during Direct Rule through the British-Irish Intergovernmental Conference (BIIGC). It has not been formally considered by either the Executive or the North South Ministerial Council (NSMC).

European Seventh Framework Programme

Mr P Butler asked the Minister of Enterprise, Trade and Investment (i) how many projects Invest NI has secured under the European Seventh Framework Programme; and (ii) the total value of these projects.

(AQW 7286/10)

Minister of Enterprise, Trade and Investment: With a budget of over €50 billion, the European Seventh Framework Programme (FP7) runs from 2007 and 2013 and is the European Commission's main method of funding transnational collaborative research and development. FP7 participation is in response to "Calls for Proposals" and the topics are, in the main, decided at the European level (not regional priorities). FP7 is open to a broad range of organisations (public and private) including university research groups, large innovative companies, and small and medium-sized enterprises. Funding is drawn down by transnational consortia. Government departments are eligible participants in some schemes such as ERA-nets but generally cannot lead a funding bid. The main players are universities, research institutes and large industry.

In response to the specific question, Invest NI has secured funding for two ERA-NETs under FP7. The ERA-NET scheme seeks to increase coordination and cooperation of national and regional programmes and as such is aimed at the national and regional programme makers and managers. The two Northern Ireland ERA-NETs have a potential value of €52,431.

In the broader context of Northern Ireland participation in FP7, Invest NI provides a Collaborative R&D Support Service to assist Northern Ireland-based organisations develop applications for FP7. Highly confidential data on successful Northern Ireland FP7 participants is provided twice yearly from the Department for Business, Innovation and Skills (BIS). As at 1 November 2009, official figures released by BIS show that 61 Northern Ireland participants in FP7 have received €16,501,327 in funding. Unofficial sources indicate that this figure will rise to over €22m for the period ending April 2010.

Fuel Poverty

Mr M Storey asked the Minister of Enterprise, Trade and Investment what action her Department has taken to reduce fuel poverty in each of the last three years.

(AQW 7302/10)

Minister of Enterprise, Trade and Investment: My primary focus as Economy Minister is on business competitiveness. However, DETI continues to work with others on energy related matters such as fuel poverty, on which DSD has lead responsibility.

DETI is a member of the Inter-departmental Group on Fuel Poverty charged with ensuring effective coordination of policies and actions to address fuel poverty. Specific actions for DETI have included, continued monitoring of the roll out of the natural gas distribution network in urban areas supplied by the North-West and South-North pipelines to provide enhanced diversity and security of energy supply; and, in cooperation with the Utility Regulator, a study into the potential to extend the natural gas network to towns in the West and North-West of Northern Ireland where natural gas is not yet available.

The Department has continued to seek to secure ongoing benefits for the consumer from the mutualised Moyle electricity and Scotland to Northern Ireland (SNIP) gas interconnectors, and from the mutualised Belfast gas Transmission Pipeline, with combined savings of over £90m anticipated over the life of the three assets.

The Department is also continuing to examine scope for harmonising gas arrangements with the Republic of Ireland to bring long term benefits to consumers from a single operational regime with potential for economies and efficiencies of scale, reduced costs and enhanced investment opportunities in the natural gas system.

DETI also worked with the Utility Regulator to encourage competition in the domestic electricity market and the recent decision by Airtricity to enter the market is welcome news. This has seen the company offering electricity to direct debit customers from 1 June 2010, at a likely discount of up to 14% compared to current NIE Energy tariffs, and proposes from next April a service to electricity key pad (pay as you go) consumers.

In an effort to empower consumers to reduce their consumption, DETI introduced the Electricity and Gas Billing Regulations (Northern Ireland) 2010. These regulations require electricity and gas suppliers to provide twelve months historical consumption data on energy bills, to better inform consumers.

The Department continues to work with the Utility Regulator to establish scope for regulatory action to make tariff changes for those in fuel poverty and is also about to bring to the Executive a new Strategic Energy Framework which will set the direction towards achieving a competitive, sustainable, long term future for energy in Northern Ireland.

Bank Lending to Businesses

Mr M Storey asked the Minister of Enterprise, Trade and Investment what steps she has taken to increase bank lending to businesses.
(AQW 7303/10)

Minister of Enterprise, Trade and Investment: Access to credit continues to be an important issue for Northern Ireland businesses in these difficult economic times. Banks are, of course commercial concerns and operate as such; and I have no powers to give them directions. I have, however, met a number of the local banks to discuss their contribution to helping Northern Ireland companies weather the recession; and my officials and I maintain contact with them in relation to this.

One of my priorities has been to encourage the maximum uptake in Northern Ireland of the UK Government's Enterprise Finance Guarantee, which was introduced in January 2009 and provides a 75% government guarantee against bank loans of up to £1 million to small businesses. Over the last year Northern Ireland uptake has increased steadily, with almost £20 million having been offered and almost £16.5 million having been drawn down by the end of May 2010.

Invest NI

Mr J O'Dowd asked the Minister of Enterprise, Trade and Investment to detail the number of jobs created, with the support of Invest NI, in (i) the Banbridge Council area; and (ii) the Craigavon Council area in each of the last five years; and the amount of money invested.
(AQW 7361/10)

Minister of Enterprise, Trade and Investment: Table 1 shows the number of jobs promoted and safeguarded and the associated assistance offered by Invest NI to business-related investment projects in Banbridge and Craigavon District Council Areas in each of the last 5 years. The table also shows the total planned investment that this support contributes towards.

The total assistance offered and the total planned investment has been split into employment related and non-employment related projects. Non-employment related projects involve activities such as research and development, training, trade development, and technology and process development.

This represents the number of jobs that these projects plan to create or safeguard, the associated value of support which is expected to be paid towards them during their life-time and the total expected investment in the local economy generated by these projects.

TABLE 1: JOBS PROMOTED / SAFEGUARDED AND ASSISTANCE OFFERED TO INVEST NI ASSISTED BUSINESSES IN BANBRIDGE & CRAIGAVON DCAS (2005/06 – 2009/10)

	Year	New Jobs	Safe Jobs	Job Related Assistance £m	Job Related Investment £m	Non-Job Related Assistance £m	Non-Job Related Investment £m	Total Assistance £m	Total Planned Investment £m
BANBRIDGE	2005/06	127	0	0.38	1.94	0.16	0.40	0.53	2.34
	2006/07	21	0	0.08	0.51	0.25	0.50	0.33	1.01
	2007/08	19	7	0.23	2.69	0.48	0.98	0.71	3.66
	2008/09	11	0	0.09	0.34	0.56	1.27	0.65	1.61
	2009/10	42	13	0.52	3.43	0.58	1.33	1.10	4.76
	Total	220	20	1.31	8.90	2.02	4.48	3.33	13.38

	Year	New Jobs	Safe Jobs	Job Related Assistance £m	Job Related Investment £m	Non-Job Related Assistance £m	Non-Job Related Investment £m	Total Assistance £m	Total Planned Investment £m
CRAIGAVON	2005/06	252	322	6.69	27.40	1.95	7.71	8.63	35.11
	2006/07	175	5	1.81	24.48	3.74	10.41	5.55	34.88
	2007/08	100	22	1.09	9.83	2.29	6.20	3.38	16.03
	2008/09	127	2	7.01	21.88	1.72	5.35	8.73	27.23
	2009/10	709	250	12.69	59.65	6.05	18.28	18.74	77.92
	Total	1,363	601	29.29	143.23	15.75	47.95	45.03	191.17

Notes:

- 1 Job related projects are directly related to job creation activities.
- 2 Non-job related projects involve activities such as research and development, training, trade development, and technology and process development.

Northern Ireland Tourist Board

Mr J O'Dowd asked the Minister of Enterprise, Trade and Investment to detail the number of businesses supported by the Northern Ireland Tourist Board in (i) the Banbridge Council area; and (ii) the Craigavon Council area in each of the last five years; and the amount of money invested in each business.

(AQW 7362/10)

Minister of Enterprise, Trade and Investment: I refer the member to the answer provided for AQW/7054/10 which details the last three years of financial support given to businesses in the Banbridge and Craigavon areas.

The Northern Ireland Tourist Board (NITB) did not provide financial assistance to any business in the Banbridge or Craigavon Council area in either of the financial years 2005/06 or 2006/07 under the Tourism Development Scheme (TDS).

NITB did not provide any financial assistance under the Tourism Innovation Fund (TIF) to these Council areas during 2005/06 or 2006/07 as the fund was not established until June 2009.

Northern Ireland Events Company

Mr J Dallat asked the Minister of Enterprise, Trade and Investment whether a completion date has been set for the inspection of the Northern Ireland Events Company.

(AQW 7519/10)

Minister of Enterprise, Trade and Investment: As Minister of Enterprise, Trade and Investment, I am keen that this company inspection should be completed as soon as practicable. In this case, the inspection, which is forensic in its nature, is both particularly complex and wide ranging, and therefore it is very difficult to set a completion date. I can however assure the Member that I am determined that it will not take any longer than is needed for the inspectors to produce a thorough and robust report to the Department.

Job Creation

Mr G Robinson asked the Minister of Enterprise, Trade and Investment what support her Department is providing to small businesses and job creation in the Limavady area of the East Londonderry constituency.

(AQW 7529/10)

Minister of Enterprise, Trade and Investment: Between April 2002 and March 2009, Invest NI made almost 190 offers of support to its clients in the Limavady area of East Londonderry. These offers, to both indigenous and externally-owned companies, amounted to around £9.5 million of assistance which, when implemented, will contribute towards total investment in the area of £28 million.

Invest NI continues to work in assisting indigenous companies to grow and develop by helping them to exploit export opportunities. In Limavady one recent example is the Limavady Gear Company, whose purchase of the former Seagate Limavady facility last year was particularly encouraging. The company operates at the forefront of the renewable energy sector, which a recent Carbon Trust report identified as having the potential to create over 30,000 jobs. Limavady Gear, is now well placed to exploit the tremendous opportunities for the growth the sector offers, for the benefit of not only the Limavady Borough, but Northern Ireland as a whole.

Of course, our 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. Within the wider East Londonderry constituency, Invest NI has offered over £32 million of assistance which, when implemented, will leverage total investment in the constituency of £107 million. This support has helped promote the growth and development of a number of key employers such as Armstrong Medical and Causeway Data Communications and has secured inward investments by international companies such as Nicobrand and Fugro-BKS.

I Can assure you that Invest NI's full range of support continues to be available to small businesses in the Limavady area to assist them in increasing export levels and stimulating a culture of entrepreneurship and innovation.

Switching Electricity Suppliers

Mr P Butler asked the Minister of Enterprise, Trade and Investment what steps her Department is taking to ensure that pay-as-you-go customers will be able to switch electricity supplier to Airtricity. (AQW 7638/10)

Minister of Enterprise, Trade and Investment: Electricity licenses are granted by the Utility Regulator under the authority provided by my Department. It is a requirement of electricity supply licenses that suppliers offer customers a minimum of three methods of payment, with one of these being by prepayment or "pay as you go" meter.

In agreement with the Utility Regulator, Airtricity is currently moving towards compliance with this requirement, and is working to put in place the technical infrastructure to enable them to accept prepayment from customers. The company is expected to be in a position to offer the supply of electricity to prepayment meter customers by April 2011.

The Utility Regulator approved Airtricity's conditional entry into the domestic market, on the clear understanding that the necessary systems to facilitate prepayment meters will be in place by the April 2011 deadline. This decision has been taken in order to enhance competition in the electricity supply market, albeit presently only within the credit customer market.

Department of the Environment

Electronic Planning Information for Citizens System

Mr D McKay asked the Minister of the Environment (i) how much his Department has spent, to date, on the Electronic Planning Information for Citizens system; and (ii) to detail the projected cost of rolling out the system to local authorities.

(AQW 7349/10)

Minister of the Environment (Mr E Poots): The approved capital budget and the projected capital cost of ePIC is £12.8m. To date the total Capital expenditure on the project is £11.2m. A further £1.6m will be spent this financial year to complete the Project.

Preliminary work is underway to identify any changes which may need to be applied to ePIC to ensure the system operates effectively in Local Authorities. This work will be fully scoped and business case prepared when clear direction is given regarding the Local Government delivery model. At this stage it is not possible to predict the cost for any remedial work required to the system.

Planning Service Staff

Mr D McKay asked the Minister of the Environment whether his Department has made any assessment of the potential negative impact of the proposed redeployment of Planning Service staff; and if this assessment will be made available.

(AQW 7351/10)

Minister of the Environment: In April 2009, Northern Ireland Environment Agency (NIEA) started monitoring rivers for di-n-butylphthalate, a substance that is believed to have an anti-androgenic effect, as part of its Water Framework Directive (WFD) surveillance monitoring programme at 85 river sites throughout Northern Ireland. This includes one on the Green Burn at Millvale, part of the Six Mile Water River Basin. Data on this will be available shortly.

During 2009 the NIEA also deployed passive samplers at a small number of river sites across Northern Ireland, including a series of deployments at several sites located within the Six Mile Water River Basin. Passive samplers sequester pollutants including the female hormones as they flow through the sampler but cannot be used to provide accurate aqueous concentrations. However for some substances, such as the female hormones, the data generated from analysis of passive sampler media can be used to calculate an approximate average aqueous concentration, referred to as a time weighted average concentration. Time weighted average concentrations are in the process of being calculated for the Six Mile Water deployments.

There are at present no controls on use of oestrogens and anti-androgens but fifteen of Northern Ireland Water's larger Waste Water Treatment Works (WWTW's), including Ballyclare WWTW, have Membrane Bio-Reactor (MBR) treatment systems which offer limited removal of these substances.

However, there are currently no WWTW processes that guarantee full removal of these substances.

Legal Costs Incurred by Seaport NI

Mr D McKay asked the Minister of the Environment to detail the contribution made by tax payers towards the legal costs incurred by Seaport NI in its judicial review challenges against the Northern Area Plan.

(AQW 7352/10)

Minister of the Environment: To date the tax payer has made no contribution to Seaport (NI) Ltd because all the terms and conditions of the agreement between the parties have not yet been met.

I should, however, point out that the terms and conditions of the settlement between the Department and the applicants in the judicial review challenges against the Northern Area Plan are subject to a confidentiality clause.

EU Legislation on Invasive Non-native Species

Mr D McKay asked the Minister of the Environment for his assessment of whether the proposed new EU legislation on invasive non-native species will protect biodiversity and the economy from invasive species; and when he expects the legislation to be introduced.

(AQW 7395/10)

Minister of the Environment: I understand that the European Commission plans to develop an EU strategy on Invasive Alien Species (IAS), under the framework of a broader EU Biodiversity Strategy, by

mid 2011. This strategy will aim to protect biodiversity recognising, amongst other things, the economic threat posed by IAS. The Commission has not indicated any timeframe for legislation.

Taxi Vehicles

Mr P Weir asked the Minister of the Environment what measures are being put in place to ensure the full implementation of regulations which require all taxi vehicles to have meters and compatible printers; and to outline the timescale.

(AQW 7409/10)

Minister of the Environment: Two sets of new Regulations are being brought forward to require all taxis to be fitted with taximeters, receipt printers and to work to a regulated taxi fare.

Taximeter Regulations

My officials are developing a new set of Regulations relating to the specification of taximeters and, subject to consultation, it is scheduled to be introduced in early 2011. In the first instance only taxis already operating to a regulated fare will have to comply but the Regulations will apply to all taxis once the Northern Ireland-wide taxi fare is introduced.

Taxi Fares Regulations

The specification for receipt printers will be brought forward as part of the Taxi Fares Regulations. My Department intends to commission new research into the costs of running a taxi in Northern Ireland that will consider the way fares are calculated, reviewed and applied in other countries and provide recommendations for an information management system which will allow the Department to determine and review taxi fares. It is envisaged that new Taxi Fare Regulations will be introduced by 2013.

Illegal Dumping at Ballyhornan Road, Downpatrick

Mr B Wilson asked the Minister of the Environment for an update on the investigation into illegal dumping at Ballyhornan Road, Downpatrick.

(AQW 7424/10)

Minister of the Environment: My officials are continuing an investigation and it is likely that a prosecution file will be submitted to the PPS for consideration.

Tree Preservation Order at Myrtle Lodge, Bryansford

Mr B Wilson asked the Minister of the Environment for an update on the action taken by his Department to enforce the Tree Preservation Order at Myrtle Lodge, Bryansford.

(AQW 7425/10)

Minister of the Environment: Planning Service is currently considering advice from the Departmental Solicitors Office on this matter.

Certificate of Lawfulness

Mr I McCrea asked the Minister of the Environment whether planning enforcement action can be stopped by an application for a Certificate of Lawfulness.

(AQW 7474/10)

Minister of the Environment: The main enforcement powers available to my Department are contained within the Planning (Northern Ireland) Order 1991. My Department has a general discretion to take enforcement action against a breach of planning control when it regards it expedient to do so, having regard to the provisions of the development plan and any other material considerations.

The issue of an enforcement notice or the service of a breach of condition notice constitutes taking enforcement action. Such action cannot be stopped by an application for a Certificate of Lawfulness.

Where there is genuine doubt as to whether planning permission is required, and the owner is actively pursuing an application for a Certificate of Lawful Use or Development, any consideration of enforcement action may be deferred pending the determination of the application. A Certificate of Lawfulness confirms that a use or development is lawful, and prevents enforcement action being taken against the specified use or development.

However, where it considers a breach of planning control to be unacceptable, there is no obligation on my Department to delay enforcement action pending the outcome of an application or subsequent appeal.

Pollution Hotline

Mr D Kinahan asked the Minister of the Environment what action his Department is taking to ensure that the pollution hotline is publicised, in particular in high-risk pollution areas such as Mallusk; and what plans and resources there are to ensure that local stakeholders are trained to a standard useful to the Department in a pollution incident.

(AQW 7484/10)

Minister of the Environment: The Northern Ireland Environment Agency (NIEA) is responsible for investigating reports of water pollution affecting ground or surface waters and operates a Freefone Water Pollution Hotline (0800 80 70 60) that is available to the public at all times (calls from mobile phones are charged at network rates).

In addition to promoting the Water Pollution Hotline, through advertisements in telephone directories, on the NIEA website, through the supply of promotional materials such as business cards, posters and key fobs, NIEA promotes and publicises the Water Pollution Hotline at a number of public events including:

- a) At each of the 9 biannual Catchment Stakeholder Group meetings held throughout NI;
- b) At meetings held with various angling groups;
- c) With councils, in some areas exploring the potential for installation of pollution hotline signage close to waterways;
- d) At many events across NI held either at NIEA properties and at the properties of other organisations such as the National Trust and Wildfowl and Wetlands Trust; and
- e) At local events such as 'Banks of the Ballinderry' Fair promoting the importance of water quality and the effectiveness of stakeholders reporting incidents via the pollution hotline.

NIEA has also developed a partnership agreement with the Association of Rivers Trusts. The aim of this partnership is to improve water quality through the promotion of water quality projects and existing initiatives such as the pollution hotline. NIEA have supported the development of the Six Mile Water Trust who have helped promote the pollution hotline at events such as 'Celebrate the Six Mile Water' and the Launch of the Mallusk Heritage Trail.

During a comprehensive programme of pollution prevention inspections, carried out on business premises on the Mallusk Industrial Estate, the Water Pollution Hotline was highlighted to businesses as the appropriate mechanism to report water pollution issues to the agency.

NIEA is very aware of the potential role stakeholders could play in assisting NIEA staff in the investigation of pollution incidents. Plans are underway for NIEA to provide support to the establishment to an Anglers Monitoring Initiative pilot project this year. This partnership initiative, aims within available resources, to work with volunteers on how to monitor the health of their local river by keeping an eye on the populations of riverflies such as the mayfly and stonefly.

In the longer term NIEA is considering the issues surrounding the specific training of local stakeholders to enable them to assist NIEA during a pollution incident. Consideration is currently being given to the health and safety and legal issues involved, with the aim being to run a trial in due course, possibly in the Six Mile Water catchment.

Estrogens and Anti-androgens in Rivers

Mr D Kinahan asked the Minister of the Environment what steps are being taken to ensure that estrogens and anti-androgens are not allowed into rivers, particularly in the Six Mile Water river basin.
(AQW 7488/10)

Minister of the Environment: In April 2009, Northern Ireland Environment Agency (NIEA) started monitoring rivers for di-n-butylphthalate, a substance that is believed to have an anti-androgenic effect, as part of its Water Framework Directive (WFD) surveillance monitoring programme at 85 river sites throughout Northern Ireland. This includes one on the Green Burn at Millvale, part of the Six Mile Water River Basin. Data on this will be available shortly.

During 2009 the NIEA also deployed passive samplers at a small number of river sites across Northern Ireland, including a series of deployments at several sites located within the Six Mile Water River Basin. Passive samplers sequester pollutants including the female hormones as they flow through the sampler but cannot be used to provide accurate aqueous concentrations. However for some substances, such as the female hormones, the data generated from analysis of passive sampler media can be used to calculate an approximate average aqueous concentration, referred to as a time weighted average concentration. Time weighted average concentrations are in the process of being calculated for the Six Mile Water deployments.

There are at present no controls on use of oestrogens and anti-androgens but fifteen of Northern Ireland Water's larger Waste Water Treatment Works (WWTW's), including Ballyclare WWTW, have Membrane Bio-Reactor (MBR) treatment systems which offer limited removal of these substances.

However, there are currently no WWTW processes that guarantee full removal of these substances.

Pollution Incidents at Lismore Stream

Mr K Robinson asked the Minister of the Environment to detail (i) the number of pollution incidents notified at Lismore Stream in each of the last five years; (ii) if any reports have been prepared as a result; (iii) the type and source of pollution identified in each case; and (iv) what action was taken to address each incident.

(AQW 7509/10)

Minister of the Environment:

- i) the number of pollution incidents notified at Lismore Stream in each of the last five years

Year	No of Incidents
2005	0
2006	0
2007	1
2008	2
2009	1

- (ii) Reports are made for every water pollution incident in the form of a record on the Northern Ireland Environment Agency (NIEA) Water Pollution Incidents database. All of the notified incidents at Lismore Stream were considered low severity by NIEA.

- (iii & iv) The following table details the type and source of pollution, and the action taken.

Year	Type and Source of Pollution	Action Taken
2007	A mis-connected washing machine discharging to the surface drainage network was detected following an investigation.	The source was identified and the mis-connection was corrected
2008 (1)	The waterway was found to be running clear when inspected and no source could be identified following investigation. Paint washings, associated with home improvement, or similar were suspected.	No further action taken
2008 (2)	Waterway clear when inspected, similar circumstances to incident 2008 (1).	No further action taken
2009	A further report of white discoloration in the river. No source could be confirmed following investigations.	No further action taken

Three Mile Water Salmonid Status

Mr K Robinson asked the Minister of the Environment what steps his Department has taken, in each of the last five years, to protect the Three Mile Water salmonid status from pollution, in both the main river and its tributaries, some of which traverse urban areas.

(AQW 7513/10)

Minister of the Environment: The Northern Ireland Environment Agency (NIEA) carries out regular inspections and consent compliance sampling of waste water treatment works, industrial and other sites to ensure appropriate environmental performance is maintained. There is also a routine environmental sampling programme with samples taken on a monthly basis at certain points on the river network.

The Agency has taken a pro-active approach in protecting Northern Ireland's water environment from pollution by developing a programme of risk assessments in order to identify potential polluting discharges that could be damaging to the receiving waterway as well as providing advice on how to mitigate those risks.

As the Three Mile Water River has had a low frequency of pollution incidents over the past five years, and has not had any particular pollution threats identified in the area, the Agency has not deemed any specific risk assessment activity in the catchment as currently being necessary under the EU Water Framework Directive.

NIEA published River Basin Management Plans in December 2009 which cover the period 2009 – 2015. These Plans highlight where the Northern Ireland water environment needs to be protected or improved, and the time frame to make these improvements.

The Plans are being implemented through a rolling programme of Local Management Area (LMA) Action Plans - this will include the Belfast Lough area which will cover the Three Mile Water and its tributaries. Implementation of the Belfast Lough LMA Action Plan will further contribute to the protection of the Three Mile Water salmonid status.

Stakeholders can become involved in implementing LMA Action Plans through public Catchment Stakeholder Group meetings. Three Mile Water stakeholders can discuss local issues with the Belfast Lough & Lagan Catchment Management Officer. Pollution incidents however should be reported immediately to the Pollution Hotline — 0800 80 70 60.

Domestic Waste Recycled

Mr J Spratt asked the Minister of the Environment what percentage of domestic waste has been recycled in the South Belfast constituency in each of the last three years.

(AQW 7589/10)

Minister of the Environment:

- (i) The percentage household waste recycled (including composting) for Belfast City Council in the financial years 2006/07, 2007/08 and 2008/09 was 19.0, 23.2 and 26.3% respectively. These values were taken from the municipal waste reports for these years which may be found at http://www.ni-environment.gov.uk/waste-home/municipal_data_reporting.htm.
- (ii) The Northern Ireland Environment Agency does not hold waste records relating to individual council constituencies.

Apartment Block on McAuley Street, Belfast

Ms A Lo asked the Minister of the Environment for his assessment of the actions of Helm Housing Association in building an apartment block on McAuley Street, Belfast, without planning permission, which may need to be demolished due to land contamination.

(AQW 7669/10)

Minister of the Environment: Helm Housing Association, formerly BIH housing association, submitted a planning application to Planning Service in September 2007. During consideration of the planning application both NIEA and Belfast City Council Environmental Health Department raised concerns about contamination on the site and potential impacts on the health of future residents as a result.

Both organisations have been attempting to establish whether the development of the site will result in such problems. Unfortunately, HELM commenced development and despite warning letters from my Department, completed the development. This has made it difficult to establish whether the measures taken by HELM are sufficient to ensure that human health is not impacted on as a result of the contamination of this site.

It is regrettable that HELM have acted outside the planning regulations, and whilst it is not illegal to commence development prior to the granting of planning permission, it is a breach of planning regulations, which can, depending on the outcome of the planning application, lead to enforcement action, including the demolition of the buildings which have been erected.

Planning Service is in consultation with NIEA and EHO and is seeking to reach a conclusion in respect of the current planning application before deciding whether enforcement action is necessary.

Planning Service Staff

Mrs M O'Neill asked the Minister of the Environment if he will delay the redeployment of Planning Service staff, given the fact that the publication of PPS 21 has generated a considerable amount of casework.

(AQO 1398/10)

Minister of the Environment: In terms of the current PPS 21 deferred cases, Planning Service has agreed with me an action plan aimed at reassessing these applications within 6 months. Progress will be closely monitored to ensure there is no significant slippage particularly in those Divisions which have the greatest numbers of deferred cases.

The process of redeploying staff will take some months to complete and I am satisfied it will have no material impact on the reconsideration of these deferred cases and therefore delaying the required redeployments is not necessary.

Road Accidents

Mr J Wells asked the Minister of the Environment for his assessment of the statistics on road traffic accidents since January 2010.

(AQO 1404/10)

Minister of the Environment: So far this year there have 21 fatalities compared with 50 at this stage last year. This February was the first month since records began when there were no road fatalities in Northern Ireland.

It is impossible to be precise about the reasons for the decrease, because of the range of factors that can impact positively or negatively upon road safety. Bad weather in January and February may, in part, have contributed to a reduction in fatalities. However, the treacherous road conditions could equally have resulted in increased casualties had road users not adapted their driving behaviour to deal with the increased risk.

I have personally given road safety my top priority and have striven to keep road safety in the public mind by judicious publicity - using high-profile events and personalities; around developments in operational activity, policy and strategy; and through a redoubling of our public information campaigns.

Through a range of education, high-profile advertising and enforcement initiatives, my Department and our partner agencies, PSNI, Fire and Rescue Service, the Ambulance Service and many others are working and will continue to work together to further reduce deaths and serious injuries.

While the significant reductions this year are both welcome and encouraging, particularly given the disappointing rise in road deaths last year over the total road deaths in 2008, we must not forget those families who have been bereaved on our roads. We must all recognise too, that there is a long way to go and we should never allow ourselves to become complacent.

Wind Turbines

Mr M Brady asked the Minister of the Environment why Supplementary Planning Guidance, which has not been applied in Britain or in the rest of Ireland, is being proposed to deal with wind turbine applications.

(AQO 1406/10)

Minister of the Environment: Planning policy in Britain and Ireland requires consideration of the landscape and visual impact of wind energy developments and there is much published best practice guidance. Northern Ireland has very diverse landscapes of importance to our tourism economy and those who live in them. The existing guidance was not considered to be fully relevant to our landscapes.

The Supplementary Planning Guidance provides a consistent evaluation across Northern Ireland to inform assessment of landscape and visual impacts of wind energy developments. It also includes best practice guidance on siting and design of wind energy developments to assist developers.

Landfill Sites

Dr A McDonnell asked the Minister of the Environment what measures he intends to take to ensure that the enforcement role of the Northern Ireland Environment Agency is sufficient to detect and bring to court the operators of landfill sites who are repeatedly in breach of the regulations attached to their operating licences.

(AQO 1407/10)

Minister of the Environment: The Northern Ireland Environment Agency (NIEA) has a robust enforcement policy and intends to continue to take all measures necessary to deal with landfill operators who breach the terms and conditions of their licences. Such breaches are and will be subject to a range of control sanctions from enforcement notices to suspension of operating permits and prosecution.

Throughout, the primary aim of the agency is and will remain to protect the environment by ensuring compliance.

Local Government Reform: NILGA

Mr K Robinson asked the Minister of the Environment for an update on the co-operation between his Department and the Northern Ireland Local Government Association concerning Local Government Reform. (AQO 1408/10)

Minister of the Environment: There continues to be close co-operation between my Department and the Northern Ireland Local Government Association (NILGA) in taking forward the implementation of the local government reform decisions taken by the Executive on 13th March 2008. I chair the Strategic Leadership Board, which was established to help manage and integrate the reform programme, with the President of NILGA as Vice Chair. Membership of the Board, and the three Policy Development Panels which support it, comprise councillors nominated by the five main political parties and NILGA.

Officials of my Department and NILGA provide a wide range of secretariat services to the Board and Panels including research, the preparation of draft policy and implementation proposals for members' consideration, managing arrangements for meetings and programme management co-ordination. Senior Departmental and NILGA officers also meet on a very regular basis to ensure that the joint secretariat services provided are fully integrated and complementary.

My Department also provides grant funding support for NILGA. Departmental accounts have not yet been finalised for the last year but it is estimated that funding for the three year period, to 31st March 2010, will be £1.1 million.

Knock Golf Club, Belfast

Mrs M Bradley asked the Minister of the Environment if he intends to commission a review of the planning application for development at Knock Golf Club. (AQO 1409/10)

Minister of the Environment: You will already be aware that my officials from Planning Service have already provided extensive briefing on the processing of the application to the Environment Committee which is also now calling for an independent review. It might be helpful if I explain, firstly, that while the application has been recommended for approval it remains at a critical stage in the overall approval process. Any final approval decision will be the subject of a legal agreement under Article 40 of the Planning (Northern Ireland) Order 1991 and discussions are ongoing between the applicants, other interested parties, including the Hospital Trust, plus the Belfast Divisional Planning Office.

Secondly, this proposal is linked to a current application for a replacement facility near Newtownards. This application is still under consideration.

Clearly if the legal agreement cannot be successfully implemented my Department will itself have to review the application.

I therefore consider that it would neither be appropriate nor an efficient use of public funds to ask for an independent review of this planning application at this stage in the overall planning process.

Department of Finance and Personnel

Civil Servants Attending Anger Management Training Courses

Mr T Burns asked the Minister of Finance and Personnel how many Civil Servants in each Department have attended (i) compulsory; and (ii) voluntary anger management training courses in each of the last five years; and to outline the total cost of providing this training. (AQW 7259/10)

Minister of Finance and Personnel (Mr S Wilson): No NICS staff have attended compulsory or voluntary anger management training in the last five years.

Staff Salaries

Mr S Gardiner asked the Minister of Finance and Personnel how many staff in his Department, and associated Quangos, are paid in excess of £100,000 pa in salary and/or remuneration packages.
(AQW 7341/10)

Minister of Finance and Personnel: There are 4 staff and one independent office holder in DFP who are paid in excess of £100,000 pa in salary and/or remuneration packages.

European Union Funding

Mr M Durkan asked the Minister of Finance and Personnel to detail any European Union funding that is available but has not yet been drawn down.
(AQW 7414/10)

Minister of Finance and Personnel: The total funding for the four main EU funding Programmes are as shown below.

Programme	EU Contribution*	NI Match*	Total*	Managing Authority
NI Competitiveness Programme	£279m	£279m	£558m	DETI
NI European Social Fund Programme	£151m	£225	£376m	DEL
PEACE III	£204m	£99m	£303m	SEUPB
Interreg IVA	£174m	£58m	£233m	SEUPB

* All figures assume a planning rate of £1=€1.1 (this is subject to change)

All Programmes have met and exceeded their annual EU spending targets to date. The Managing Authorities forecast that the 2010 targets will likewise be met, although these remain challenging.

In addition, there are EU programmes and initiatives which award funding competitively to applicants from across the EU on the basis of the quality of the applications submitted. These include the INTERREG IVB Transnational and IVC Interregional programmes where DFP-led activity has already significantly increased Northern Ireland participation.

Regulation of Residential Management Companies

Mr A Ross asked the Minister of Finance and Personnel (i) if the Ministerial sub-group established to look at the regulation of residential management companies has met; (ii) when they plan to meet again; and (iii) to detail their work to date.
(AQW 7533/10)

Minister of Finance and Personnel: The Inter-Departmental Group on Multi-Unit Developments held its inaugural meeting on 14 May and is due to meet again on 23 June. The issues which have been raised in relation to such developments can not be neatly placed in one category. The Group is, therefore, currently seeking to track relevant processes within the various business areas, identify relevant ministerial correspondence and AOs and identify examples of good practice. A representative of the Group has also met with the Northern Ireland Law Commission, which has been tasked with reviewing the law in relation to residential multi-unit developments. It is envisaged that, in the coming months, the Group will feed in to the Commission's law reform work and provide appropriate assistance.

Newly Created Government Bodies and Agencies

Mr S Gardiner asked the Minister of Finance and Personnel where he plans to locate the newly created Government bodies and agencies mentioned in the Bain report.

(AQW 7660/10)

Minister of Finance and Personnel: Decisions on where to locate any new public bodies and agencies are for the Ministers responsible for creating those organisations, taking account of business need, value for money and affordability as appropriate.

Women and Children's Hospital

Mr G Adams asked the Minister of Finance and Personnel to outline the outcome of his discussions with the Minister of Health, Social Services and Public Safety on capital funding for the planned regional hospital for women and children.

(AQO 1415/10)

Minister of Finance and Personnel: I have not had any detailed discussions with the Minister of Health, Social Services and Public Safety on the capital funding for the planned regional hospital for women and children.

Budget Post 2010-11

Mr M Storey asked the Minister of Finance and Personnel when he expects to begin the budget process for the period post-April 2011.

(AQO 1417/10)

Minister of Finance and Personnel: The objective of the 2010 Northern Ireland Executive Budget process will be to set the spending plans for local departments for the years 2011-12 to 2013-14.

The uncertainty in respect of the UK public expenditure environment as a result of the General Election in May, and the delay in completing the NI Review of 2010-11 Spending Plans has led to a delay in the initiation of Budget 2010.

However, the Executive considered a set of working assumptions for the way forward for the process when it met last Thursday and departments will shortly be asked to submit spending proposals for consideration by the Executive.

In addition, I wrote to my Executive Colleagues in April advising them of the need for all departments to deliver additional savings over the 2010 Budget period, in light of the projected constraints in public spending in the coming years.

This work should already be progressing with full engagement by departments with their respective Assembly committees.

Royal Exchange

Mr D Hilditch asked the Minister of Finance and Personnel if he can confirm that future funding for the Royal Exchange Project will be available.

(AQO 1418/10)

Minister of Finance and Personnel: Any decision about future funding for projects such as Royal Exchange will be made by the Executive, taking into account factors such as the economic context, the development of the Investment Strategy, value for money.

Civil Service: Promotion and Recruitment

Mr D Bradley asked the Minister of Finance and Personnel to detail how the temporary embargo on NI Civil Service promotion and recruitment is being applied across Departments; and whether he plans to extend the embargo past 1 September 2010.

(AQO 1419/10)

Minister of Finance and Personnel: The temporary embargo on NI Civil Service promotion and recruitment within the General Service Grades Administrative Assistant (AA) to Grade 6 (inclusive) applies to all Government Departments and their Agencies and is being rigorously applied. In order to ensure a consistent application across Departments, officials in DFP Corporate HR approve the filling of all vacancies.

The need for the recruitment embargo will be formally reviewed in September 2010 and a decision taken on whether it will be extended.

Meeting Halls

Mr J Wells asked the Minister of Finance and Personnel for an estimate of the savings made by organisations such as the Orange Order, the Apprentice Boys and the Ancient Order of Hibernians, following his Department's decision to stop charging rates on their meeting halls.

(AQO 1420/10)

Minister of Finance and Personnel: It is estimated that the relevant bodies have saved a total of £2.1m in rates since the policy was changed in 2006/07.

It is worth noting that my Department has no power to stop rates being charged. This change in policy was brought about in 2006 through legislation approved by Parliament. This extended the former partial exemption from rates for halls that were actually used for wider community purposes to full exemption for halls that are available for such use. The possession of a liquor license would prevent exemption applying.

Senior Civil Service: Pay and Bonuses

Mr M Durkan asked the Minister of Finance and Personnel, given his stated intention to link to the Westminster review, whether he will be requesting Northern Ireland specific advice from the Senior Salaries Review Body on both pay and bonuses for Senior Civil Servants.

(AQO 1421/10)

Minister of Finance and Personnel: I have already asked the Senior Salaries Review Body to undertake an independent review of arrangements for the pay of Senior Civil Servants in the Northern Ireland Civil Service. That review is under way and I will consider the options for Senior Civil Service pay once that review is complete.

Public Expenditure Cuts

Mr S Moutray asked the Minister of Finance and Personnel for his assessment of the likely funds to be released during this year's monitoring rounds that can be used to offset the £128m cuts announced by the Chancellor.

(AQO 1422/10)

Minister of Finance and Personnel: The primary source of funds becoming available during the in year monitoring rounds is from departmental reduced requirements.

Although departments are asked to surrender any reduced requirements as soon as they are identified the overall level is difficult to predict at this stage in the financial year.

However, the level of funds surrendered in this way has declined significantly in recent years and given the level of savings required of departments in the recent Review of 2010-11 Spending Plans it is likely that this trend will continue this year.

The Executive had an initial discussion on the £128 million budget reduction when it met on 27 May 2010. The way forward is to be agreed formally as part of the June Monitoring round, once clarification has been received from HM Treasury on a number of technical issues.

Performance and Efficiency Delivery Unit

Mr T Buchanan asked the Minister of Finance and Personnel what consideration he is giving to the future of his Department's Performance and Efficiency Delivery Unit, given the apparent reluctance of Executive Ministers to make use of its services.

(AQO 1423/10)

Minister of Finance and Personnel: Despite the poor take up by departments of the support available from PEDU, I remain committed to the opportunity it affords. This is based on the fact that in the two departments where PEDU has undertaken substantive work, DOE and DFP, there have been material improvements in the organisations involved – the Planning Service and Land and Property Services.

I would again emphasise that the Unit represents an opportunity, rather than a threat, and would encourage all Ministerial colleagues to consider utilisation of this valuable resource – particularly as we move forward in a constrained public expenditure environment.

I must record that I find it more than a little ironic for Ministerial colleagues to publicly protest about the difficulties in implementing efficiencies while maintaining service levels when they have not utilised this free source of expertise.

Budgetary Processes

Mr I McCrea asked the Minister of Finance and Personnel whether he has any plans to reform and simplify the Executive's budgetary processes.

(AQO 1424/10)

Minister of Finance and Personnel: The current financial process commencing with the Budget, through the legislative stage of Estimates and Budget Bills to outturn in the Departmental Resource Accounts, has existed for many decades in Northern Ireland and is based on the Westminster model.

The process is convoluted and repetitive, especially during the legislative stage. In addition, there is a lack of transparency and obvious alignment between Budgets and Estimates and Members have commented that the publications do not lend themselves to easy scrutiny and challenge of spending proposals by the Assembly. This also diminishes the ability of the Assembly to later hold Departments to account for spend against those proposals.

I consider that, at this stage of devolution, it is time to discuss, consult and agree a process and publications that better suit the needs of this Assembly.

To that end, I have concluded that a Review of the Financial Process should now be taken forward. The aim of the Review would be to examine and make recommendations on the options to create a single coherent financial framework that is effective, efficient and transparent and enhances scrutiny by and accountability to the Assembly, taking into account the needs of the Assembly.

I am keen to engage over the coming months with the Assembly via the Committee for Finance and Personnel and the Public Accounts Committee on a radical reform and simplification of our Financial Process

Department of Health, Social Services and Public Safety

Press Officers

Mr A Easton asked the Minister of Health, Social Services and Public Safety how many press officers work in each Health and Social Care Trust.

(AQW 3897/10)

Minister of Health, Social Services and Public Safety (Mr M McGimpsey): The information requested is provided in the table below.

STAFF WITH PRESS OFFICER DUTIES IN HSC TRUSTS AT JANUARY 2010

HSC Trust	Headcount
Belfast	5
Northern	3
South Eastern ²	2
Southern ³	n/a
Western ⁴	4
Ambulance ²	1

Source: Health & Social Care Trusts

Notes:

- 1 WTE= whole-time equivalent
- 2 The figures given for South Eastern and Ambulance Trusts are for communications staff that also carry out press office duties. Therefore the WTE does not reflect the time spent solely on press office duties.
- 3 There are no members of staff in the Southern HSC Trust solely responsible for a press office function. The above WTE has been estimated as the proportion of time spent on press office duties.
- 4 The Western Trust estimates that their communications officers spent about a fifth of their time on press office duties.

Maxillo-facial Surgery

Mr D O'Loan asked the Minister of Health, Social Services and Public Safety (i) for his assessment of the long delays for patients awaiting maxillo-facial surgery; (ii) to list the current waiting times for (a) single jaw surgery; and (b) double jaw surgery; (iii) how these waiting times compare to the targets set; and (iv) what steps are in place to reduce waiting times.

(AQW 6264/10)

Minister of Health, Social Services and Public Safety: Patient waits for specialist maxillo facial jaw surgery, where it constitutes the first or only part of the treatment, are subject to my 2009/10 Priority for Action waiting time target for inpatient admission which is that no patient should wait longer than 13 weeks from the date a decision to admit a patient for surgery is taken by a consultant, to the date on which the patient is admitted for surgery.

Waiting times at 31st December 2009, the most recent quarter for which official data are available, are set out in the table below. Separate figures for single and double jaw surgery are not recorded.

	Patients awaiting admission for jaw surgery by weeks waiting			Total number of patients awaiting admission
	0-6	>6-13	>13-21	
Number waiting	6	5	2	13

Source: DHSSPS Inpatient Waiting Times Dataset

Most patients requiring specialist maxillo facial jaw surgery are classified as non-urgent by their consultant and receive a series of planned treatments, including surgery, over a period of time. In some cases, particularly with children and young people, planned treatment may take place over a number of years. "Planned" treatment differs from elective referral for diagnosis and first treatment and is, therefore, not subject to the waiting time target.

I regret that some waiting times for planned maxillo facial surgery are lengthy however Health and Social Care Trusts will continue to seek to maximise theatre capacity within the available resource to ensure all patients are treated appropriately.

Organ Transplant Waiting List

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety how many people are currently on the organ transplant waiting list; broken down by organ.

(AQW 6273/10)

Minister of Health, Social Services and Public Safety: The following table shows the number of patients resident in Northern Ireland who are currently listed for an organ transplant, broken down by organ. It is important to note that these figures refer solely to patients registered with NHS Blood and Transplant (NHSBT). Some patients who are resident in Northern Ireland may be listed for transplants in the Republic of Ireland.

Organ	Active ¹	Suspended ²	Total
Kidney	202	64	266
Pancreas	2	0	2
Kidney/pancreas	5	2	7
Heart	1	0	1
Lung(s)	12	0	12
Heart/lungs	1	0	1
Heart/kidney	0	0	0
Liver	13	1	14
Liver/kidney	0	0	0
Liver/pancreas	0	0	0
Liver/heart	0	0	0
Total	236	67	303*

Figures correct as of 18th April 2010

- 1 Active means that when an organ becomes available, the patient is included among those who are matched against the donor to determine whether the organ is suitable.
- 2 Suspended means the patient has been temporarily removed from the waiting list, for reasons ranging from being away on holiday to being too ill to undergo the operation.

The following table shows the number of patients resident in the United Kingdom who are currently listed with NHSBT for an organ transplant, broken down by organ.

Organ	Active¹	Suspended²	Total
Kidney	6873	2367	9240
Pancreas	49	47	96
Kidney/pancreas	277	115	392
Heart	120	7	127
Lung(s)	252	5	257
Heart/lungs	13	0	13
Heart/kidney	6	0	6
Liver	352	9	361
Liver/kidney	16	0	16
Liver/pancreas	3	0	3
Liver/heart	1	0	1
Total	7962	2550	10512*

Figures correct as of 18th April 2010

- 1 Active means that when an organ becomes available, the patient is included among those who are matched against the donor to determine whether the organ is suitable.
 - 2 Suspended means the patient has been temporarily removed from the waiting list, for reasons ranging from being away on holiday to being too ill to undergo the operation.
- * In addition to the figures listed above, 8 individuals in the UK are also on the waiting list for a small bowel transplant. As this organ has not until recently been listed as a separate waiting list category, the UK Transplant Registry does not yet hold details on their residence. It is therefore not currently possible to provide a breakdown of how many of these 8 people are listed as residents in Northern Ireland.

Reported Incidences of Missing Children or Young People

Miss M McIlveen asked the Minister of Health, Social Services and Public Safety to detail the number of reported incidences of children or young people who have gone missing since the implementation of the 'Regional Guidance for Police Involvement in Residential Units: Safeguarding of Children Missing from Home and Foster Care' broken down by District Command area.

(AQW 6729/10)

Minister of Health, Social Services and Public Safety: The information requested is not collected in this format.

Budget

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety if any part of his budget has been ring-fenced, and if so, for what purpose.

(AQW 6788/10)

Minister of Health, Social Services and Public Safety: Regarding funding to HSC Organisations, my Department has ring fenced funds set aside for Pay Costs, Non Pay Costs, Children and Young People and Service Improvements /Developments. As I highlighted to the Health Committee on the 25th May, included in these Service Developments are funds set aside for Mental Health, Learning Disability

and Physical Disability. Service Development funds have also been set aside to meet the increasing demand for elderly care packages and the growing pressures of treating an ageing population

There are a number of elements of the Department's budget that have been ring fenced by DFP. These include Invest to Save, EU funds and Package for Innovation. In 2010/11 depreciation and impairments will also be ring-fenced.

Post-Exposure Prophylaxis Services for HIV Patients

Ms D Purvis asked the Minister of Health, Social Services and Public Safety to outline the standards and guidelines followed for Post-Exposure Prophylaxis services for HIV patients in out of hours services and Accident and Emergency departments.

(AQW 7195/10)

Minister of Health, Social Services and Public Safety: Trust policies and protocols for HIV post-exposure prophylaxis (PEP) are based on

- (1) "HIV post-exposure prophylaxis: Guidance from the UK Chief Medical Officers' Expert Advisory Group on AIDS", September 2008. This focuses on PEP following occupational exposure; and
- (2) BASHH (British Association for Sexual Health and HIV) guidelines for PEP following sexual exposure (published in 2006).

Trusts have informed me that under normal circumstances (i.e. when a "source" patient is assessed to be low risk), blood will usually be transferred to the regional Virology Service in Belfast and tested next day. In these circumstances, if the "source" proves positive, Trusts would be phoned with the result by the virology laboratory. If the "source" is negative on triple testing (HIV, Hep B, Hep C), the results are posted and therefore take longer to arrive. If the "source" is high risk, the testing can be done urgently – including out of hours (with consultant communication between the Trust and the regional Virology Service). In these circumstances, the specimen would be transported by Taxi and the result would be available within a few hours.

Trusts Guidelines would normally be reviewed every two years (or earlier if e.g. the recommended PEP drug regime changes). In addition, an assessment of PEP services undertaken by the Northern Trust has shown a need to ensure the service is more user friendly. The Trust is liaising with the Belfast and Southern Trusts in taking this work forward.

I am also aware of an audit, carried out by GUM physicians from the Belfast Trust, of patients who received post exposure prophylaxis following sexual exposure between January 2003 and August 2009. The audit demonstrated increased awareness and uptake of this provision but highlighted the need for a more effective follow up of patients.

HIV Blood Test Results

Ms D Purvis asked the Minister of Health, Social Services and Public Safety what is the timescale for HIV blood test results from Accident and Emergency departments.

(AQW 7196/10)

Minister of Health, Social Services and Public Safety: Trust policies and protocols for HIV post-exposure prophylaxis (PEP) are based on

- (1) "HIV post-exposure prophylaxis: Guidance from the UK Chief Medical Officers' Expert Advisory Group on AIDS", September 2008. This focuses on PEP following occupational exposure; and
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Post- Exposure Prophylaxis Services for HIV Patients

Ms D Purvis asked the Minister of Health, Social Services and Public Safety whether there has been an assessment of Post- Exposure Prophylaxis services for HIV patients in the Health Service; and to outline the findings of this assessment.

(AQW 7197/10)

Minister of Health, Social Services and Public Safety: Trust policies and protocols for HIV post-exposure prophylaxis (PEP) are based on

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Trusts have informed me that under normal circumstances (i.e. when a “source” patient is assessed to be low risk), blood will usually be transferred to the regional Virology Service in Belfast and tested next day. In these circumstances, if the “source” proves positive, Trusts would be phoned with the result by the virology laboratory. If the “source” is negative on triple testing (HIV, Hep B, Hep C), the results are posted and therefore take longer to arrive. If the “source” is high risk, the testing can be done urgently – including out of hours (with consultant communication between the Trust and the regional Virology Service). In these circumstances, the specimen would be transported by Taxi and the result would be available within a few hours.

Trusts Guidelines would normally be reviewed every two years (or earlier if e.g. the recommended PEP drug regime changes). In addition, an assessment of PEP services undertaken by the Northern Trust has shown a need to ensure the service is more user friendly. The Trust is liaising with the Belfast and Southern Trusts in taking this work forward.

I am also aware of an audit, carried out by GUM physicians from the Belfast Trust, of patients who received post exposure prophylaxis following sexual exposure between January 2003 and August 2009. The audit demonstrated increased awareness and uptake of this provision but highlighted the need for a more effective follow up of patients.

Unused Stock of Tamiflu

Mr P Weir asked the Minister of Health, Social Services and Public Safety for an update on the unused stock of Tamiflu and for how long can this stock be used.

(AQW 7199/10)

Minister of Health, Social Services and Public Safety: There are currently 1.17 million courses of Tamiflu stockpiled in Northern Ireland. Tamiflu has a shelf life of 5 years.

Proposed Cuts to Front Line Services

Ms C Ní Chuilín asked the Minister of Health, Social Services and Public Safety if he can confirm that his budget will deliver health and social care provision on an objective need basis; and (ii) what discussions his Department has had with staff representatives in relation to the proposed cuts to front-line services.

(AQW 7201/10)

Minister of Health, Social Services and Public Safety: All the actions I have taken this year to balance the books have been taken with need in mind. These actions should ensure that Trusts can offer equal access to core services across Northern Ireland and that demand pressures will be met.

I meet regularly with Regional Trade Union Representatives in my Department's Partnership Forum at which these issues are frequently discussed. HSC employers have also been keeping local Trade Union representatives informed of their proposals for savings and the impact that this will have on Health and Social Care.

Regional Autism Spectrum Disorder Network

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety if he can confirm that £2.2 million from the £17 million budget for learning disability has been directed into administration and infrastructure to support the Regional Autism Spectrum Disorder Network and his Department's Action Plan for Autism services.

(AQW 7203/10)

Minister of Health, Social Services and Public Safety: Money earmarked for Autism services has been, and will continue to be, spent on local ASD services in accordance with actions outlined in the ASD Strategic Action Plan (2009). None of the budget earmarked for additional learning disability services within the Comprehensive Spending Review has been spent on any of the minimal administration and support costs associated with the Regional ASD Network.

Between April 2008 and March 2011 an additional £1.5m (reduced from £2.02m as a result of budget cuts) has been secured for ASD service development; it will continue to be invested in creating and improving services for those affected by autism spectrum disorder (ASD).

Genitourinary Medicine Clinics

Mr C McDevitt asked the Minister of Health, Social Services and Public Safety to detail (i) the number of Genitourinary Medicine clinics and the opening hours of each clinic; (ii) the number of people who sought advice from these clinics in 2009; and (iii) for an update on implementation on the Sexual Health Promotion Strategy and Action Plan.

(AQW 7209/10)

Minister of Health, Social Services and Public Safety:

HSC Trust	Location	Opening Hours	Number of attendances in 2009
Belfast	Royal Victoria Hospital	14 Consultant led clinics per week 13 Nurse led clinics per week Clinic opens at 7.30am for patient registration & clinics start at 1.30pm	13322 3606

HSC Trust	Location	Opening Hours	Number of attendances in 2009
Northern	Causeway Hospital	Walk in clinics held (1) on: Tuesday at 5pm Friday at 1.30pm Nurse led clinics held 9.30am – 12pm 3 mornings a week	1870 563
Southern	Daisy Hill Hospital	Provides 3 clinics per week: Monday 6pm – 8pm Wednesday 9am – 12.30pm Friday 2pm – 4pm	2406
South Eastern	Downe Hospital (2)	Monday 4pm – 8pm Wednesday 9am – 1pm Friday 1pm – 5pm	-
Western	Altnagelvin Area Hospital	Provides 6 clinics per week. Clinics are am/pm and one evening clinic: 9.30am – 1.00pm 4 mornings a week 2.00pm – 4.30pm once a week 5.00pm – 8.00pm once a week	4840

Source: Health and Social Care Trusts

- (1) There is no set finish time for the walk in clinics & length of clinic will depend on the number of patients who attend – if there are too many patients to be seen they will be given another appointment
- (2) A GUM clinic at the Downe Hospital will commence in July 2010 – there will be an additional 5 nurse led clinics in various primary care locations across the SE Trust
- (iii) Implementation of the Sexual Health Promotion Strategy is progressing with sexual health promotion initiatives continuing to be undertaken in line with the Strategy by those working in the Health and Social care and voluntary and community sectors. I am pleased also to report that the multi-agency Sexual Health Improvement Network, chaired by the Public Health Agency to take forward the regional implementation of the Sexual Health Promotion Strategy's Action Plan had its first meeting on 29 April 2010. The Network has considered priority areas of work relating to prevention, training, services and research and is currently establishing subgroups to take forward the key issues identified. A series of workshops is also being organised to explore the evidence base for effective interventions on STIs/ HIV and teenage pregnancy.

Herbal Highs

Mr A Ross asked the Minister of Health, Social Services and Public Safety what discussions he has had with the Home Office in relation to the classification of 'herbal highs', and in particular, changing the way in which classification occurs.

(AQW 7219/10)

Minister of Health, Social Services and Public Safety: Following the emergence of so called "legal highs", and mephedrone in particular, and evidence of their use and related harm in Northern Ireland, I wrote to the Chair of the Advisory Council on the Misuse of Drugs (ACMD) and the then Home Secretary asking them to look again at this issue as a matter of urgency. I also spoke directly to the former Home Secretary on this issue.

In addition to asking them to look at specific drugs, I also asked them to give consideration to amending the legislation to introduce a new classification system that would allow for emerging drugs to be banned while consideration is given to their safety.

A number of “legal highs” have been classified in the past six months, including:

- Mephedrone and all generic cathinones;
- GBL and 1,4-BD;
- BZP and a group of substituted piperazines;
- a range of synthetic cannabinoid receptor agonists; and
- 24 anabolic steroids and two growth promoters.

I understand that the ACMD are now looking at the naphthyl analogues of pyrovalerone (known as NRG1) and other such analogues in the next few weeks.

Cardiac Rehabilitation

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety when the performance level targets for cardiac rehabilitation will be published, as set out within standard 25 of the cardiovascular service framework.

(AQW 7228/10)

Minister of Health, Social Services and Public Safety: The HSC Board is currently undertaking an audit of HSC access to cardiac rehabilitation services, and performance levels will be set once this audit has been completed. The performance levels will be set in light of the funding available.

Cardiac Rehabilitation

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety whether it remains his intention to ensure that every heart patient who needs cardiac rehabilitation will have access to a programme; and (ii) what impact the Department's 'Priorities for Action' will have on the provision of cardiac rehabilitation programmes.

(AQW 7229/10)

Minister of Health, Social Services and Public Safety: The HSC Board is currently undertaking an audit of HSC access to cardiac rehabilitation services, and performance levels will be set once this audit has been completed. The performance levels will be set in light of the funding available.

Cardiac Rehabilitation

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety if his Department and each Health & Social Care Trust has sufficient resources to ensure that every heart patient in need of cardiac rehabilitation has access to a programme.

(AQW 7230/10)

Minister of Health, Social Services and Public Safety: The HSC Board is currently undertaking an audit of HSC access to cardiac rehabilitation services, and performance levels will be set once this audit has been completed. The performance levels will be set in light of the funding available.

Health Service Facilities for Consultations and Treatment of Private Patients

Lord Morrow asked the Minister of Health, Social Services and Public Safety whether Health Service employed medical staff use Health Service facilities for consultations and treatment of private patients, in or outside of their Health Service contracted time.

(AQW 7233/10)

Minister of Health, Social Services and Public Safety: Private practice in health service hospitals in Northern Ireland is conducted in accordance with Article 31 of the H & PSS (NI) 1972.

Community Midwifery Unit at Lagan Valley Hospital

Mr P Butler asked the Minister of Health, Social Services and Public Safety to detail the estimated costs of providing the new community midwifery unit at Lagan Valley Hospital.

(AQW 7242/10)

Minister of Health, Social Services and Public Safety: Discussions are ongoing between the South Eastern Trust and the Health and Social Care Board to agree the final costs of providing the community midwifery led unit at Lagan Valley.

Restructuring of Emergency Paramedic Crews

Mr A McQuillan asked the Minister of Health, Social Services and Public Safety (i) to detail the reasons for the restructuring of emergency paramedic crews, including the introduction of a new tier of management made up of staff with surplus skills who were previously engaged in front-line duties; and (ii) whether he intends to monitor this new practice of skills profiling.

(AQW 7257/10)

Minister of Health, Social Services and Public Safety: The management of human resources including paramedics and their skills profile is an operational matter for the Northern Ireland Ambulance Service (NIAS).

However, I can confirm that NIAS has not introduced a new tier of management. In recent years there has been significant investment in ambulance services in terms of both manpower and equipment which has resulted in a sustained improvement in NIAS's overall performance.

Improving Dementia Services

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety to detail the measures taken, since November 2009, to implement the regional strategy 'Improving Dementia Services in Northern Ireland'; and to make a statement on the matter.

(AQW 7265/10)

Minister of Health, Social Services and Public Safety: I published a draft dementia strategy, Improving Dementia Services in Northern Ireland - A Regional Strategy, for public consultation on 17 May 2010. Responses are due back with my department by 31 August 2010. The consultation documents can be accessed via the following link:

<http://www.dhsspsni.gov.uk/showconsultations?txtid=42566>

The consultation document proposes a range of action to improve dementia services in Northern Ireland and seeks views on these proposals. Arrangements have been made to carry out some targeted consultation with people with dementia and their carers during the consultation period.

Hospital Meals

Mr A Easton asked the Minister of Health, Social Services and Public Safety to list the acute hospitals where patients have a choice of meal, provided by a menu.

(AQW 7273/10)

Minister of Health, Social Services and Public Safety: This information is summarised in the table below.

Trust	Hospitals
Belfast	Royal Group, Belfast City, Mater

Trust	Hospitals
South Eastern	Ulster, Lagan Valley.
Northern	Antrim, Causeway
Southern	Craigavon, Daisy Hill
Western	Altnagelvin, Erne

Ravara House Residential Home in Bangor

Mr A Easton asked the Minister of Health, Social Services and Public Safety for an update on the future of Ravara House Residential Home in Bangor.

(AQW 7274/10)

Minister of Health, Social Services and Public Safety: Following public consultation the South Eastern Trust Board removed Ravara House from the Reform and Modernisation plans for 2008 - 2011 and the strategic direction in respect of Ravara House has not changed since then.

'A Healthier Future' Document

Mr C McDevitt asked the Minister of Health, Social Services and Public Safety (i) whether 'A Healthier Future' document forms the basis of current departmental policy; and (ii) what relationship there is between this document and his Department's priorities for action, particularly in relation to the treatment and management of long term conditions.

(AQW 7276/10)

Minister of Health, Social Services and Public Safety: The treatment and care of people with long term conditions through responsive and integrated primary and community care services remains a priority for my Department. The fundamental principles set out in "A Healthier Future" are reflected in my Priorities for Action in 2010/11. Insofar as it is safe and effective to do so, I want to see people diagnosed, treated and supported in community settings and their own homes. This will improve the efficiency and the quality of services.

Priorities for Action 2010/11

Mr C McDevitt asked the Minister of Health, Social Services and Public Safety (i) to outline how the policy of partnership working, as proposed in the Priorities for Action 2010/11 document, will be developed in the months ahead; (ii) what role he envisages for the third sector in this development; and (iii) what benefits this policy will bring to people with long term conditions.

(AQW 7279/10)

Minister of Health, Social Services and Public Safety: In response to Priorities for Action, the Health and Social Care Board, working with the Public Health Agency, has brought forward proposals for the development of primary care partnerships in its commissioning plan for 2010/11, which I am now considering. The proposed partnerships would actively involve GP practices, pharmacists and other local providers of health and care, including the voluntary and community sector.

By focusing resources on people with long term conditions and those at most risk of acute complications, primary care partnerships would aim to improve their quality of life through early interventions and a reduced dependence on specialist care.

Front Line Health Service Staff

Mr T Burns asked the Minister of Health, Social Services and Public Safety (i) to detail the number of front-line Health Service staff who have attended (a) compulsory; and (b) voluntary 'anger management'

training courses in each of the last five years, broken down by job category; and (ii) the cost of providing this training.

(AQW 7284/10)

Minister of Health, Social Services and Public Safety: Information on the number of frontline Health Service staff who have attended compulsory; and voluntary 'anger management' training courses across Northern Ireland is not collected centrally and could only be provided at disproportionate cost.

Extra Ambulance Provided in Omagh

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety why the extra ambulance provided in Omagh, due to the removal of acute services from the Tyrone County Hospital, has now been withdrawn.

(AQW 7297/10)

Minister of Health, Social Services and Public Safety: In March 2009, my Department supported the Northern Ireland Ambulance Service (NIAS) to increase cover in its Western Division by 20,440 hours. This included an additional 8,760 hours of A&E ambulance cover in the Omagh area, the equivalent of a 24/7 crewed ambulance.

As part of its plans for Comprehensive Spending Review efficiency savings and investment, NIAS, following a public consultation, has now replaced some 6,396 hours of A&E ambulance cover in the Omagh area with 9,280 hours of paramedic rapid response cover. This represents a net gain of 2,884 hours in emergency response capacity.

NIAS continues to monitor the impact of this change against achievement of its performance target for responding to life-threatening calls to ensure it represents the most effective means of service delivery.

Rapid Response Vehicles

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety how many of the three rapid response vehicles in the Western Health and Social Care Trust area are currently fully staffed and in operation.

(AQW 7298/10)

Minister of Health, Social Services and Public Safety: There are currently up to five rapid response vehicles (RRVs) operational in the Western Health and Social Care Trust area depending on the time of day. RRVs provide emergency response cover every day between 7.00am and 2.00am on mixed 10 to 16 hour shift pattern and are staffed by permanently assigned paramedics and some relief staff on overtime hours. Emergency cover in Northern Ireland is provided on a dynamic deployment basis therefore the response to an urgent call for help is not restricted to those emergency resources based within a particular area.

Altnagelvin Hospital

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety to detail the average length of time that patients have to wait in ambulances when brought to Altnagelvin Hospital until a trolley becomes available to off-load them

(AQW 7299/10)

Minister of Health, Social Services and Public Safety: Information on the average length of time that patients have to wait in ambulances when brought to Altnagelvin Hospital until a trolley becomes available to off-load them is not available.

Dentists in the Mid-Ulster Area

Mr I McCrea asked the Minister of Health, Social Services and Public Safety to detail the number of (i) private dentists; and (ii) Health Service dentists in the Mid-Ulster area, broken down by location.

(AQW 7300/10)

Minister of Health, Social Services and Public Safety: At the 02 June 2010 there were 35 dentists registered to provide Health Service dental services in the Mid-Ulster Parliamentary Constituency area. Of these 19 are located in dental surgeries in Magherafelt, 12 in dental surgeries in Cookstown, 2 in a dental surgery in Maghera, and 2 in a dental surgery in Coalisland¹. The Health and Social Care Board have also commissioned one whole-time-equivalent salaried dental post based in the Mid-Ulster Hospital in Magherafelt.

Data is not held centrally on dental practices which are exclusively private practices.

Note:

- 1 These figures refer to GDS Principal dentists only; assistants, Vocational Dental Practitioners and community dentists are not included. Figures provided by Family Practitioner Services, Information and Registration Unit - HSC Business Services Organisation.

Funding for Fibromyalgia Groups

Mr P Weir asked the Minister of Health, Social Services and Public Safety how much funding his Department is providing for fibromyalgia groups in 2010/11.

(AQW 7331/10)

Minister of Health, Social Services and Public Safety: My Department does not provide funding for specific fibromyalgia organisations.

Northern Ireland ME Association

Mr P Weir asked the Minister of Health, Social Services and Public Safety how much funding his Department has provided to the Northern Ireland ME Association in each of the last five years; and how much funding will be made available in the 2010/11 financial year.

(AQW 7332/10)

Minister of Health, Social Services and Public Safety: Funding provided to the ME Association in each of the last five years is as set out in the table below.

Year	Amount of Funding
2009/10	£18,434
2008/09	£17,984
2007/08	£17,546
2006/07	£17,118
2005/06	£16,620

Increased pressures have been placed on the Department and across Health and Social Care services because of the reduced budget settlement. This has led to an assessment of all funding streams, in an attempt to minimise the impact on front line services and patients across Northern Ireland.

Full year funding for the 2010/11 year is currently being assessed for all grant receiving organisations including the ME Association.

Carrickfergus Health Centre

Mr D Hilditch asked the Minister of Health, Social Services and Public Safety to detail the cost of providing new computer equipment to the Carrickfergus Health Centre on Taylor's Avenue.

(AQW 7358/10)

Minister of Health, Social Services and Public Safety: In 2009/10, 32 new computer equipment at a total cost of £22k was purchased for Carrickfergus Health Centre. ICT equipment in all HSC organisations is subject to an ongoing upgrade or replacement programme.

Psychiatric Assessment Unit at the Downshire Hospital

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety for an update on the position of the Psychiatric Assessment Unit at the Downshire Hospital, Downpatrick; and to make a statement on this matter.

(AQW 7365/10)

Minister of Health, Social Services and Public Safety: The South Eastern Trust's "Strategic Direction for Mental Health Services" was published on 4 June for consultation. No decisions on future service provision will be taken until responses to the consultation exercise have been considered.

Prescription Charges

Mr J Shannon asked the Minister of Health, Social Services and Public Safety why his Department's re-payment of prescription charges to people who incur charges in the Republic of Ireland are at an inflated cost compared to what the prescription may cost in the UK; and what action he intends to take to rectify this, in light of the required efficiency savings.

(AQW 7380/10)

Minister of Health, Social Services and Public Safety: My Department does not refund people for prescription charges if the prescription is dispensed in the Republic of Ireland. The dispensing of a prescription in ROI to a resident from Northern Ireland would normally be treated as a private commercial transaction between the pharmacist and the patient. The pharmacist would be entitled to charge the patient for the cost of the medicine plus an additional dispensing fee.

However, European reciprocal health arrangements do exist between the UK and other EU countries which would include the Republic of Ireland, whereby Northern Ireland residents can receive free or reduced costs for health care treatment when visiting other EU states. If visitors from Northern Ireland are charged for their prescriptions in the Republic of Ireland under these arrangements they may be entitled to a refund from the UK government or from the Health and Social Care Board, subject to satisfying certain criteria.

My Department does not have direct control or influence over any decisions to refund patients under these arrangements and must comply with European law. Such costs are therefore not an appropriate target for efficiency savings.

Cervical Smear Awareness Week

Mr J Shannon asked the Minister of Health, Social Services and Public Safety what assistance his Department will be giving to the Cervical Smear Awareness Week; and how the project will be promoted.

(AQW 7384/10)

Minister of Health, Social Services and Public Safety: I welcome any promotional activity by voluntary sector organisations to promote the uptake of screening programmes, such as the Cervical Screening Awareness Week run by Jo's Trust from 7th June 2010,

Whilst my Department did not undertake any promotional activity specifically in connection with Jo's Trust's Cervical Screening Awareness Week, my Department supports the National Cervical Cancer

Awareness Week and the European Cervical Cancer Prevention Week, both of which are held in January each year. Through the media my Department and the Public Health Agency highlight the importance of women attending their cervical screening appointment.

In addition the Public Health Agency proactively promotes cervical screening in Northern Ireland throughout the year with a range of regional and local initiatives aimed at promoting uptake of the cervical cancer screening programme.

Expenditure of the Health and Social Care Board in 2009/10

Mr G Robinson asked the Minister of Health, Social Services and Public Safety to detail the expenditure of the Health and Social Care Board in 2009/10, including the amount spent on the out-of-hours GP service.

(AQW 7506/10)

Minister of Health, Social Services and Public Safety: The expenditure of the Health and Social Care Board (HSCB) is contained within the HSCB annual accounts. These accounts are currently still in draft form.

Waiting List for Child Protection

Dr A McDonnell asked the Minister of Health, Social Services and Public Safety how many children are on the waiting list for child protection in each Health and Social Care Trust area.

(AQW 7588/10)

Minister of Health, Social Services and Public Safety: HSC Trusts do not maintain waiting lists for Child Protection. Front line Gateway Teams have been established in each HSC Trust to deal with initial referrals for social services. Any referral where there may be concerns of a Child Protection nature is dealt with immediately.

Children Who Have Died While in Care

Miss M McIlveen asked the Minister of Health, Social Services and Public Safety how many children have died while in care in each of the last five years.

(AQW 7600/10)

Minister of Health, Social Services and Public Safety: Under Article 34 of the Children (NI) Order 1995, the Department is notified when a child who is in care dies. The Department records and monitors those cases where there is a possibility that a Case Management Review will be held in accordance with Departmental child protection guidance "Co-operating to Safeguard Children".

The death of any child or young person in care is a tragedy for their family, friends and carers. However, the numbers of such cases are very small. Due to this small number of children who die in care each year and to avoid personal disclosure, the information cannot be provided in the format requested.

Career Advancement for Health Service Employees

Ms M Anderson asked the Minister of Health, Social Services and Public Safety what steps are in place to encourage career advancement for Health Service employees; and whether lack of Band 3 experience would preclude a Band 2 employee from securing a Band 4 or 5 position.

(AQW 7618/10)

Minister of Health, Social Services and Public Safety: The Knowledge and Skills Framework is a key part of the Agenda for Change pay system and provides for a clear process for the development of staff, not only in their current role, but to encourage career advancement to the next level. There are also recruitment processes in place to ensure that appointments in the Health and Social Care are based on merit. If an individual can demonstrate that they have the necessary skills for the job at any level then they are free to make an application. However, where there are excessively high numbers of

applicants experience of working at a particular level may be a factor taken into account when deciding on the number of applicants that will move to the interview stage of the process.

Consultation on the Development of Psychological Therapy Studies

Mr T Gallagher asked the Minister of Health, Social Services and Public Safety when the outcome of the consultation on the Development of Psychological Therapy Studies will be published; and if he has any plans to announce a new strategy.

(AQW 7636/10)

Minister of Health, Social Services and Public Safety: I officially launched 'A Strategy for the Development of Psychological Therapy Services' on 7 June 2010. Both the Strategy and consultation responses are on the Department's website at <http://www.dhsspsni.gov.uk/index/publications>

Investing for Health

Mr A Maskey asked the Minister of Health, Social Services and Public Safety to outline progress on the review of the Investing for Health Strategy.

(AQO 1425/10)

Minister of Health, Social Services and Public Safety: A high level strategic review of Investing for Health commenced last year to assess progress and make recommendations for future direction. A draft report has recently been considered by the Review Steering Group, and I am expecting to be briefed on the review outcomes by the end of this month.

The Review Steering Group will report to the Ministerial Group on Public Health (MGPH) on the outcomes of the Review, following which I will bring together a meeting of the MGPH to consider the review report. Once the report is finalized, I will then write to Executive colleagues to inform them of the review recommendations and on proposals for taking forward work to develop a successor strategy.

Stroke Patients

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety if he plans to allocate additional funding to provide support for stroke victims.

(AQO 1427/10)

Minister of Health, Social Services and Public Safety: I have repeatedly advised this Assembly that the £113 million cut to my Department's budget this year means that I am not able to introduce all my plans for new services and treatments. A planned investment of a further £6 million in stroke services in the current financial year has not been possible and this means we will not be able to take forward implementation of the stroke strategy as I had hoped. I will however be investing an additional £1.75 million in stroke services to ensure that 24/7 thrombolysis is available across Northern Ireland and that high risk TIAs are assessed and treated within 24 hours. This will bring recurrent investment in stroke services to £4.75 million over the CSR period.

Royal Victoria Hospital: Maternity Unit

Mr G Adams asked the Minister of Health, Social Services and Public Safety how the proposal for a new maternity unit at the Royal Victoria Hospital will impact on the planned regional hospital for women and children.

(AQO 1429/10)

Minister of Health, Social Services and Public Safety: I have recently announced a review of the usage of the top three floors of the new Clinical Care building on the Royal hospitals site. The review will take account of all options, including a new maternity unit. If this proves to be viable, the new unit together with a refurbishment of the existing maternity hospital would be the new Women's hospital. The Children's hospital would be delivered as a separate project.

Belfast Health and Social Care Trust: Speech and Language Therapy

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety for an update on speech therapy programmes provided within day centres in the Belfast Health and Social Care Trust area.

(AQO 1430/10)

Minister of Health, Social Services and Public Safety: Such programmes may involve individual or group sessions delivered directly by a speech and language therapist, a speech and language therapy assistant, or indirectly through day care staff or other carers. The Speech and Language Therapy service provides assessment and treatment to people who have communication and swallowing difficulties associated with a variety of disabilities or acquired conditions. Treatment programmes are based on the person's assessed needs and therapy programmes are often focused on educating and supporting carers and staff to help manage their communication or swallowing difficulties.

Voluntary Redundancies

Mrs M Bradley asked the Minister of Health, Social Services and Public Safety the number of voluntary redundancies for which his Department has planned in the 2010/11 financial year.

(AQO 1433/10)

Minister of Health, Social Services and Public Safety: I have to find savings of £113m as part of the cuts imposed by the Executive earlier this year and while this represents a 2% payroll savings it is not helpful to talk about a % reduction in the workforce or job losses. I need to hold on to the workforce that I have if I am to continue to deliver on the ever increasing demand for health and social care services. I need to balance this with the savings to be achieved. If I am to deliver on the £113m savings Health and Social Care Trusts will need to reduce spending on Agency, overtime, bank and locum staff. Posts will be reduced but this will be handled through a reduction in spending, redeployment of staff, turnover and where absolutely necessary voluntary redundancy or voluntary early retirement.

South Tyrone Hospital: Maternity Services

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety whether any feasibility study has been undertaken into the potential establishment of a midwifery-led unit in the South Tyrone Hospital.

(AQO 1436/10)

Minister of Health, Social Services and Public Safety: No feasibility study regarding the potential establishment of a midwife-led unit in South Tyrone Hospital has been undertaken.

Questions for Written Answer: AQW 5140/10

Mr T Lunn asked the Minister of Health, Social Services and Public Safety when he will answer AQW 5140/10 about the money spent on his staff attending conferences and courses, which was due for answer on 11 March 2010.

(AQO 1437/10)

Minister of Health, Social Services and Public Safety: I will respond in due course.

Mid-Ulster: Acute Hospital Services

Mr F Molloy asked the Minister of Health, Social Services and Public Safety why the Mid-Ulster area is being deprived of an acute hospital and what plans he has to rectify this.

(AQO 1438/10)

Minister of Health, Social Services and Public Safety: In 2002, Developing Better Services established the need for hospital services in Northern Ireland to be configured as a network of local hospitals and acute hospitals working together to meet the needs of the community. The Mid Ulster

Hospital's development as a local hospital has been signalled since the publication of Developing Better Services and confirmed in a number of subsequent announcements. The people of the Mid Ulster area will continue to use the Mid Ulster Hospital for around 70% of all their hospital based services. They will also have access to high quality acute services provided at Antrim Area Hospital.

Department of Justice

Sexual Offences (NI) Order 2008

Mr T Burns asked the Minister of Justice what work his Department is undertaking in relation to the proposed extension of abuse of trust offences to include sports coaches and the remit of the Sexual Offences (NI) Order 2008.

(AQW 7205/10)

Minister of Justice (Mr D Ford): During consideration of the draft sexual offences legislation, the Assembly committee advocated extending this offence to sports coaches by adding a new definition to the list of positions of trust. As a result, Rt. Hon Paul Goggins MP gave a commitment to ask the DCAL Minister to undertake a consultation with sports bodies to obtain views of the impact or need for such a change to the law. The results of this consultation were passed to my Department in March and policy advice is being prepared for me on the way forward.

I will decide how to respond to the proposal for extension of this offence when I have fully considered the policy advice, including the evidence from the recent consultation with sports bodies undertaken by the Department of Culture, Arts and Leisure. I will write to the Member and other key stakeholders when I have reached a conclusion.

Speeding Fines

Mr S Hamilton asked the Minister of Justice how many speeding fines were recorded, but not processed, by the PSNI in each of the last five years.

(AQW 7213/10)

Minister of Justice: The detection and processing of speeding offences is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Speeding Fines

Mr S Hamilton asked the Minister of Justice whether speeding fines must be processed within a certain period of time; and what happens to the fine if that deadline is missed.

(AQW 7214/10)

Minister of Justice: The detection and processing of speeding offences is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Injury on Duty Award Appeals

Mr P Weir asked the Minister of Justice to detail the number of Injury on Duty Award appeals processed in each of the last three years.

(AQW 7243/10)

Minister of Justice: The table below details the number of medical appeals under the Police Injury on Duty Award Scheme received and finalised in each of the years 2007 to 2009.

Appeals which are lodged in a particular calendar year may not be finalised within that year.

The figures for medical appeals finalised include appeals which were received in earlier years and were finalised in 2007 to 2009.

	2007	2008	2009
Medical Appeals received	78	106	170
Medical Appeals finalised	57	70	123

Firearms Licence

Mr T Elliott asked the Minister of Justice why it takes up to a year for the PSNI Firearms and Explosives branch to issue a firearms licence; and to outline the process involved in the issue of a firearms licence.

(AQW 7245/10)

Minister of Justice: Firearms licensing is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Prisoners from other EU Countries

Mr T Elliott asked the Minister of Justice to detail the total number of people from other EU countries who, since January 2008, have served, or are still serving, sentences of more than one year in Northern Ireland prisons; and for a breakdown of these prisoners by their country of origin.

(AQW 7247/10)

Minister of Justice: Since January 2008 there have been 26 prisoners from other EU countries who have served or are still serving sentences of more than one year in Northern Ireland prisons. The table below shows the breakdown of these prisoners by their country of origin:

EU Country	Total number of prisoners
Belgium	1
Netherlands	2
Estonia	1
Latvia	1
Lithuania	9
Poland	8
Portugal	3
Spain	1
Total	26

Offensive Weapons

Mr A Easton asked the Minister of Justice (i) how many illegal knives have been confiscated by the PSNI in each of the last three years; (ii) to detail the number of convictions secured for (a) being armed with an offensive weapon with intent to commit an offence; (b) possessing an article with a blade or point in a public place; and (c) possessing an article with a blade or point on school premises, in each

of the last three years; and (iii) if he has any plans to legislate further on 'knife crime' or the sale of knives.

(AQW 7254/10)

Minister of Justice: Information on the number of illegal knives confiscated is not currently collated. However, in 2006 almost 1500 knives were voluntarily surrendered in two 'amnesties'.

The table gives the number of convictions for each of the offences requested. Convictions for other offensive weapon offences are also included for information.

Data cover the calendar years 2004 to 2006 (the latest year for which figures are currently available) and are collated on the principal offence rule; only the most serious offence for which an offender is convicted is included.

NUMBER CONVICTED FOR OFFENSIVE WEAPON OFFENCES BY OFFENCE 2004-2006

Offence	2004	2005	2006
Armed with offensive weapon with intent to commit offence	2	1	3
Possessing article with blade or point in public place	10	20	24
Possessing article with blade or point on school premises	1	0	3
Possessing offensive weapon in public place	166	188	211
Possessing offensive weapon on school premises	2	0	1
Total	181	209	242

My Department is fully committed to tackling knife crime, as well as other crimes of violence. The penalties for knife crime were reviewed in 2008, and the Justice Bill now being prepared for Assembly consideration will increase from 6 months to 12 the maximum penalty of imprisonment a magistrates' court can give for possessing an offensive weapon on school premises. (The maximum of 4 years' imprisonment for cases tried on indictment remains.) I will continue to keep our laws on knife crime under review.

Alongside this, the criminal justice system engages with schools and young people to help get the message across that "knives ruin lives".

Assaults on Members of the Emergency Services

Lord Morrow asked the Minister of Justice how many convictions have been secured for assaults on members of (i) the Northern Ireland Fire and Rescue Service; (ii) the Northern Ireland Ambulance Service; and (iii) the Police Service of Northern Ireland, in each of the last three years.

(AQW 7282/10)

Minister of Justice: The number of convictions for assault on fire and rescue service officers and assault on police are given in the table below.

Assaults on members of the Northern Ireland Ambulance Service do not constitute a separate offence and convictions for such assaults are taken forward under the normal range of offences against the person. Court conviction data do not contain background or victim information in relation to offences committed, and it is therefore not possible to separate out the number of convictions for assault on ambulance personnel.

Data in the table cover the calendar years 2004 to 2006 (the latest year for which figures are currently available) and are collated on the principal offence rule; only the most serious offence for which an offender is convicted is included.

NUMBER OF CONVICTIONS FOR ASSAULT ON FIRE AND RESCUE SERVICE OFFICERS¹ AND ASSAULT ON POLICE 2004-2006

Offence	2004	2005	2006
Assault on fire and rescue service officer	-	-	0
Assault on police	576	590	684

- 1 Assault on fire and rescue service officer became an offence on 1 July 2006 under the Fire and Rescue Services (Northern Ireland) Order 2006.

Assaults on Police Officers

Lord Morrow asked the Minister of Justice, pursuant to AQW 6617/10, how each instance of assault offences resulting in serious injury was dealt with by the courts.
(AQW 7285/10)

Minister of Justice: Pursuant to the response to AQW 6617/10 and based on the data provided by PSNI, the Table below details the status or outcome of those instances of assault relating to serious injury.

TABLE 1:

No Suspect Identified	8
Decision not to Prosecute	2
Custodial Sentence	10
Suspended Sentence	1
Community Service Order	2
Probation Order	1
Fine	1
Withdrawn	6
Active	9
Total	40

Anti-social Behaviour Orders

Mr I McCreagh asked the Minister of Justice how many applications for anti-social behaviour orders in the Moneymore area were refused by the courts in each of the last five years; and to give the reasons for the refusals.
(AQW 7287/10)

Minister of Justice: The information being sought is a matter for the relevant authorities and is not held centrally at this level of disaggregation. To provide such information would incur a disproportionate cost as well as risk inappropriately identifying individuals.

Anti-social Behavior Orders

Mr I McCrea asked the Minister of Justice to detail the number of anti-social behavior order applications in the Mid-Ulster area in each of the last five years, broken down by (i) location; and (ii) age of the protagonist.

(AQW 7290/10)

Minister of Justice: The information being sought is a matter for the relevant authorities and is not held centrally at this level of disaggregation. To provide such information would incur a disproportionate cost as well as risk inappropriately identifying individuals.

Criminal Justice Inspection Northern Ireland

Mr D McKay asked the Minister of Justice how many recommendations made by Criminal Justice Inspection Northern Ireland, relating to the PSNI, are currently still to be implemented; and what action he is planning to address these.

(AQW 7308/10)

Minister of Justice: The implementation of the recommendations made by the Criminal Justice Inspection Northern Ireland is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Hydebank Wood

Mr C McDevitt asked Minister of Justice if he can confirm whether all staff at Hydebank Wood are checked under the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.

(AQW 7317/10)

Minister of Justice: Northern Ireland Prison Service (NIPS) staff in Hydebank Wood who work with juveniles and females are subject to enhanced disclosure checks. The requirements under the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 do not apply at this stage.

Hydebank Wood

Mr C McDevitt asked the Minister of Justice what plans he has, or what progress has been made, on the removal of children from custody in Hydebank Wood.

(AQW 7318/10)

Minister of Justice: The Department is undertaking a major review of custodial arrangements for young offenders under the age of 18, in conjunction with key partners, and has commissioned work to look specifically at where they are located. The outcome of this review will be new arrangements that are expected to reduce the number of children in custody at Hydebank Wood Young Offenders Centre. Senior staff in the Prison Service and the Youth Justice Agency have also been working in partnership to build upon the significant improvements which have been made to the regime in Hydebank Wood for the young offenders who continue to be housed there.

I hope to be able to announce the outcome of that review in the coming weeks.

Fixed Penalty Notices

Mr A Ross asked the Minister of Justice how much revenue has been raised by fixed penalty notices in each of the last three years, broken down by (i) offence; (ii) amount of penalty; and (iii) policing district.

(AQW 7334/10)

Minister of Justice: The table below sets out the total revenue received through Fixed Penalty Notices (FPN) for the last three years by type of FPN issued and amount.

TABLE: REVENUE RECEIVED THROUGH ISSUE OF FIXED PENALTY NOTICES

	Non-Endorsable	No Vehicle Test Certificates	Conditional Offers	Endorsable	No Insurance	Total Revenue
	£30 penalty	£60 penalty	£60 penalty	£60 penalty	£200 penalty	
2007	£864,232.74	£1,800.00	£716,220.00	£1,201,320.00	£2,000.00	£2,785,572.74
2008	£29,640.00	£371,081.27	£735,420.00	£1,607,100.00	£19,600.00	£2,762,841.27
2009	£343,434.70	£53,100.00	£1,033,680.00	£1,660,200.00	£56,000.00	£3,146,414.70
Total	£1,237,307.44	£425,981.27	£2,485,320.00	£4,468,620.00	£77,600.00	£8,694,828.71

This information is not held by policing district, or with reference to specific offences.

However, the police have provided information on the number of FPNs issued in each police district for the last three years by offence. This information is attached in an Annex.

Annex to AQW7334/10

FIXED PENALTIES AND CONDITIONAL OFFICERS ISSUED FOR THE PERIOD 2007 - 2009 BROKEN DOWN BY DISTRICT AND OFFENCE.

	Endorsable £60							
	A District	B District	C District	D District	E District	F District	G District	H District
2007								
Excess Speed	184	707	926	2,055	2,239	2,534	1,908	1,787
Breach of Traffic Sign	97	281	161	218	211	300	223	213
Defective Tyre-General	4	27	32	26	41	39	39	35
No L plates displayed	6	23	14	28	25	21	6	17
No 'R' Plates Displayed	8	6	11	20	43	68	31	24
R Driver Exceeding 45mph Limit	6	2	34	51	49	80	31	43
Using a Hand-held Mobile Phone	245	490	611	1,197	1,049	732	552	539
Breach of Temporary Speed Limit	310	93	13	270	3	6	2	4
Failing to Wear Seatbelt - Driver	122	203	241	691	656	547	647	627
Driving on hard shoulder of Motorway	5	2	0	13	2	0	0	2
Parking on hard shoulder of Motorway	0	6	1	5	2	2	0	1
L Driver carrying passenger on motorcycle	1	4	5	13	1	1	1	5

2007	Endorsable £60							
	A District	B District	C District	D District	E District	F District	G District	H District
Driver does not have Proper Control of Vehicle	2	7	3	15	14	8	5	5
Driver Carrying Unbelted Child Under 14 Years	2	1	10	14	19	22	13	15
Driver Carrying Child Under 12 Years and Under 135cms without proper restraint	6	2	2	14	14	14	5	6
Leaving vehicle in a dangerous position	0	1	0	0	0	1	1	0
Carrying unauthorised passenger on motorbicycle	1	2	1	6	2	0	2	1
Parking within the limits of a Pelican Crossing	3	11	4	4	4	1	1	2
Stopping on motorway	2	0	0	2	0	0	0	1
Driver does not have Full View of Road and Traffic Ahead	3	0	1	2	3	25	13	10
Failing to Set Handbrake	0	1	0	0	0	0	0	0
Parking within the limits of a Zebra Crossing	0	1	1	1	0	0	0	0
L Driver Towing A Trailer	1	0	0	0	0	1	0	1
Unaccompanied L Driver	0	0	1	0	0	3	1	1
Reversing on Motorway	0	0	1	1	0	0	0	2
Stopping on approach to a Pelican Crossing	0	0	0	1	0	0	0	0
Remain on hard shoulder of motorway longer than necessary	0	0	0	1	0	0	0	0
Breach of signal given by Constable	0	0	0	1	0	2	0	0
Unlawful use of central reservation of Motorway	0	0	0	1	0	0	0	0

2007	Endorsable £60							
	A District	B District	C District	D District	E District	F District	G District	H District
Defective Braking System	0	0	0	0	2	0	0	0
Stopping within the limits of Zebra Controlled area	0	0	0	0	2	1	0	0
Driving classified vehicle on special road	0	0	0	0	0	0	0	3
Total	1,008	1,870	2,073	4,650	4,381	4,408	3,481	3,344

2008	Endorsable £60							
	A District	B District	C District	D District	E District	F District	G District	H District
Excess Speed	160	287	823	1,959	1,862	1,396	1,335	1,320
Reversing on Motorway	0	0	4	1	1	0	1	1
Breach of Traffic Sign	91	258	139	282	259	337	193	138
Defective Tyre-General	10	7	23	28	35	44	31	29
No L plates displayed	10	22	19	69	21	12	10	20
Unaccompanied L Driver	2	1	0	2	3	7	3	0
No 'R' Plates Displayed	8	8	19	45	54	59	29	29
R Driver Exceeding 45mph Limit	8	2	28	58	33	49	21	36
Using a Hand-held Mobile Phone	536	979	1,156	3,335	2,292	1,556	1,295	1,322
Breach of Temporary Speed Limit	230	75	6	291	824	9	0	4
Failing to Wear Seatbelt - Driver	182	222	386	1,446	1,204	656	772	759
Driving on hard shoulder of Motorway	4	0	0	36	0	0	1	1
Driving classified vehicle on special road	0	1	0	1	0	0	0	3
Stopping on approach to a Pelican Crossing	0	1	0	1	0	0	0	0
Driver does not have Proper Control of Vehicle	4	9	15	49	35	19	16	25

2008	Endorsable £60							
	A District	B District	C District	D District	E District	F District	G District	H District
Carrying unauthorised passenger on motorbicycle	2	3	2	2	1	0	0	3
Driver Carrying Unbelted Child Under 14 Years	5	6	10	19	28	38	25	15
Parking within the limits of a Pelican Crossing	2	10	5	6	2	1	0	0
Driver does not have Full View of Road and Traffic Ahead	0	1	4	11	15	31	35	9
Driver Carrying Child Under 12 Years and Under 135cms without proper restraint	17	11	12	36	26	17	27	22
L Driver carrying passenger on motorcycle	7	8	4	7	1	2	3	3
Parking on hard shoulder of Motorway	1	0	0	4	3	1	1	0
Parking within the limits of a Zebra Crossing	1	0	1	0	1	2	0	0
Stopping on motorway	0	1	0	0	0	2	0	0
Breach of signal given by Constable	0	1	1	2	0	3	1	1
Remain on hard shoulder of motorway longer than necessary	1	0	0	0	0	0	0	0
Failing to Set Handbrake	0	0	4	1	0	0	0	0
Defective Steering	0	0	0	1	0	0	0	0
Leaving vehicle in a dangerous position	0	0	1	0	1	1	0	0
Defective Braking System	0	0	1	0	0	0	0	1
No Prescribed Braking System	0	0	0	0	0	1	1	1
Unlawful use of central reservation of Motorway	0	0	0	0	0	0	0	2
Total	1,281	1,913	2,663	7,692	6,701	4,243	3,800	3,744

2009	Endorsable £60							
	A District	B District	C District	D District	E District	F District	G District	H District
Excess Speed	201	359	794	2,438	1,249	1,605	1,389	1,671
Reversing on Motorway	0	1	0	3	2	0	0	2
Breach of Traffic Sign	85	329	176	379	229	270	174	143
Defective Tyre-General	15	24	28	43	64	59	38	45
No L plates displayed	6	24	34	36	22	18	13	24
Unaccompanied L Driver	3	1	2	2	3	2	2	2
No 'R' Plates Displayed	3	17	15	45	67	85	47	42
R Driver Exceeding 45mph Limit	13	5	33	66	42	52	33	45
Using a Hand-held Mobile Phone	428	1,010	1,564	3,997	1,960	1,685	1,601	1,486
Breach of Temporary Speed Limit	17	2	5	254	388	163	3	22
Failing to Wear Seatbelt - Driver	133	216	448	887	848	673	906	869
Driving on hard shoulder of Motorway	3	0	0	14	0	0	0	0
Parking on hard shoulder of Motorway	0	0	0	9	1	1	1	1
L Driver carrying passenger on motorcycle	3	1	0	9	2	1	0	1
Using Goods Vehicle In Dangerous Condition	0	2	0	1	5	2	0	1
Parking within the limits of a Zebra Crossing	3	4	3	1	0	0	0	0
Driver does not have Proper Control of Vehicle	12	10	15	48	32	37	9	30
Driver Carrying Unbelted Child Under 14 Years	8	7	11	19	21	40	18	26
Driver does not have Full View of Road and Traffic Ahead	2	4	2	9	8	10	11	1

2009	Endorsable £60							
	A District	B District	C District	D District	E District	F District	G District	H District
Driver Carrying Child Under 12 Years and Under 135cms without proper restraint	15	6	14	30	31	47	16	8
Stopping on approach to a Pelican Crossing	0	6	0	0	0	0	0	0
Parking within the limits of a Pelican Crossing	1	13	7	1	2	0	0	0
Carrying unauthorised passenger on motorbicycle	1	1	2	1	0	0	0	1
Stopping on motorway	0	1	0	0	0	0	0	0
Defective Braking System	0	1	0	0	0	2	1	1
Leaving vehicle in a dangerous position	0	1	0	0	1	2	1	2
Breach of signal given by Constable	1	0	1	4	0	1	0	3
USING MOTOR VEHICLE IN DANGEROUS CONDITION	0	0	3	1	2	10	1	0
Failing to Set Handbrake	0	0	3	0	0	0	0	2
L Driver Towing A Trailer	0	0	1	0	0	2	1	0
No Prescribed Braking System	0	0	0	0	2	0	1	0
Driving classified vehicle on special road	0	0	0	0	1	0	0	5
Tyres Insufficient to Support Axle Weight	0	0	0	0	0	0	0	1
Unlawful use of central reservation of Motorway	0	0	0	0	0	0	0	5
Total	953	2,045	3,161	8,297	4,982	4,767	4,266	4,439

2007	Conditional Offer £60							
	A District	B District	C District	D District	E District	F District	G District	H District
Excess Speed (30 MPH Limit)	1,104	863	435	12	1,791	261	568	48
Excess Speed (40 MPH Limit)	0	25	3,994	2	232	1	0	8
Breach of Traffic Sign (Red Light)	119	44	0	0	0	0	0	0
Excess Speed (50 MPH Limit)	0	6	10	2	0	28	0	5
Excess Speed (60 MPH Limit)	0	0	24	0	1,393	1,580	1,072	1,005
Excess Speed (70 MPH Limit)	0	0	0	48	58	0	0	124
Excess Speed (Vehicle restricted to 60mph)	0	0	0	1	2	0	0	35
Excess Speed (Vehicle restricted to 45 mph)	0	0	2	4	23	65	6	24
Excess Speed (Vehicle restricted to 40 mph)	0	0	0	0	40	258	74	26
Excess Speed (Vehicle restricted to 50 mph)	0	0	0	0	4	238	64	82
Excess Speed (Vehicle restricted to 50 mph)	0	0	0	0	7	305	42	48
Breach of Traffic Sign	0	0	0	0	0	1	0	0
Total	1,223	938	4,465	69	3,550	2,737	1,826	1,405

2008	Conditional Offer £60							
	A District	B District	C District	D District	E District	F District	G District	H District
Excess Speed (30 MPH Limit)	814	636	281	19	1,298	190	560	22
Excess Speed (40 MPH Limit)	0	7	2,206	0	326	0	1	2
Breach of Traffic Sign (Red Light)	496	198	0	0	0	0	63	0
Excess Speed (50 MPH Limit)	0	4	6	0	0	10	0	0
Excess Speed (60 MPH Limit)	0	0	23	0	763	785	927	548

2008	Conditional Offer £60							
	A District	B District	C District	D District	E District	F District	G District	H District
Excess Speed (70 MPH Limit)	0	0	0	2	98	0	0	88
Breach of Temporary Speed Limit (40mph)	0	0	0	1,572	2,227	23	0	198
Excess Speed (Vehicle restricted to 45 mph)	0	0	0	1	27	37	23	40
Excess Speed (Vehicle restricted to 40 mph)	0	0	0	0	63	126	74	38
Excess Speed (Vehicle restricted to 50 mph)	0	0	0	0	35	185	203	104
Breach of Temporary Speed Limit (30mph)	0	0	0	0	542	0	0	0
Excess Speed (Vehicle restricted to 60mph)	0	0	0	0	58	0	0	15
Total	1,310	845	2,516	1,594	5,437	1,356	1,851	1,055

2009	Conditional Offer £60							
	A District	B District	C District	D District	E District	F District	G District	H District
Excess Speed (30 MPH Limit)	336	824	868	158	1,160	671	1,331	1,162
Excess Speed (40 MPH Limit)	1	36	2,201	12	17	71	102	131
Excess Speed (60 MPH Limit)	0	0	4	5	504	938	1,210	1,293
Breach of Traffic Sign (Red Light)	399	279	0	9	0	0	164	0
Excess Speed (50 MPH Limit)	0	2	3	0	0	27	0	3
Excess Speed (Vehicle restricted to 45 mph)	0	0	3	0	35	77	94	132
Breach of Temporary Speed Limit (40mph)	0	0	0	1,558	3,919	422	42	0
Breach of Temporary Speed Limit (50mph)	0	0	0	201	0	0	0	67
Excess Speed (70 MPH Limit)	0	0	1	0	154	0	0	206
Excess Speed (Vehicle restricted to 40 mph)	0	0	0	0	33	203	357	239

2009	Conditional Offer £60							
	A District	B District	C District	D District	E District	F District	G District	H District
Excess Speed (Vehicle restricted to 50 mph)	0	0	0	0	26	258	433	315
Breach of Temporary Speed Limit (30mph)	0	0	0	0	1,016	46	0	0
Excess Speed (Vehicle restricted to 60mph)	0	0	0	0	58	0	0	78
Total	736	1,141	3,080	1,943	6,922	2,713	3,733	3,626

2007	Vehicle Certificates £60							
	A District	B District	C District	D District	E District	F District	G District	H District
No Vehicle Test Certificate	3	13	6	9	16	6	5	3
No Goods Vehicle Test Certificate	0	2	4	2	1	2	3	2
Total	3	15	10	11	17	8	8	5

2008	Vehicle Certificates £60							
	A District	B District	C District	D District	E District	F District	G District	H District
No Vehicle Test Certificate	61	66	58	105	165	70	52	35
No Goods Vehicle Test Certificate	12	9	18	32	43	19	13	6
Total	73	75	76	137	208	89	65	41

2009	Vehicle Certificates £60							
	A District	B District	C District	D District	E District	F District	G District	H District
No Vehicle Test Certificate	73	93	102	228	253	216	66	76
No Goods Vehicle Test Certificate	9	8	6	33	61	46	15	9
Total	82	101	108	261	314	262	81	85

	No Insurance £200							
	A District	B District	C District	D District	E District	F District	H District	
2007								
Driving causing or permitting a person to drive a motor vehicle while uninsured	4	4	3	12	7	5	4	
Total	4	4	3	12	7	5	4	

	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
2007								
Excess noise	0	0	1	6	19	20	9	16
Excess Weight	0	0	0	2	2	2	4	2
Insecure Load	3	7	7	15	69	20	15	11
No PSV Licence	1	1	3	1	0	1	3	2
Defective light	28	39	57	224	124	206	99	81
No Number Plate	2	13	17	51	155	55	26	29
Dangerous cycling	0	1	2	3	1	1	0	1
Unlawful use of lamp	34	33	86	211	294	350	291	93
Obscured Number Plate	4	8	10	25	43	28	27	12
Breach of Traffic sign	460	1,384	299	808	281	187	71	55
Pedestrian on Motorway	7	2	0	13	5	1	0	2
No mudguards on trailer	0	0	1	6	2	0	0	1
Misuse of a Mobile Phone	407	1,011	1,108	1,271	1,934	1,557	1,257	853
No lights on pedal cycle	3	4	4	6	2	2	1	2
Failing to wear seat belt	366	636	841	961	2,197	2,013	1,622	1,057
Overtaking on inside lane	79	97	46	95	26	9	31	4
No Vehicle Test Certificate	30	74	60	127	120	108	72	63
No Goods Vehicle Certificate	5	6	5	12	16	9	9	5
Parking as to obstruct access	33	295	60	81	39	53	45	31

2007	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
Failing to Display Trade Plates	1	8	1	6	9	4	4	0
Failing to drive in near side lane	11	10	31	53	53	8	21	32
Parking within 15 metre of junction	85	1,519	107	122	42	55	72	35
Failing to wear taxi drivers' badge	2	1	2	4	16	6	5	2
Incorrect form of registration mark	68	102	136	286	608	409	263	182
Defective exhaust and silencer system	0	1	2	7	4	15	11	11
Opening vehicle's door causing danger	0	1	0	1	1	2	1	0
Manoeuvring vehicle without signalling	4	3	5	16	13	10	4	12
Driver unable to have full view of road	5	6	1	5	33	62	59	66
Exceeding 45mph while displaying R plates	0	1	6	10	10	4	14	3
No mudguards on agricultural motor vehicle	0	0	0	1	0	0	0	0
Unlawful use of hazard warning signal device	0	0	1	1	0	0	1	0
Parking otherwise than at side of carriageway	4	26	13	6	2	6	1	3
Using vehicle when lamp not lit and unobscured	0	2	3	10	5	13	1	3
Driver unable to have proper control of vehicle	17	16	7	45	37	23	15	8
Failing to operate switch mechanisms to tacograph	0	3	6	12	86	21	7	0
Carrying child under 14 years without seatbelt (rear)	9	11	13	14	36	35	19	12

2007	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
Carrying child under 14 years without seat belt (front)	3	2	7	5	21	24	19	9
Rider on motorcycle failing to wear protective headgear	4	5	2	17	5	1	4	5
Driver of a motorcycle failing to wear protective headgear	5	7	6	6	2	0	2	1
Driving passenger car with unrestrained child under 12 years	2	6	0	8	8	9	1	2
Failure to Have Obligatory Lamp or Reflector or Rear Marking	0	0	3	4	0	3	1	3
Failing to Give Precedence to Pedestrian at a Pelican Crossing	0	2	1	2	0	2	0	1
Using a Vehicle With Windows With Insufficient Transmission of Light	0	18	8	19	4	100	12	2
Jay Walking	7	34	10	5	6	4	10	8

2007	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
Breach of box junction	1	10	2	0	3	4	2	3
Parking on yellow lines	1	4	1	8	2	1	0	3
No driver's seat belt fitted	2	3	10	3	9	5	10	2
No passenger seat belt fitted	1	1	0	4	3	4	1	0
Driving on Land Other Than a Road	0	2	0	0	3	0	1	0
Lifting apparatus not properly secured	0	3	0	1	1	0	2	1
Sounding horn at night on a restricted road	1	2	0	0	3	1	3	1

2007	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
Parking in a disabled person's parking space	0	3	3	2	10	1	7	3
Parking HGV unlawfully (verge, footway, central reservation)	0	3	0	2	1	4	3	1
Parking at a bus stop	1	7	0	3	1	0	0	0
Defective windscreen wipers	1	0	0	0	1	1	0	0
Causing dangerous article to be on road	1	0	0	0	0	1	0	1
Failing to return record sheet within 21 days	1	0	0	1	6	0	1	0
Excessive smoke	0	2	1	1	8	6	9	7
Excess axle weight	0	2	0	1	0	1	0	1
Defective Seatbelts	0	1	0	0	7	4	2	1
No anchorage points	0	1	0	0	0	0	0	0
Defective speedometer	0	1	0	0	1	1	3	0
Driver smoking in PSV	0	2	0	0	0	0	1	0
Parking in a clearway-PM	1	2	1	0	0	0	0	0
Using horn when stationary	1	1	0	1	2	6	0	1
Incorrectly parked in layby	1	1	0	0	2	1	1	0
No mirrors on motor vehicle	0	1	1	2	3	4	0	0
Failing to switch off engine	0	2	0	0	3	1	2	1
Incorrectly parked at parking place	0	6	0	0	0	0	0	0
Vehicle exceeding permitted overhang	0	1	1	1	1	1	0	5
Unauthorised vehicle in parking place	0	5	0	0	0	1	0	0
Parking on footway adjacent to Clearway	0	4	0	0	0	0	1	0
Parking within the limits of a taxi stand	0	3	3	0	0	0	0	0

2007	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
Wrongful use of a disabled person's badge	0	3	0	1	0	0	0	1
Being unauthorised passenger on goods vehicle	0	1	0	0	4	2	0	0
carrying unauthorised passenger on goods vehicle	0	3	1	2	3	4	0	1
Television receiving apparatus in sight of Driver	0	2	2	1	4	1	2	0
Waiting within the limits of Taxi stand Belfast City	0	1	0	1	0	1	0	0
Waiting so as to obstruct access to premises Belfast City	0	1	0	0	0	0	0	0
Defective windscreen washers	1	0	1	0	5	1	0	0
Using vehicle fitted with two tone horn	1	0	1	4	1	0	0	1
Exceeding 45mph while displaying L plates	0	0	1	3	6	2	1	0
Unlawfully using moving vehicle for the purposes of being drawn	0	0	0	1	0	0	0	0
Vehicle exceeding permitted width	0	0	1	0	0	1	0	0
No taxi roof sign	0	0	1	5	2	1	2	0
Overcrowding on PSV	0	0	0	1	1	2	0	0
Unframed internal mirror	0	0	0	1	1	0	0	0
Exceeding driving periods	0	0	0	2	3	0	2	0
Reversing for unreasonable distance	0	0	0	1	0	1	0	0
Exceeding height limit of semi-trailer	0	0	0	1	0	0	0	0

2007	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
Failing to notify police of abnormal load	0	0	0	2	2	0	0	0
Trailer failing to have minimum ground clearance	0	0	0	1	0	0	0	0
Carrying unauthorised passengers on goods vehicle	0	0	2	2	1	2	1	1
Fitting lamp capable of showing red light to front	0	0	1	1	4	0	1	2
Using record sheet for longer than stipulated	0	0	0	0	4	0	1	0
Dirty windscreen	0	0	0	0	4	4	0	1
Passenger smoking in PSV	0	0	0	0	2	0	1	0
Failing to have warning beacon fitted	0	0	0	0	3	1	1	0
Failing to take daily rest period from driving	0	0	0	0	4	3	0	1
No horn	0	0	0	0	2	1	1	0
No speedometer	0	0	0	0	0	1	0	0
No School Bus Sign	0	0	0	0	1	1	0	0
Vehicle exceeding permitted length	0	0	0	0	1	0	1	1
Unmarked tow rope	0	0	1	0	0	2	0	0
Motorcycle sidecar not properly attached	0	0	1	0	0	1	1	0
Insecure petrol tank	0	0	0	0	0	1	0	0
No spray suppression device	0	0	0	0	0	1	0	0
Leaking petrol tank	0	0	0	0	1	0	0	0
Failing to keep tachograph record sheets in clean condition	0	0	0	0	1	0	1	1
No mudguards on motorcycle	0	0	0	0	0	0	0	1

2007	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
Allow unlighted vehicle to remain at rest on a road	0	0	0	0	0	0	2	1
No manufacturer's plate fitted	0	0	0	0	0	0	1	0
Defective rear protective guard	0	0	0	0	0	0	0	1
Parking in a clearway-AM	0	0	0	0	0	0	4	0
Total	1,704	5,479	3,014	4,643	6,460	5,520	4,201	2,764

2008	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
Jay Walking	8	26	8	7	7	11	2	1
Excess noise	1	1	1	4	40	15	22	17
Excess Weight	1	0	0	10	6	4	0	3
Insecure Load	7	2	2	20	44	22	6	13
Defective light	39	34	37	240	180	126	107	68
Excessive smoke	2	0	0	2	2	6	21	6
No Number Plate	6	13	14	68	109	47	51	34
Unlawful use of lamp	42	28	74	228	350	223	285	101
Obscured Number Plate	7	1	15	17	53	18	21	4
Breach of Traffic sign	389	1,106	277	1,086	158	66	68	130
Breach of box junction	1	5	0	8	5	8	0	0
Pedestrian on Motorway	5	2	1	3	1	1	0	1
No mudguards on trailer	0	0	1	2	0	1	0	1
No lights on pedal cycle	1	4	1	4	2	1	0	0
No rear protective guard	0	0	0	1	0	0	1	0
Passenger smoking in PSV	0	0	0	1	0	0	0	0
Failing to wear seat belt	57	52	65	333	341	273	165	96

2008	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
Overtaking on inside lane	52	62	30	98	32	5	11	9
No Vehicle Test Certificate	0	10	7	8	13	13	7	7
Defective windscreen washers	1	0	0	3	8	1	0	0
No Goods Vehicle Certificate	1	2	0	1	3	2	1	2
Parking as to obstruct access	34	258	45	48	32	30	28	28
No passenger seat belt fitted	2	1	1	6	0	1	1	0
Failing to drive in near side lane	9	6	18	40	34	21	20	20
Parking within 15 metre of junction	229	2,018	49	224	40	13	53	24
Vehicle exceeding permitted length	0	0	0	5	0	0	0	1
Failing to wear taxi drivers' badge	4	1	1	6	6	2	3	1
Incorrect form of registration mark	57	123	150	309	690	345	217	196
Defective exhaust and silencer system	0	2	1	6	8	32	18	10
Manoeuvring vehicle without signalling	1	1	3	18	16	4	1	1
Driver unable to have full view of road	4	2	1	4	13	20	8	3
Using vehicle fitted with two tone horn	8	18	2	20	23	13	13	4
Sounding horn at night on a restricted road	3	1	1	2	5	9	3	2
Using vehicle when lamp not lit and unobscured	5	4	3	19	13	9	4	2
Failing to operate switch mechanisms to tachograph	0	1	3	7	29	20	13	25

2008	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
Allow unlighted vehicle to remain at rest on a road	0	0	0	2	1	1	0	0
Rider on motorcycle failing to wear protective headgear	3	5	6	11	1	1	2	2
Driver of a motorcycle failing to wear protective headgear	2	0	1	5	0	0	1	1
Failure to Have Obligatory Lamp or Reflector or Rear Marking	0	0	0	5	6	4	3	0
Failing to Give Precedence to Pedestrian at a Pelican Crossing	1	2	0	1	0	0	0	2
Using a Vehicle With Windows With Insufficient Transmission of Light	1	2	3	5	30	128	7	0
Dangerous cycling	2	2	0	3	0	0	1	0
Misuse of a Mobile Phone	0	1	1	0	1	4	0	0
Using horn when stationary	2	2	1	1	4	1	6	1

2008	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
carrying unauthorised passenger on goods vehicle	2	2	1	0	0	4	2	0
No PSV Licence	1	0	0	0	0	0	0	0
No taxi roof sign	4	0	0	0	0	1	3	0
Failing to Display Trade Plates	1	4	3	4	3	4	0	1
Vehicle exceeding permitted width	6	1	0	12	0	0	0	0
Exceeding 45mph while displaying L plates	1	0	1	0	2	4	0	0

2008	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
Failing to take daily rest period from driving	1	0	0	3	11	3	0	2
Television receiving apparatus in sight of Driver	1	0	0	0	2	1	0	0
Parking HGV unlawfully (verge, footway, central reservation)	4	1	2	2	4	0	0	0
Driver smoking in PSV	0	3	0	0	0	0	2	1
Failing to stop for Police	0	1	0	0	0	0	0	0
Reversing for unreasonable distance	0	1	0	1	0	0	1	0
Wrongful use of a disabled person's badge	0	1	0	1	1	0	0	1
Use vehicle not fitted with suitable and sufficient springs	0	1	0	1	0	0	0	0
Driving passenger car with unrestrained child under 12 years	0	1	1	0	2	0	1	0
No mirrors on motor vehicle	1	0	0	0	4	4	0	1
Exceeding 45mph while displaying R plates	1	0	1	6	4	1	2	0
Defective Seatbelts	0	0	0	1	4	3	1	0
Failing to switch off engine	0	0	0	1	0	0	1	0
Defective windscreen wipers	0	0	1	0	0	3	0	1
Failing to maintain excess fuel device	0	0	1	0	0	0	1	0
No side marker lamps on projecting load	0	0	1	1	3	0	0	0
Excess axle weight	0	0	2	3	1	1	0	0
Exceeding driving periods	0	0	1	1	3	6	2	0

2008	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
Driving on Land Other Than a Road	0	0	2	1	3	0	0	0
Vehicle exceeding permitted overhang	0	0	0	1	1	1	0	0
Lifting apparatus not properly secured	0	0	0	2	1	1	0	0
Failing to notify police of abnormal load	0	0	0	5	1	2	0	0
Failing to keep tachograph record sheets in clean condition	0	0	1	2	3	2	3	0
No windscreen wipers	0	0	0	1	1	1	1	0
Using strident horn on motor vehicle	0	0	0	1	0	0	0	0
Towing with rope in excess of prescribed limit	0	0	0	1	0	0	0	0
Failing to have warning beacon fitted	0	0	1	0	3	0	0	0
Dirty windscreen	0	0	0	0	9	15	0	0
Defective speedometer	0	0	1	0	3	1	1	1
Being unauthorised passenger on goods vehicle	0	0	0	0	1	2	1	0
Failing to return record sheet within 21 days	0	0	0	0	3	0	0	0
Using record sheet for longer than stipulated	0	0	0	0	4	2	3	0
No horn	0	0	0	0	2	1	0	0
Defective side protective guard	0	0	0	0	1	0	0	0
No side protective guard	0	0	0	0	0	1	0	0
Carrying unauthorised passengers on goods vehicle	0	0	0	0	0	3	0	0
Leaking petrol tank	0	0	0	0	1	0	0	0
No lights on projecting load	0	0	1	0	1	0	0	0

2008	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
Motorcycle sidecar not properly attached	0	0	0	0	1	0	0	0
Fitting lamp capable of showing red light to front	0	0	0	0	2	2	0	0

2008	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
Miscellaneous Offence for Inputting Voided Notices	0	0	0	0	1	0	0	0
Pedestrian remaining on Zebra crossing longer than necessary	0	0	0	0	1	0	0	0
No windscreen washers	0	0	0	0	0	1	0	0
Dangerous mascot on motor	0	0	0	0	0	2	0	0
No mudguards on motorcycle	0	0	0	0	0	1	0	0
Causing dangerous article to be on road	0	0	0	0	0	1	0	2
Overcrowding on PSV	0	0	0	0	1	1	0	0
Opening vehicle's door causing danger	0	0	0	0	1	0	0	0
Unlawful use of hazard warning signal device	0	0	0	0	0	1	1	0
Interfering with traffic sign	0	0	0	0	0	0	1	0
No mudguards on motor car	0	0	0	0	0	1	0	0
No spray suppression device	0	0	0	0	0	1	0	0
Total	1,010	3,814	844	2,942	2,395	1,579	1,197	826

2009	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
Jay Walking	6	56	2	15	6	7	3	5

2009	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
Excess noise	1	1	3	3	21	13	22	25
Excess Weight	1	0	0	6	3	0	5	1
Insecure Load	7	6	1	33	41	23	11	13
Defective light	31	54	47	333	212	241	115	114
No Number Plate	5	11	12	91	114	81	33	24
Dirty windscreen	0	0	0	4	6	15	0	0
Dangerous cycling	0	1	0	3	1	0	0	0
Unlawful use of lamp	19	31	45	196	206	293	251	88
Obscured Number Plate	2	8	7	23	55	44	4	8
Breach of Traffic sign	127	882	208	1,600	153	109	31	110
Breach of box junction	2	4	4	12	2	13	0	4
Pedestrian on Motorway	2	5	0	8	5	1	0	1
Failing to wear seat belt	34	65	50	207	318	318	90	69
Overtaking on inside lane	28	53	48	85	25	6	17	14
Using horn when stationary	0	4	0	3	1	5	0	3
Defective windscreen wipers	0	0	0	2	2	2	0	1
No Vehicle Test Certificate	0	2	1	3	1	2	2	1
Defective windscreen washers	0	1	1	4	18	3	0	0
No Goods Vehicle Certificate	0	1	0	2	0	1	1	0
Parking as to obstruct access	27	193	24	159	43	49	15	22
Failing to Display Trade Plates	0	4	0	7	4	4	0	1
Failing to drive in near side lane	13	8	16	59	84	19	10	7
Parking within 15 metre of junction	184	1,763	47	423	37	18	47	18
Failing to wear taxi drivers' badge	0	4	0	3	10	7	2	1

2009	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
Incorrect form of registration mark	37	74	77	255	348	434	204	121
Defective exhaust and silencer system	1	1	4	3	10	52	16	23
Manoeuvring vehicle without signalling	1	0	5	13	6	12	5	4
Driver unable to have full view of road	1	3	0	7	10	12	9	4
Using vehicle fitted with two tone horn	0	0	0	1	0	0	0	0
Sounding horn at night on a restricted road	2	0	0	1	4	9	1	3
Using vehicle when lamp not lit and unobscured	0	7	2	13	6	11	0	1
carrying unauthorised passenger on goods vehicle	0	0	0	2	1	3	1	1
Failing to operate switch mechanisms to tacograph	1	2	0	10	46	23	10	6
Allow unlighted vehicle to remain at rest on a road	0	1	0	1	0	0	0	0
Rider on motorcycle failing to wear protective headgear	3	1	3	11	3	2	3	1
Driver of a motorcycle failing to wear protective headgear	0	1	2	7	1	2	0	0
Failing to Give Precedence to Pedestrian at a Pelican Crossing	1	1	2	3	2	1	0	3
Using a Vehicle With Windows With Insufficient Transmission of Light	3	2	2	14	47	41	4	3
No PSV Licence	0	1	0	1	1	0	1	0
No speedometer	0	1	0	0	0	0	0	0
No lights on pedal cycle	1	3	1	2	4	2	1	0

2009	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
No side marker lamps on projecting load	1	1	0	0	1	1	0	0
Parking HGV unlawfully (verge, footway, central reservation)	0	3	0	2	0	3	0	1

2009	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
Excessive smoke	0	1	0	0	5	1	6	6
No taxi roof sign	0	2	0	0	1	0	0	1
No windscreen wipers	0	1	0	0	1	0	1	0
Driver smoking in PSV	0	2	0	0	0	2	1	0
No mirrors on motor vehicle	0	1	2	1	1	2	2	1
Reversing for unreasonable distance	0	1	0	1	0	0	0	0
Causing dangerous article to be on road	0	2	0	1	2	1	1	0
Wrongful use of a disabled person's badge	0	2	1	0	0	0	0	0
Drawing more than permitted number of trailers	0	1	0	0	0	0	0	0
Failing to take daily rest period from driving	0	1	0	0	12	1	2	1
Television receiving apparatus in sight of Driver	0	1	0	0	0	0	0	0
Failure to Have Obligatory Lamp or Reflector or Rear Marking	0	1	2	7	7	5	0	0
No passenger seat belt fitted	1	0	0	3	4	0	2	0
No rear protective guard	0	0	0	2	0	0	0	0

2009	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
Carrying unauthorised passengers on goods vehicle	0	0	1	0	0	2	1	1
Excess axle weight	0	0	0	1	0	2	0	0
Exceeding driving periods	0	0	0	3	2	4	1	0
Failing to switch off engine	0	0	0	1	0	0	1	0
No driver's seat belt fitted	0	0	0	1	0	0	0	0
Driving on Land Other Than a Road	0	0	0	3	1	0	1	1
Failing to have warning beacon fitted	0	0	0	1	1	0	1	0
Using strident horn on motor vehicle	0	0	0	1	0	0	0	0
Lifting apparatus not properly secured	0	0	0	1	0	1	0	1
Exceeding 45mph while displaying R plates	0	0	1	2	6	3	1	1
Failing to notify police of abnormal load	0	0	0	4	5	0	0	1
Being unauthorised passenger on goods vehicle	0	0	0	1	1	0	4	0
Leaking petrol tank	0	0	0	1	0	0	0	0
Vehicle exceeding permitted width	0	0	0	2	0	0	0	0
Defective Seatbelts	0	0	0	0	6	2	1	0
Vehicle exceeding permitted overhang	0	0	0	0	1	1	0	0
Opening vehicle's door causing danger	0	0	0	0	1	0	0	0
Fitting lamp capable of showing red light to front	0	0	0	0	1	1	0	0

2009	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
Failing to keep tachograph record sheets in clean condition	0	0	0	0	3	0	0	0
Use vehicle not fitted with suitable and sufficient springs	0	0	0	0	1	6	0	1
No lights on projecting load	0	0	0	0	1	1	0	0
Towing with rope in excess of prescribed limit	0	0	0	0	0	1	0	0
No School Bus Sign	0	0	0	0	1	0	0	0
Exceeding 45mph while displaying L plates	0	0	0	0	1	4	1	0
Using record sheet for longer than stipulated	0	0	0	0	1	3	2	0
Defective side protective guard	0	0	1	0	0	0	0	0
Defective speedometer	0	0	0	0	0	2	1	0
No mudguards on trailer	0	0	0	0	0	3	0	0
Dangerous mascot on motor	0	0	0	0	1	1	0	0
Carrying passengers in a living van	0	0	0	0	2	1	0	0
Failing to maintain spray suppression device	0	0	0	0	0	1	0	0
No windscreen washers	0	0	0	0	1	1	0	0

2009	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
No spray suppression device	0	0	0	0	0	2	0	0
Vehicle exceeding permitted length	0	0	0	0	0	1	0	0

2009	Non Endorsable £30							
	A District	B District	C District	D District	E District	F District	G District	H District
Trailer failing to have minimum ground clearance	0	0	0	0	0	1	0	0
No mudguards on motor car	0	0	0	0	0	1	0	0
Total	542	3,275	622	3,667	1,928	1,939	944	716

House Burglaries

Mr P Butler asked the Minister of Justice how many people have been convicted of house burglaries in each District Policing Partnership area in each of the last 5 years.

(AQW 7339/10)

Minister of Justice: I regret the information is not available in the format requested. Some burglary offences specify a dwelling or non-dwelling in their offence definition; however, other burglary offences do not. While convictions for these offences may relate to domestic burglary it is not possible to determine the number of such convictions as court conviction data do not contain background information in relation to offences committed.

The tables below give the number convicted for burglary in a dwelling offences and those other burglary offences which do not refer to a dwelling specifically. Figures for burglary in a non-dwelling and going equipped offences have also been included for information. Data cover the calendar years 2002 to 2006 (the latest year for which figures are currently available) and are broken down by police District Command Unit (which mirror District Policing Partnership areas). Data are collated on the principal offence rule; only the most serious offence for which an offender is convicted is included.

TABLE 1: BURGLARY IN A DWELLING – NUMBER CONVICTED BY POLICE DISTRICT COMMAND UNIT (DCU)^{1,2,3} 2002-2006

	2002	2003	2004	2005	2006
Antrim	1	7	1	8	3
Ards	4	4	5	1	8
Armagh	4	6	4	6	5
Banbridge	2	1	2	1	2
Belfast East	13	16	10	10	11
Belfast North	14	29	37	32	31
Belfast South	25	25	12	18	4
Belfast West	29	18	32	24	31
Ballymena	11	12	10	4	6
Ballymoney	2	3	3	3	1
Carrickfergus	3	2	2	1	1
Coleraine	7	4	8	7	6
Cookstown	0	1	3	5	2

	2002	2003	2004	2005	2006
Craigavon	3	9	7	6	11
Castlereagh	6	5	15	5	5
Dungannon & South Tyrone	3	5	2	3	4
Down	5	6	13	16	9
Fermanagh	8	4	1	3	2
Foyle	34	17	34	24	33
Larne	2	3	3	8	3
Limavady	5	4	0	4	5
Lisburn	12	23	14	20	24
Magherafelt	1	2	1	2	2
Moyle	1	1	1	1	0
Newtownabbey	6	2	9	15	7
North Down	7	4	1	4	7
Newry & Mourne	6	4	9	7	5
Omagh	4	4	6	2	3
Strabane	2	2	0	1	5
Missing ⁴	1	6	5	3	6
Total	221	229	250	244	242

- 1 Based on the DCU in which the offender's address falls.
- 2 Belfast DPP comprises the four DCUs given above.
- 3 Includes the offences 'burglary with intent to steal – dwelling', 'burglary and theft - dwelling' and 'burglary and attempted theft – dwelling'.
- 4 Missing data relate to those offenders for whom DCU information is not available.

TABLE 2: BURGLARY IN A NON-DWELLING – NUMBER CONVICTED BY POLICE DISTRICT COMMAND UNIT (DCU)^{1,2,3} 2002-2006

	2002	2003	2004	2005	2006
Antrim	4	3	11	2	3
Ards	8	5	3	4	6
Armagh	11	14	6	4	10
Banbridge	9	4	4	1	3
Belfast East	14	20	16	13	8
Belfast North	34	36	28	26	20
Belfast South	13	22	11	12	16
Belfast West	18	27	29	22	16

	2002	2003	2004	2005	2006
Ballymena	12	11	9	9	8
Ballymoney	7	3	1	2	0
Carrickfergus	6	1	1	3	6
Coleraine	7	7	11	11	9
Cookstown	2	4	11	6	9
Craigavon	15	8	26	10	17
Castlereagh	12	4	5	1	3
Dungannon & South Tyrone	3	7	4	4	1
Down	9	11	9	6	9
Fermanagh	6	4	5	8	12
Foyle	30	27	30	20	19
Larne	3	5	2	0	3
Limavady	3	2	6	2	5
Lisburn	17	15	18	22	8
Magherafelt	2	4	4	1	0
Moyle	3	2	1	1	2
Newtownabbey	3	7	6	7	4
North Down	14	7	7	6	6
Newry & Mourne	7	12	9	6	13
Omagh	9	7	6	5	5
Strabane	5	4	0	1	3
Missing ⁴	9	7	6	2	1
Total	295	290	285	217	225

- 1 Based on the DCU in which the offender's address falls.
- 2 Belfast DPP comprises the four DCUs given above.
- 3 Includes the offences 'burglary with intent to steal - non-dwelling', 'burglary and theft – non-dwelling' and 'burglary and attempted theft – non-dwelling'.
- 4 Missing data relate to those offenders for whom DCU information is not available.

TABLE 3: OTHER BURGLARY OFFENCES – NUMBER CONVICTED BY POLICE DISTRICT COMMAND UNIT (DCU)^{1,2,3} 2002-2006

	2002	2003	2004	2005	2006
Antrim	0	1	0	2	0
Ards	0	1	5	1	2
Armagh	1	0	0	1	0

	2002	2003	2004	2005	2006
Banbridge	1	1	0	1	1
Belfast East	2	2	3	0	0
Belfast North	0	4	1	2	3
Belfast South	1	2	1	3	0
Belfast West	1	2	2	3	3
Ballymena	1	1	0	0	0
Ballymoney	0	0	1	0	0
Carrickfergus	0	1	0	5	0
Coleraine	0	1	0	1	2
Cookstown	0	4	1	2	1
Craigavon	0	0	0	6	6
Castlereagh	1	1	3	0	2
Dungannon & South Tyrone	0	3	2	2	0
Down	2	2	0	3	0
Fermanagh	0	0	0	0	0
Foyle	5	1	6	4	1
Larne	1	0	0	2	2
Limavady	0	1	0	0	1
Lisburn	3	1	2	1	4
Magherafelt	0	2	0	0	0
Moyle	0	0	2	0	0
Newtownabbey	0	0	0	2	1
North Down	1	1	3	2	1
Newry & Mourne	1	0	1	2	3
Omagh	0	1	1	1	2
Strabane	3	1	1	0	0
Missing ⁴	0	0	0	0	1
Total	24	34	35	46	36

- 1 Based on the DCU in which the offender's address falls.
- 2 Belfast DPP comprises the four DCUs given above. Includes offences such as burglary/aggravated burglary and:
- 3 stealing/inflicting grievous bodily harm or with intent to steal/commit grievous bodily harm/commit rape/cause unlawful damage.
- 4 Missing data relate to those offenders for whom DCU information is not available.

TABLE 4: GOING EQUIPPED OFFENCES – NUMBER CONVICTED BY POLICE DISTRICT COMMAND UNIT (DCU)^{1,2,3} 2002-2006

	2002	2003	2004	2005	2006
Antrim	1	1	0	2	0
Ards	4	1	1	1	1
Armagh	1	0	1	4	1
Banbridge	0	0	0	0	0
Belfast East	2	2	3	0	1
Belfast North	7	14	6	6	3
Belfast South	3	2	1	2	0
Belfast West	12	9	9	10	5
Ballymena	3	1	3	2	0
Ballymoney	0	0	0	0	0
Carrickfergus	0	0	0	0	0
Coleraine	1	2	1	0	0
Cookstown	1	0	0	2	2
Craigavon	3	1	2	1	1
Castlereagh	1	1	0	1	2
Dungannon & South Tyrone	2	0	1	2	0
Down	2	1	1	3	0
Fermanagh	0	0	1	1	0
Foyle	2	4	1	3	2
Larne	1	1	2	0	0
Limavady	0	0	0	1	0
Lisburn	5	7	8	2	5
Magherafelt	0	0	0	1	0
Moyle	0	0	0	0	0
Newtownabbey	4	0	0	0	0
North Down	0	2	0	0	0
Newry & Mourne	0	1	1	4	1
Omagh	0	0	3	1	0
Strabane	0	0	0	0	0
Missing ⁴	0	0	5	1	5
Total	55	50	50	50	29

1 Based on the DCU in which the offender's address falls.

- 2 Belfast DPP comprises the four DCUs given above.
- 3 Includes the offences 'going equipped for burglary', 'going equipped for theft' and 'going equipped to cheat'.
- 4 Missing data relate to those offenders for whom DCU information is not available.

Knife Crime

Mr A Easton asked the Minister of Justice to outline the current law in relation to knife crime.
(AQW 7376/10)

Minister of Justice: There is a range of offences designed to control the sale and possession of knives and other potentially offensive weapons. The main offences are: having a blade or pointed article or offensive weapon in public or on school premises without good reason; selling a knife to someone under 18 years old; manufacturing or selling, etc, an offensive weapon; and marketing a knife in a way that is likely to encourage violence. The maximum custodial penalty available for these offences on conviction on indictment is 4 years.

Drugs-related Offences

Mr A Ross asked the Minister of Justice how many people have been convicted of drugs-related offences, including drug-dealing, in the East Antrim constituency in each of the last three years.
(AQW 7378/10)

Minister of Justice: The table below gives the number convicted for drug-related offences in the East Antrim constituency and the number of these convictions that were for offences related to drug dealing.

Data cover the calendar years 2004 to 2006 (the latest year for which figures are currently available) and are collated on the principal offence rule; only the most serious offence for which an offender is convicted is included.

NUMBER CONVICTED FOR DRUG-RELATED OFFENCES AND NUMBER OF WHICH RELATED TO DRUG DEALING¹ – EAST ANTRIM CONSTITUENCY² 2004-2006

Year	All drug offences	Number related to drug dealing
2004	30	11
2005	23	7
2006	30	10

- 1 Includes offences relating to the production, supply, possession with intent to supply drugs and the offence of cultivating cannabis.
- 2 Based on the parliamentary constituency in which the offender's address falls.

Anti-Social Behaviour Orders

Mr A Ross asked the Minister of Justice how many Anti-Social Behaviour Orders have been served in the East Antrim constituency in each of the last 3 years.
(AQW 7398/10)

Minister of Justice: Information in respect of the number of Anti-Social Behaviour Orders (ASBOs) issued is available by District Council area. The information is currently not held by constituency, but work is ongoing to progress this.

The Department of Justice has been notified by the relevant authorities that there were 2 ASBOs issued in the District Council areas covered by the East Antrim constituency in 2007, 5 ASBOs issued in the District Council areas covered by the East Antrim constituency in 2008 and 2 ASBOs issued in

the District Council areas covered by the East Antrim constituency in 2009. The table below details the breakdown of these figures by District Council area.

District Council	2007	2008	2009
Carrickfergus	0	0	1
Larne	0	2	0
Moyle	0	0	0
Newtownabbey	2	3	1
Total	2	5	2

Notes:

The Anti-social Behaviour (NI) Order 2004 defines relevant authority as district councils, PSNI or Northern Ireland Housing Executive.

Prisoners who do not have English as a First Language

Mr A Ross asked the Minister of Justice what procedures are in place to ensure that the Prison Service can deal with prisoners who do not have English as a first language.

(AQW 7401/10)

Minister of Justice: The Northern Ireland Prison Service has put in place a series of measures to deal with prisoners who do not have English as a first language. These are designed to ensure that such inmates have the same access to facilities as all other prisoners. They include:-

- individual face to face interpreting;
- group interpreting sessions;
- access to telephone interpreting;
- written translations of prison information;
- provision of language recognition charts/world maps to assist with first language identification;
- a pictorial dictionary to identify standard prison regimes.

In addition the Prison Service provides further measures to support such prisoners, including:

- a free 10 minute international telephone call each week, where the prisoner has less than £20 in his/her Inmate Personal Cash Account;
- availability of ESOL classes (English for Speakers of Other Languages);
- a cadre of staff with specific responsibility for foreign national prisoners;
- flexible visiting arrangements for families who travel from other countries;
- adaptation of menus to include appropriate food choices.

Witnesses and Defendants who do not have English as a First Language

Mr A Ross asked the Minister of Justice what procedures are in place to ensure that the Courts and Tribunals Service can deal with witnesses and defendants who do not have English as a first language.

(AQW 7403/10)

Minister of Justice: The Northern Ireland Courts and Tribunals Service (NICTS) engages interpreters under a joint criminal justice agency contract with an accredited firm, Connect-NICEM, who can supply interpreters in a wide variety of languages for hearings at courts and tribunals.

On 9 February 2010 the NICTS published a consultation paper on the future provision of in-court interpreter services. A response to the consultation will be published by the end of August 2010.

Legal Aid

Mr M Durkan asked the Minister of Justice to outline the criteria for the provision of legal aid in situations where a person is trying to obtain transcripts of court proceedings.

(AQW 7413/10)

Minister of Justice: Access to a transcript of court proceedings is most commonly required for purposes of an appeal to the Court of Appeal in a criminal case.

The matters covered by a criminal legal aid certificate include “work reasonably undertaken and properly done by the solicitor assigned to that person in giving notice of appeal to the Court of Appeal”. If required, the cost of obtaining a transcript would normally be paid as a disbursement under the criminal legal aid certificate.

New Police Station in Downpatrick

Ms M Ritchie asked the Minister of Justice when work will commence on the new police station in Downpatrick; and if he will make a statement on the matter.

(AQW 7444/10)

Minister of Justice: Management of the Police Estate is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Legal Aid

Mr G Campbell asked the Minister of Justice how many complaints have been made by people, subject to legal-aid sponsored proceedings against them in their professional capacity, about the granting of the legal-aid for these proceedings, in each of the last three years.

(AQW 7446/10)

Minister of Justice: The Legal Services Commission has no record of a formal complaint being made in these circumstances in the last three years.

Convictions for Speeding

Mr A Ross asked the Minister of Justice how many individuals have been convicted of speeding in (i) 30 mph zones; (ii) 40mph zones; (iii) 50mph zones; (iv) 60 mph zones; and (v) on motorways in each of the last 12 months.

(AQW 7465/10)

Minister of Justice: I regret the information requested is not available. Court conviction data do not contain background information in relation to offences committed or the speed limit which was breached and, it is therefore not possible to give the number of convictions for speeding in each of the zones requested. It is possible only to give the total number convicted at court for a speeding offence; figures are given in the table below and are broken down by month.

Data cover the calendar year 2006 (the latest year for which figures are currently available) and are collated on the principal offence rule; only the most serious offence for which an offender is convicted is included.

SPEEDING OFFENCES – NUMBER CONVICTED BY MONTH^{1,2,3} 2006

Month	Number convicted
January	237
February	217
March	245
April	204
May	268
June	215
July	159
August	198
September	221
October	252
November	225
December	203
Total	2644

- 1 Includes the offences 'excess speed', 'breach of temporary traffic regulation – speeding', 'excess speed for vehicle classification', 'L driver exceeding 45mph', 'R driver exceeding 45mph' and 'exceeding 45mph while displaying R plates'.
- 2 Month based on date of sentence.
- 3 Data cover only those offenders who are prosecuted and subsequently convicted through the courts and exclude those who were given a fixed penalty.

Drugs-related Offences

Mr I McCrea asked the Minister of Justice how many people have been convicted of drugs-related offences in the (i) Magherafelt; and Cookstown District Council areas in each of the last five years. **(AQW 7469/10)**

Minister of Justice: The number convicted of drug-related offences in Magherafelt and Cookstown police District Command Units (which mirror District Council areas) are given in the table below.

Data cover the calendar years 2002 to 2006 (the latest year for which figures are currently available) and are collated on the principal offence rule; only the most serious offence for which an offender is convicted is included.

NUMBER CONVICTED FOR DRUG-RELATED OFFENCES – MAGHERAFELT AND COOKSTOWN POLICE DISTRICT COMMAND UNITS (DCU)¹ 2002-2006

Year	Magherafelt DCU	Cookstown DCU
2002	6	10
2003	14	10
2004	15	15
2005	7	22
2006	15	21

- 1 Based on the DCU in which the offender's address falls.

Possession and Consumption of Alcohol in a Public Place

Mr K Robinson asked the Minister of Justice how many people were (i) apprehended; (ii) processed; and (iii) charged with having possession of, or consuming, alcohol in a public place on, or during, (a) the week covering Christmas Day; (b) New Year's Eve and New Year's Day; (c) St Patrick's Day; (d) the Twelfth of July parades; (e) Gay Pride; (f) May Day; and (g) the Lord Mayor's show, in each of the last three years.

(AQW 7472/10)

Minister of Justice: As drinking in a public place is a breach of a bye-law, the information on breaches and prosecutions are held by local Government and not central Government.

Some sections of the Policing & Crime Act 2009 were introduced in NI on 29th January 2010. Section 29 of the Act gives the police powers to confiscate sealed containers of alcohol. The recording of the number of confiscations is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Possession and Consumption of Alcohol in a Public Place

Mr K Robinson asked the Minister of Justice how many police officers and Belfast City Council officials were engaged in removing alcohol from people who were (i) in possession of alcohol; and (ii) consuming alcohol in public places in Belfast on, or during (a) the week covering Christmas Day; (b) New Year's Eve and New Year's Day; (c) St Patrick's Day; (d) the Twelfth of July parades; (e) Gay Pride; (f) May Day; and (g) the Lord Mayor's show, in each of the last three years.

(AQW 7473/10)

Minister of Justice: As I indicated for AQW/7472/10 the information sought is held by the PSNI and District Councils. The recording of the number of police officers involved in such operations is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Legal Aid

Mr P Weir asked the Minister of Justice to detail the amount spent on legal aid for (i) criminal cases; and (ii) civil cases, in each of the last five years.

(AQW 7476/10)

Minister of Justice:

Financial Year	Criminal Legal Aid Expenditure £(m)	Civil Legal Aid Expenditure £(m)	Total Legal Aid Expenditure £(m)
2005/06	30.6	27.4	58.0
2006/07	41.7	27.7	69.4
2007/08	44.5	27.5	72.0
2008/09	50.6	32.5	83.1
2009/10	60.0	36.9	96.9

The expenditure figures provided above exclude the administrative costs of running the Northern Ireland Legal Services Commission. These revised figures reflect updating due to a number of technical accounting changes.

Youth Conferencing with the Youth Justice Agency

Mr P Weir asked the Minister of Justice how many children and young people in the (i) North Down Borough Council; and (ii) Ards Borough Council areas are currently engaged in Youth Conferencing with the Youth Justice Agency.

(AQW 7483/10)

Minister of Justice: At the end of May 2010 (i) 25 young people in the North Down Borough Council area and (ii) 29 young people in the Ards Borough Council area were engaged in youth conferencing with the Youth Justice Agency. These young people have met their victims at a youth conference, and having agreed a reparative action plan are subject to youth conference orders/plans.

Prisoners Exercise Entitlement

Mr D McKay asked the Minister of Justice how many times prisoners in Magheraberry have been denied their exercise entitlement in the last three months; and to outline the reasons.

(AQW 7490/10)

Minister of Justice: In the last three months, exercise entitlement at Maghaberry was affected on a total of five days. This was due to prisoner unrest on 22 and 23 March in respect of prisoners in integrated remand accommodation in Foyle House which included breaking sanitary ware in their cells. On 4 April separated republican prisoners in Roe House barricaded themselves into the recreation room and on 6 May Roe House prisoners broke the sanitary ware in their cells. Arising from these incidents it was necessary for Prison Rule 7 paragraph (1) to be invoked which permits part of the regime to be curtailed for safety and security. Details are as shown in the table below:

Date	No of prisoners who did not get their exercise entitlement
22 March	157
23 March	156
4 April	721
5 April	29
7 May	30

Prison Visits to Magheraberry

Mr D McKay asked the Minister of Justice how many prison visits to Magheraberry have been suspended in each of the last three months; and to outline the reasons.

(AQW 7491/10)

Minister of Justice: The number of Maghaberry prison visits to individual prisoners, suspended in each of the last 3 months is as shown in the table below:

	No of Suspended Visits
March	6
April	53
May	5
Total	64

Visits were suspended for the following reasons:

	March	April	May
Visitor passed unauthorised item to prisoner (drugs)	2	1	0
Visitor passed unspecified unauthorised item to prisoner	1	1	0
Prisoner tried to retrieve unspecified article from visitor	1	0	0
Prisoner or visitor were verbally abusive/aggressive to prison staff	2	0	2
*Incident involving republican separated prisoners in Roe House landings 3&4	0	51	0
Visitor passed a mobile phone to prisoner	0	0	1
Visitor found in possession of drugs following search procedure	0	0	1
Visitor's behaviour in contravention of Prison Rules	0	0	1
Total	6	53	5

* Due to the prison being locked down, visits to all prisoners in Maghaberry (including one prisoner in Roe House) were suspended.

Mental Health Legislation

Lord Morrow asked the Minister of Justice to outline the role of his Department in relation to an individual sectioned under the Mental Health legislation.

(AQW 7493/10)

Minister of Justice: Two overarching powers under the Mental Health (Northern Ireland) Order 1986 determine the role of the Department of Justice in terms of mentally ill offenders.

When an offender is convicted and found to be suffering from a mental disorder (within the meaning of the 1986 Order) the court may impose a hospital order directing their admission to and detention in hospital for treatment. Alternatively, when a prisoner is suffering from a mental disorder that requires hospital treatment he/she may be transferred to a specified hospital. In both circumstances, a "restriction order" may be imposed which then determines the role of the Department of Justice in ensuring the protection of the public by overseeing the management of these patients.

In broad terms, the Department of Justice's consent is then required for any leave of absence from hospital or transfer to another hospital. The Department is also responsible for reviewing restriction orders, referring relevant cases to the Mental Health Review Tribunal, exercising powers of discharge or variation under the MHRT's direction, and where appropriate recalling patients from conditional discharge for MHRT review.

The Department also operates a statutory scheme for victims of mentally disordered offenders whereby victims can apply to receive information on a relevant offender's leave of absence or consideration for discharge.

Budget for 2010/11

Mr A Easton asked the Minister of Justice to outline his Department's budget for 2010/11.

(AQW 7514/10)

Minister of Justice: I refer the member to AQW 6392/10 which was answered on 7 May 2010 and is available in Hansard.

Judges and Barristers Wearing Wigs and Gowns in Court

Mr J Dallat asked the Minister of Justice if he has any plans to end the practice of judges and barristers wearing wigs and gowns in court, in order to make courts more user friendly and appropriate to modern society.

(AQW 7526/10)

Minister of Justice: The practice of judges wearing wigs and gowns in court is a matter for the judiciary and the legal profession. The Lord Chief Justice's Office has agreed to write to the Member in respect of this matter.

Legal Possession of Firearms

Mr J Craig asked the Minister of Justice how many civilians are currently in legal possession of a firearm.

(AQW 7527/10)

Minister of Justice: Firearms licensing is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Website of the Coroners Service for Northern Ireland

Mr J Craig asked the Minister of Justice if he has any plans to publish on the website of the Coroners Service for Northern Ireland, the basic details of completed inquests, such as the name of the deceased, date of death and inquest, the verdict of the inquest and any related recommendations by the jury or coroner.

(AQW 7528/10)

Minister of Justice: As I explained in my answer to AQW 6591/10 and published in the Official Report on 14 May 2010, there are no plans to publish the findings of Inquests because of the personal and sensitive nature of the information involved and the possibility of causing more distress to the next of kin.

Convictions for Speeding

Mr A Ross asked the Minister of Justice how many people have been convicted of speeding in specific speed limit zones in each of the last 24 months, broken down by policing district.

(AQW 7531/10)

Minister of Justice: The tables below give the number convicted at court for a speeding offence broken down by police District Command Unit and month. Court conviction data do not contain background information in relation to offences committed or the speed limit which was breached and, it is therefore not possible to give the number of convictions for speeding in specific speed limit zones.

Data cover the calendar years 2005 and 2006 (the latest year for which figures are currently available) and are collated on the principal offence rule; only the most serious offence for which an offender is convicted is included.

TABLE 1: SPEEDING OFFENCES – NUMBER CONVICTED AT COURT BY POLICE DISTRICT COMMAND UNIT AND MONTH 2005^{1,2,3,4}

DCU	Jan	Feb	Mar	Apr	May	Jun	Jul
Antrim	9	11	6	11	6	5	8
Ards	9	11	10	11	6	13	3
Armagh	5	5	6	8	7	6	4
Banbridge	6	0	8	4	2	7	1
Belfast East	7	13	9	11	7	16	7
Belfast North	7	8	7	11	13	11	7
Belfast South	10	9	8	12	13	11	14
Belfast West	4	6	1	3	5	8	3
Ballymena	8	5	6	11	9	8	9
Ballymoney	1	5	1	3	4	6	5
Carrickfergus	4	4	4	3	3	4	5
Coleraine	6	8	10	13	8	19	6
Cookstown	2	5	6	8	2	2	3
Craigavon	3	5	2	4	6	6	2
Castlereagh	3	11	6	12	13	10	8
Dungannon & South Tyrone	4	0	1	7	6	11	8
Down	3	5	2	7	10	8	8
Fermanagh	4	6	3	2	2	4	2
Foyle	12	25	13	23	18	7	15
Larne	3	0	2	5	3	6	3
Limavady	3	8	9	5	6	5	6
Lisburn	26	18	8	24	21	18	16
Magherafelt	7	5	5	12	7	6	5
Moyle	2	5	3	1	0	0	3
Newtownabbey	10	11	8	12	10	12	12
North Down	4	13	6	15	11	7	11
Newry & Mourne	7	24	13	19	17	20	8
Omagh	5	3	7	8	5	10	7
Strabane	7	1	6	7	6	6	2
Missing ⁵	30	44	27	54	31	18	18
Total	211	274	203	326	257	270	209

TABLE 1 (CONTINUED): SPEEDING OFFENCES – NUMBER CONVICTED AT COURT BY POLICE DISTRICT COMMAND UNIT AND MONTH 2005^{1,2,3,4}

DCU	Aug	Sep	Oct	Nov	Dec	Total
Antrim	7	5	5	4	3	80
Ards	6	3	7	3	9	91
Armagh	5	4	2	6	2	60
Banbridge	5	5	4	4	0	46
Belfast East	11	12	11	4	10	118
Belfast North	9	6	11	7	4	101
Belfast South	7	5	11	5	2	107
Belfast West	8	2	0	0	2	42
Ballymena	3	4	10	7	7	87
Ballymoney	4	0	2	4	6	41
Carrickfergus	4	1	4	3	1	40
Coleraine	7	11	9	10	7	114
Cookstown	1	2	4	7	2	44
Craigavon	6	8	6	5	0	53
Castlereagh	12	8	6	7	3	99
Dungannon & South Tyrone	2	2	6	6	8	61
Down	12	8	5	8	8	84
Fermanagh	1	2	6	8	1	41
Foyle	16	11	13	13	10	176
Larne	4	2	5	4	6	43
Limavady	8	5	4	3	7	69
Lisburn	16	10	13	13	11	194
Magherafelt	6	8	5	6	5	77
Moyle	0	3	1	1	0	19
Newtownabbey	6	10	6	5	10	112
North Down	9	9	6	6	7	104
Newry & Mourne	12	13	7	12	8	160
Omagh	4	1	9	6	2	67
Strabane	4	7	4	2	3	55
Missing ⁵	15	13	12	23	11	296
Total	210	180	194	192	155	2681

TABLE 2: SPEEDING OFFENCES – NUMBER CONVICTED AT COURT BY POLICE DISTRICT COMMAND UNIT AND MONTH 2006^{1,2,3,4}

DCU	Jan	Feb	Mar	Apr	May	Jun	Jul
Antrim	4	7	10	4	6	7	3
Ards	8	2	11	5	9	6	3
Armagh	4	6	6	3	8	8	8
Banbridge	1	5	8	2	7	2	3
Belfast East	8	6	6	9	5	3	3
Belfast North	7	3	11	4	12	9	4
Belfast South	6	10	12	5	15	12	6
Belfast West	2	1	3	7	8	8	0
Ballymena	8	5	7	3	8	5	7
Ballymoney	5	1	3	4	4	3	1
Carrickfergus	6	6	6	4	2	1	2
Coleraine	12	6	8	5	5	7	6
Cookstown	9	4	3	4	9	7	11
Craigavon	6	5	2	2	8	8	5
Castlereagh	10	10	10	8	6	6	2
Dungannon & South Tyrone	10	6	10	10	18	8	7
Down	10	7	8	3	5	5	4
Fermanagh	10	5	7	12	7	7	6
Foyle	14	16	13	13	12	6	5
Larne	4	7	3	1	4	4	3
Limavady	9	9	9	4	7	3	7
Lisburn	11	13	10	16	11	13	10
Magherafelt	6	7	7	7	8	7	7
Moyle	2	3	1	3	1	3	1
Newtownabbey	9	7	10	8	10	12	3
North Down	10	13	12	6	16	6	2
Newry & Mourne	11	12	13	18	16	22	14
Omagh	12	6	5	4	12	7	7
Strabane	11	3	6	3	11	9	3
Missing ⁵	12	26	25	27	18	11	16
Total	237	217	245	204	268	215	159

TABLE 2 (CONTINUED): SPEEDING OFFENCES – NUMBER CONVICTED AT COURT BY POLICE DISTRICT COMMAND UNIT AND MONTH 2006^{1,2,3,4}

DCU	Aug	Sep	Oct	Nov	Dec	Total
Antrim	2	5	7	5	4	64
Ards	5	13	8	10	4	84
Armagh	7	6	14	9	8	87
Banbridge	5	6	6	4	4	53
Belfast East	5	7	7	6	8	73
Belfast North	4	0	6	7	1	68
Belfast South	12	7	7	6	6	104
Belfast West	2	2	7	3	10	53
Ballymena	3	7	9	4	7	73
Ballymoney	5	2	3	7	6	44
Carrickfergus	1	1	3	2	3	37
Coleraine	5	10	8	7	11	90
Cookstown	5	5	4	12	7	80
Craigavon	6	7	9	4	2	64
Castlereagh	6	4	2	8	6	78
Dungannon & South Tyrone	13	11	16	10	18	137
Down	7	3	6	6	1	65
Fermanagh	8	6	11	9	6	94
Foyle	7	7	10	7	10	120
Larne	7	3	2	5	3	46
Limavady	3	12	7	3	10	83
Lisburn	9	11	10	7	11	132
Magherafelt	7	6	10	8	7	87
Moyle	2	2	4	1	3	26
Newtownabbey	9	5	4	10	11	98
North Down	4	12	9	13	3	106
Newry & Mourne	10	13	13	14	9	165
Omagh	6	13	18	9	6	105
Strabane	4	6	10	8	5	79
Missing ⁵	29	29	22	21	13	249
Total	198	221	252	225	203	2644

Notes:

- 1 Includes the offences 'excess speed', 'breach of temporary traffic regulation – speeding', 'excess speed for vehicle classification', 'L driver exceeding 45mph', 'R driver exceeding 45mph' and 'exceeding 45mph while displaying R plates'.
- 2 Month based on date of sentence.
- 3 Data cover only those offenders who are prosecuted and subsequently convicted through the courts and exclude those who were given a fixed penalty.
- 4 Based on the DCU in which the offender's address falls.
- 5 Missing data relate to those offenders for whom DCU information is not available.

Registered Sex Offenders

Lord Morrow asked the Minister of Justice, pursuant to AQW7346/10, how many registered sex offenders are currently living at unknown addresses or are regarded as being of no fixed abode; and how these cases can be monitored and managed for the protection of the public.

(AQW 7549/10)

Minister of Justice: The recording of information provided by offenders subject to the notification requirements set out in Part 2 of the Sexual Offences Act 2003 (the sex offender register) is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Cases of Arson

Mr A Easton asked Minister of Justice how many cases of arson there were in (i) Belfast; and (ii) the rest of Northern Ireland, in the last two years; and if he has any plans to review the sentencing guidelines for arson.

(AQW 7551/10)

Minister of Justice: The following table details the number of arson offences recorded by the Police Service of Northern Ireland (PSNI) in each of the last two years.

ARSON OFFENCES RECORDED BY PSNI

	2008/09	2009/10
Belfast (Districts A & B)	456	462
Rest of NI (Districts C to H)	1,546	1,518
Northern Ireland	2,002	1,980

Source: Central Statistics Unit, PSNI

The offence of arson (contrary to Article 3(1)(3) of the Criminal Damage (Northern Ireland) Order 1977) carries a maximum sentence of 2 years' imprisonment on summary conviction and life imprisonment on conviction on indictment. The offence of arson with intent to endanger life (contrary to Article 3(2)(3)) has a maximum sentence of life imprisonment on indictment. No guideline judgments on the offence of arson have been issued by the Court of Appeal in Northern Ireland.

I have recently announced that I will be launching a consultation on sentencing guidelines mechanisms. While sentencing in individual cases is, of course, a matter for the judiciary, I want to examine all options on how best to establish a more transparent, consistent approach to sentencing that will promote confidence.

PSNI Engagement with Schools

Mr D McKay asked the Minister of Justice to outline what engagements the PSNI has had with schools or students in North Antrim in each of the last 5 years.

(AQW 7565/10)

Minister of Justice: Engagement activity between the Police Service of Northern Ireland and schools or students in North Antrim is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Marching Season

Mr G McHugh asked the Minister of Justice for his assessment of whether sufficient plans are in place to ensure a peaceful marching season.

(AQW 7611/10)

Minister of Justice: I have received briefings from the PSNI and the Parades Commission on the plans which are in place and believe them to be appropriate. Whilst no organisation can ensure that the marching season is peaceful, it is important that everyone continues to do all they can to reduce tensions over the summer months.

Sports and Recreational Equipment for Prisoners

Mr T Burns asked the Minister of Justice how much has been spent in total on sports and recreational equipment for prisoners in each of the last 5 years; and to detail the items purchased and their cost.

(AQW 7626/10)

Minister of Justice: Expenditure on sports and recreational equipment for prisoners is classified as capital expenditure if the purchase cost of an individual item is over £1,000. A detailed list of capital purchases for the last 5 years is detailed below.

2005/6

Concept II Rower	£1,092.75
Johnson B7000 Recumbent Cycle	£1,874.12
Johnson E7000 Elliptical	£2,696.63
Pool Table	£1,051.63
Concept Rower	£1,092.75
Johnson B7000 Recumbent Cycle	£1,874.13
Johnson B7000 Recumbent Cycle	£1,874.13
Johnson E7000 Elliptical Cross Trainer	£2,696.62
Cross Trainer EFX i 576	£6,691.63
Cross Trainer EFX i 576	£6,691.62
Recumbent Cycle C864	£3,854.00
Recumbent Cycle C864	£3,854.00
Vision Exercise Bike	£1,404.13
Vision Exercise Bike	£1,404.12

Johnson Cross Trainer	£2,696.63
Johnson Stepper	£2,056.25
Jet 8000 Treadmill	£5,405.00
Jet 8000 Treadmill	£5,405.00
Total Capital Expenditure 2005/6	£53,715.14

2006/7

7' X 3.5' snooker table	£1,110.38
576i RX Elliptical Cross Trainer	£6,926.62
C846i Recumbent Cycle	£3,854.00
C956i Treadmill with Cantilever	£7,619.88
Cable Cross Over With Chinning Bar	£2,579.11
Concept II Rower	£1,586.25
MX-30 Matrix Lat Pull	£2,931.62
MX-S10 Matrix Chest Press	£3,166.63
MX-S12 Matrix Pec Fly	£3,166.63
MX-S20 Matrix Shoulder Press	£3,166.63
MX-S50 Matrix Abdominal	£3,166.63
MX-S70 Matrix Leg Press	£3,871.62
MX-S71 Matrix Leg Extension	£3,166.63
Pool Table Slate 7 FT	£1,051.63
MB483P Crosstrainer Johnson T7000	£2,696.62
MB483P Johnson T7000 Treadmill	£4,036.13
Weights Rack	£1,263.15
Concept II Rower	£1,092.75
Johnson E7000 Cross Trainer	£2,696.62
Johnson E7000 Cross Trainer	£2,696.62
Johnson E7000 Cross Trainer	£2,696.62
Johnson T4000 Treadmill	£3,754.12
MB482 Concept II Rower	£1,092.75
MB482 Johnson E7000 Crosstrainer	£2,643.75
MB482 Johnson T7000 Treadmill	£4,036.13
Weights Machine	£1,874.12
Corinthian Snooker Table	£1,110.38
Total Capital Expenditure 2006/7	£79,054.02

2007/8

Plasma Digital HD TV	£1,704.93
2 Tier Dumbell Rack with Dumbells	£1,404.13
Recumbent Cycle	£1,874.12
Recumbent Cycle	£1,874.13
Recumbent Cycle	£1,874.13
Panasonic Plasma TV	£1,413.91
Panasonic Plasma TV	£1,413.91
Matrix Elliptical	£3,049.13
Matrix Elliptical	£3,049.12
Matrix Elliptical	£3,049.12
Matrix Recumbent Cycle	£1,874.12
Matrix Treadmill	£4,694.13
Matrix Treadmill	£4,694.13
Matrix Treadmill	£4,694.13
Weights Rack	£1,991.63
Matrix E5X Elliptical	£3,049.12
Matrix R5X Recumbent Cycle	£1,874.12
Matrix S31 Seated Row	£2,344.13
Matrix S60 Dip and Chin	£2,526.25
Matrix S73 Prone Leg Curl	£2,344.12
Matrix TX4 Treadmill	£4,694.13
Johnson E8000 Elliptical	£2,814.12
Johnson E8000 Elliptical	£2,814.13
Johnson T8000 Treadmill	£4,224.13
R063 R2 Combination Lower Back	£2,579.13
U078 R2 45 degree Cable Cross Trainer	£2,814.13
Vision T9 700 Treadmill	£2,395.00
Total Capital Expenditure for 2007/8	£73,127.28

2008/9

7' x 3.5' Snooker Table	£1,143.27
7' x 3.5' Snooker Table	£1,143.27
7' x 3.5' Snooker Table	£1,143.28
7' x 3.5' Snooker Table	£1,143.28
7' x 3.5' Snooker Table	£1,143.28

Life Fitness G5 Multi Gym	£1,991.62
Life Fitness G5 Multi Gym	£1,991.62
Life Fitness G5 Multi Gym	£1,991.63
Life Fitness G5 Multi Gym	£1,991.63
Vision E3700 Exercise Cycle	£1,115.07
Vision E3700 Exercise Cycle	£1,115.07
Vision E3700 Exercise Cycle	£1,115.08
Vision E3700 Exercise Cycle	£1,115.08
7' Snooker Table	£1,292.50
Johnson C8000 Upright Cycle	£1,404.12
Johnson E8000 Crosstrainer	£2,814.13
Johnson E8000 Crosstrainer	£2,814.13
Life G5 Multi Gym	£1,991.63
Life G5 Multi Gym	£1,991.62
Total Capital Expenditure for 2008/9	£30,451.31

2009/10

12 Spin Bikes	£6,664.25
Concept II Rower	£1,145.63
Concept II Rower	£1,121.25
Concept II Rower	£1,121.25
Johnson 3 Stack Multi gym	£4,594.25
Johnson 3 Stack Multi gym	£4,594.25
Matrix Elliptical Cross Trainer	£3,284.13
Matrix Elliptical Cross Trainer	£3,214.25
Matrix T3X Treadmill	£4,459.12
Matrix T4 Treadmill	£5,514.25
Matrix Elliptical Trainer	£3,049.13
Matrix Treadmill	£4,694.13
4 Spin Bikes	£2,269.63
Commercial Treadmill	£4,280.24
Commercial Treadmill	£4,280.24
Concept 2 Rower	£1,104.00
Concept 2 Rower	£1,104.00
Elliptical Cross Trainer	£3,675.18

Recumbent Cycle	£2,421.90
Recumbent Cycle	£2,421.90
Total Capital Expenditure for 2009/10	£65,012.98

Purchases of smaller items of sports and recreational equipment, below the £1000 threshold, are paid from NIPS resource budget. The total annual expenditure, including the capital items individually identified above, is detailed below.

Financial year	Resource Expenditure
2005/06	£91,542
2006/07	£104,878
2007/08	£88,938
2008/09	£95,257
2009/10	£111,173
Total	£491,788

Attacks on PSNI Officers

Mr T Burns asked the Minister of Justice to detail the number of times that police officers have come under attack when attending the scene of a crime, or a suspected crime, in each of the last five years. (AQW 7640/10)

Minister of Justice: The PSNI has advised that the information is not held in the format requested. However, the PSNI website sets out the number of offences where the victim has been identified as a police Officer as detailed below:

ASSAULT ON POLICE:

Year	Total offences recorded
2009/10	3,179
2008/09	2,856
2007/08	2,827
2006/07	2,727
2005/06	2,423

PSNI Staff

Mr D McKay asked the Minister of Justice to outline the projections for the percentage of PSNI staff that will be (i) Protestant; and (ii) Catholic in (a) March 2011; (b) March 2015; and (c) March 2020. (AQW 7681/10)

Minister of Justice: Projections of composition for PSNI staff are a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Prison Population

Mr P Weir asked the Minister of Justice to detail the prison population in each of the last five years, broken down by gender.

(AQW 7690/10)

Minister of Justice:

Financial Year	Average Male Population	Average Female Population
2005/06	1295	33
2006/07	1414	41
2007/08	1430	45
2008/09	1441	51
2009/10	1404	45

Speed Over Distance Cameras

Mr P Weir asked the Minister of Justice how many convictions have been secured for speeding offences, as a result of the Speed over Distance cameras system (SPECs), on the A2 Bangor to Belfast road, in each of the last three years.

(AQW 7693/10)

Minister of Justice: I regret the information requested is not available. Court conviction data do not contain background information in relation to offences committed and, it is therefore not possible to give the number of convictions that were secured as a result of the Speed over Distance cameras system on the road requested.

Brothels

Mr T Burns asked the Minister of Justice to detail the total number of brothels which have been investigated and/or raided by the PSNI in each of the last five years, broken down by District Policing Partnership area.

(AQW 7703/10)

Minister of Justice: Criminal investigations are a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Domestic Abuse

Mr M Storey asked the Minister of Justice to detail the number of incidents of domestic abuse recorded in (i) H District; and (ii) Northern Ireland, in each of the last five years, broken down by the (a) age; and (b) sex of the victim; and how many of these were repeat incidents.

(AQW 7734/10)

Minister of Justice: The recording of incidents of domestic abuse is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Arson and Vandalism of School Property

Mr A Ross asked the Minister of Justice how many people have been convicted of (i) arson; and (ii) vandalism of school property, in each of the last five years.

(AQW 7761/10)

Minister of Justice: I regret the information requested is not available. Court conviction data do not contain background information in relation to offences committed and, it is therefore not possible to separate out the number of convictions for arson and criminal damage that involved a school.

Domestic Abuse

Mr M Storey asked the Minister of Justice, in each of the last five years, how many domestic abuse incidents recorded in (i) H District; and (ii) Northern Ireland involved a sexual assault on (a) a current partner; (b) a former partner; and (c) a child, broken down by the (i) age; and (ii) sex of the victim.

(AQW 7774/10)

Minister of Justice: The recording of domestic abuse incidents is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Violence by a Former Partner

Mr M Storey asked the Minister of Justice how many people were killed by a current or former partner in (i) H District; and (ii) Northern Ireland in each of the last five years, broken down by the (a) age; and (b) sex of the victim.

(AQW 7775/10)

Minister of Justice: The recording of how many people were killed by a current or former partner is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Department for Regional Development

Concessionary or Free Transport for Sixth-form Pupils

Mr P Weir asked the Minister for Regional Development what consideration he has given to providing concessionary or free transport to sixth-form pupils travelling between schools or campuses.

(AQW 7264/10)

Minister for Regional Development (Mr C Murphy): As part of the last Comprehensive Spending Review I proposed several options for extending the Concessionary Fares Scheme. One of these was the provision of half fare travel for children up to the age of 18. Ultimately, however, the Assembly decided to provide free travel for people aged 60 to 64.

NSL Services Group Traffic Attendants

Mr C McDevitt asked the Minister for Regional Development, pursuant to AQW 5525/10 and AQW 6667/10, given the net cost of NSL Services Group Traffic Attendants to his Department and the limitation on their ability to issue penalty charge notices to illegally parked public hire taxis in Belfast, whether his Department will introduce quicker on-the-spot methods of issuing tickets to drivers of these vehicles before they can drive away.

(AQW 7288/10)

Minister for Regional Development: Traffic Attendants (TAs) provide an important public service and my Department's Roads Service has advised that, in the last year, they issued almost 130,000 Penalty Charge Notices (PCNs) to illegally parked vehicles. Since the commencement of Decriminalised Parking Enforcement in 2006, surveys indicate that the overall level of illegal parking has decreased by approx 65% in towns and city centres.

Unfortunately, as is the case in many towns and cities throughout Britain and Ireland, there are particular difficulties in providing effective enforcement against taxis. These difficulties apply, not only in Belfast, but right across the North, and include difficulties with private hire taxis, as well as public hire vehicles. Parking enforcement against taxis can be difficult, as the drivers are often in their vehicle or nearby, and when approached by a Traffic Attendant, they drive away before a Penalty Charge Notice can be issued. In order for a TA to issue a valid PCN, he/she must be close to the vehicle for several minutes to record all relevant data.

Another option for enforcement is to make use of CCTV, which allows PCNs to be issued remotely, and I understand this has been introduced in some locations in England. Whilst this option might be of assistance in the North, there are significant implementation costs, and issues relating to Data Protection would also need to be given full consideration.

As the Member will be aware, responsibility for parking enforcement is due to transfer to local Councils as part of the implementation of the Review of Public Administration (RPA), which is currently scheduled for May 2011. In view of the timescales involved, I am not therefore proposing to give consideration to the introduction of CCTV prior to the transfer of functions. However, in the event that RPA is not fully implemented in May 2011, and parking enforcement remains the responsibility of my Department's Roads Service, my officials will give full consideration as to whether it is appropriate to introduce CCTV enforcement, when the current contract with NSL expires in October 2012.

In the interim, Roads Service will continue to ensure that TAs continue to be deployed to known trouble spots, and will continue to work closely with their counterparts in the Department of the Environment and the PSNI, who also have significant roles to play.

NSL Services Group Traffic Attendants

Mr C McDevitt asked the Minister for Regional Development, pursuant to AQW 667/10 and AQW 6669/10, to detail all research that Roads Service has undertaken to ascertain (i) whether public hire taxis illegally parked in Belfast City Centre, in fact, are driven away before a penalty charge notice can be issued by NSL Services Group Traffic Attendants, to the extent that has been reported to him; and (ii) for his assessment as to whether NSL Services Group Traffic Attendants are being as robust in their approach to enforcement against illegally parked public hire taxis as his Department expects. **(AQW 7292/10)**

Minister for Regional Development: My Department's Roads Service has advised that, when NSL Services Group (NSL) Traffic Attendants (TAs) detect any vehicle parked in contravention of waiting restrictions they input details into a hand held computer and this information is uploaded daily onto the management system. Roads Service staff routinely interrogate the management system to monitor enforcement, or investigate complaints. It also provides Roads Service with information on numbers of illegally parked vehicles, which are driven away before a Penalty Charge Notice (PCN) can be issued.

Roads Service has also advised that NSL continues to provide regular patrols and additional resources which are targeted at locations where there is ongoing illegal parking by public hire taxis, and this is routinely monitored by both NSL management and Roads Service staff. However, the Member will be aware from my previous answers, that parking enforcement against taxis can be difficult, as the drivers are often in their vehicle or nearby, and when approached by a Traffic Attendant, they drive away before a Penalty Charge Notice can be issued. TAs have no legal powers to require a taxi, or any other vehicle, to wait whilst the information for a PCN is being recorded.

Car Parking in Coalisland

Mr I McCrea asked the Minister for Regional Development what plans he has to regulate car parking in Coalisland to help enhance the traffic flow through the town centre.

(AQW 7301/10)

Minister for Regional Development: My Department's Roads Service has advised that it plans to carry out traffic observation surveys in Coalisland in September 2010. These surveys will determine the need, if any, for alterations to parking in the town centre.

I would advise the Member that any proposed changes to car parking in the area would be subject to the normal consultation process, involving the local Borough Council, the PSNI, the local community, traders and business representatives.

Journeys Undertaken by Passengers in the Belfast Metropolitan Area

Mr C McDevitt asked the Minister for Regional Development to detail the estimated number of journeys undertaken by passengers in (i) private car; (ii) bus; (iii) train; (iv) taxi; (v) motorbike; and (vi) bicycle, in the Belfast metropolitan area, in each of the last three years.

(AQW 7306/10)

Minister for Regional Development: It is not currently possible to provide the requested information for all journeys undertaken in the Belfast Metropolitan Area (BMA). However, information can be provided for journeys undertaken by all BMA residents and is provided in the table below for the latest 3 calendar years for which data are available.

TABLE 1 ESTIMATE OF TOTAL PASSENGER JOURNEYS (MILLIONS) TAKEN BY MAIN MODE¹ OF TRAVEL BY PERSONS LIVING IN THE BELFAST METROPOLITAN AREA²: 2006 TO 2008

	2006 ³	2007 ³	2008 ³
(i) Car driver	267.9	273.0	281.9
(i) Car passenger	136.9	123.6	130.8
(ii) Bus ⁴	34.2	36.2	35.8
(iii) NIR	4.5	4.5	5.2
(iv) Taxi ⁵	16.1	16.8	16.3
(v) Motorcycle	3.2	1.9	1.3
(vi) Bicycle	3.2	3.9	4.6

Source: Travel Survey for Northern Ireland (TSNI), NISRA mid year estimates of population

Notes:

- 1 Main mode is the form of transport used for the greatest length of the journey.
- 2 The Belfast Metropolitan Area (BMA) consists of the following 6 Local Government Districts: Belfast, Newtownabbey, Carrickfergus, Lisburn, North Down, Castlereagh. As TSNI is a household survey, based on where the respondent lives, some of the above journeys will have taken place outside BMA. Conversely, other journeys occurring within the area, but taken by non-BMA residents, will have been excluded.
- 3 2006 estimates use 2004-2006 TSNI data and 2006 population estimates, 2007 estimates use 2005-2007 TSNI data and 2007 population estimates, 2008 estimates use 2006-2008 TSNI data and 2008 population estimates. The estimates, as they are based on survey data, will be subject to sampling error and care must therefore be taken in interpreting any apparent change in trend.
- 4 The bus category includes Citybus/Metro, Ulsterbus and 'Other' buses such as private hire buses and excursion tour buses.
- 5 The taxi category includes black taxis.

NSL Services Group Traffic Attendants

Mr C McDevitt asked the Minister for Regional Development, pursuant to AQW 6667/10 and AQW 6669/10, to detail the guidance that Roads Service issued to NSL Services Group Traffic Attendants, in relation to how much discretion they can exercise when dealing with illegally parked vehicles in Belfast City Centre.

(AQW 7326/10)

Minister for Regional Development: My Department's Roads Service has advised that Traffic Attendants (TAs) are expected to issue Penalty Charge Notices (PCNs) to all vehicles found to be in contravention of parking restrictions, subject to any exemptions, or dispensations and the times of observation. However, where the driver of an illegally parked vehicle is present, it is Roads Service policy that the opportunity is provided for the vehicle to be moved, before a PCN is issued. TAs have no legal powers to require a vehicle to wait whilst the information for a PCN is being recorded.

Staff Salaries

Mr S Gardiner asked the Minister for Regional Development to detail the number of staff in his Department or associated quangos who are paid in excess of £100,000 per annum in salary or remuneration packages.

(AQW 7328/10)

Minister for Regional Development: The remuneration of the most senior officials in each Department is published in annual Resource Accounts, which are available on all Departmental websites. In DRD's case, these show that two members of its staff are paid in excess of £100,000 per annum.

Within the Department's two Arm's Length Bodies (Northern Ireland Water and the Northern Ireland Transport Holding Company), a total of nine staff are paid in excess of £100,000 per annum.

Compensation to Members of the Public

Mr A Ross asked the Minister for Regional Development how much compensation has been paid out to members of the public for incidents (i) on (a) buses; and (b) trains; and (ii) in (a) bus stations; and (b) train stations, in each of the last three years.

(AQW 7337/10)

Minister for Regional Development: The amounts of compensation paid out are detailed in the table below:

Year	Buses	Trains	Bus Stations	Train Stations
	£000	£000	£000	£000
2007/08	486	77	13	20
2008/09	336	49	52	-
2009/10	154	13	3	2
Total	976	139	68	22

Lagmore Estate, Dunmurry: Roads

Mr P Butler asked the Minister for Regional Development for his assessment of the need for an alternative road in the Lagmore Estate, Dunmurry, in the Lagmore Glen and Mount Eagles area, to ease traffic congestion.

(AQW 7420/10)

Minister for Regional Development: As part of the planning process for the Lagmore residential development, my Department's Roads Service has considered applications for a link road between the

housing areas of Lagmore Dale and Mount Eagles, in line with a Planning Service Article 40 agreement. This link road has now been determined, and is deemed adequate to serve the area in question. It is, therefore, not necessary to consider the provision of an alternative route in the Lagmore estate.

Lagmore Estate, Dunmurry: Roads

Mr P Butler asked the Minister for Regional Development how many roads in the Mount Eagles area of the Lagmore Estate, Dunmurry are not yet adopted by Roads Service; and what plans his Department has to make sure these are completed.

(AQW 7421/10)

Minister for Regional Development: My Department's Roads Service has advised that currently all roads up to house numbers 49 to 63 of Mount Eagles Avenue are adopted. The roads north of this location are progressing towards adoption, subject to completion of works by the developer. Roads Service has advised that it will use statutory procedures and powers, under the Private Streets (NI) Order 1980, to progress the adoption of all these roads, if required.

Road Safety at the Newtownards Road, Cotton Road and Bailies Terrace Junction

Mr A Easton asked the Minister for Regional Development for an update on plans to improve road safety at the Newtownards Road, Cotton Road and Bailies Terrace Junction, in North Down.

(AQW 7454/10)

Minister for Regional Development: My Department's Roads Service has advised that a full technical assessment of this junction has been carried out, and that a scheme to improve sightline visibility at this location has been proposed.

However, due to the prevailing financial situation and limitations on funding for schemes of this nature, it is not possible to give an estimate of when these works could be considered for inclusion in the Minor Works programme.

Craigtlet Hills area of North Down

Mr A Easton asked the Minister for Regional Development for an update on the proposed roundabout scheme for the Craigtlet hills area of North Down.

(AQW 7456/10)

Minister for Regional Development: My Department's Roads Service has advised that following the assessment of various options, it is progressing with the detailed design of a preferred layout for a potential scheme to provide two roundabouts, and associated road improvements, in the Craigtlet Hills area.

It is estimated that construction is likely to cost in the region of £2 million. However, based on current funding levels, this scheme is not included in Roads Service's construction programme for the next three years. Its inclusion on a future works programme, would be subject to the successful completion of the various statutory processes, as well as the availability of the necessary land and finance.

Road and Footpath Infrastructure in the Beechfield Estate, Donaghadee

Mr A Easton asked the Minister for Regional Development what plans his Department has to improve the road and footpath infrastructure in the Beechfield Estate, Donaghadee.

(AQW 7457/10)

Minister for Regional Development: In my reply to the Member's Assembly Question, AQW 6267/10, I advised that my Department's Roads Service has no plans to carry out major works in the Beechfield Estate. This remains the current position.

However, Roads Service will continue to inspect the area, and any defects identified will be repaired in accordance with the road maintenance guidelines.

Overflowing Sewer Opposite the Antrim Forum

Mr D Kinahan asked the Minister for Regional Development what action was taken to repair the overflowing sewer opposite the Antrim Forum; and whether this action has achieved a long-term solution to the problem.

(AQW 7485/10)

Minister for Regional Development: I have been advised by Northern Ireland Water (NIW) that sewer improvement work and the construction of a new Sewage Pumping Station are currently underway in the vicinity of Antrim Forum, and are expected to be completed by September 2010.

NIW is satisfied that this work will improve the drainage in the area and substantially reduce the risk of out of sewer flooding.

Footpath Schemes for North Down

Mr A Easton asked the Minister for Regional Development to detail the footpath schemes approved for the North Down area for the 2010/11 financial year.

(AQW 7524/10)

Minister for Regional Development: I would remind the Member that information on the completed and proposed roads schemes for the current financial year can be found in Roads Service's Spring and Autumn Reports to Councils. These reports can be accessed from the Roads Service internet site at the following web address: www.roadsni.gov.uk/index/publications/publications-council_reports.htm

Traffic on the Lisburn Road

Mr J Spratt asked the Minister for Regional Development for an estimate of the daily volume of traffic along the Lisburn Road.

(AQW 7544/10)

Minister for Regional Development: My Department's Roads Service has advised that it collects data from approximately 300 automatic traffic census sites that are located throughout the North's road network.

The most recent Annual Average Daily Traffic (AADT) flows recorded at a traffic census site located on the Lisburn Road, at Dunluce Avenue, were recorded at 19,954 AADT, over a 7 day period in 2009.

Traffic-calming Measures for South Belfast

Mr J Spratt asked the Minister for Regional Development to detail the locations of any traffic-calming measures planned for the South Belfast constituency.

(AQW 7545/10)

Minister for Regional Development: Information on the completed and proposed roads schemes for the current financial year can be found in Roads Service's Spring and Autumn Reports to Councils. These reports can be accessed from the Roads Service internet site at the following web address:

www.roadsni.gov.uk/index/publications/publications-council_reports.htm

Damage to Roofs in East Belfast

Mr C McDevitt asked the Minister for Regional Development what steps he is taking to investigate the recent damage to roofs in East Belfast which may have been caused by low flying aircraft; and if he will publish any available information on this incident.

(AQW 7556/10)

Minister for Regional Development: My Department has powers in relation to noise and vibration caused by use of an airport but has no statutory locus to investigate or mitigate vortex damage caused to property by low flying aircraft. This is a civil matter.

Section 76 of the Civil Aviation Act 1982 makes it clear that damages to property are recoverable by the property owner from the owners or users of the aircraft or their insurers.

Weight Restrictions on Roads

Dr S Farry asked the Minister for Regional Development if he will consider widening the basis for imposing weight restrictions on roads to include, in addition to the potential damage to the quality of the road surface, an alternative means of traffic control to speed bumps, particularly in residential areas. (AQW 7562/10)

Minister for Regional Development: My Department's Roads Service provides Traffic Calming schemes as a form of local transport safety measure. These schemes are designed to slow traffic through residential areas, and to protect vulnerable road users, such as pedestrians and cyclists.

When these schemes are at the design stage, they are subject to consultative and legislative processes and it is at this stage, in consultation with the residents, that the Traffic Engineer must decide what type of traffic calming measure is appropriate.

If a particular problem exists with heavy goods vehicles travelling at speed in a residential area, then the Engineer must consider what measures are most effective and appropriate. Measures, such as narrow traffic lanes, chicanes, roundabouts and kerb build outs may be more appropriate than speed humps in these situations, to slow traffic and deter extraneous heavy goods vehicles.

Consequently, Roads Service considers that it is already possible to design an appropriate and effective traffic calming scheme, with the existing traffic calming measures available. The existing measures can address all traffic types, without the need to amend the criteria to allow a 'weight limit' to be included as a extra measure.

Railway Bridge at Lissue Road, Lisburn

Mr T Burns asked the Minister for Regional Development, in relation to the work being carried out on the railway bridge at Lissue Road, Lisburn, (i) whether the bridge is being demolished; (ii) when the bridge will be reinstated; and (iii) to outline the impact this work will have on the functionality and potential re-opening of the Antrim-Lisburn railway line. (AQW 7628/10)

Minister for Regional Development: In relation to the work being carried out on the railway bridge at Lissue Road, Lisburn, Translink have advised –

- (i) The bridge is not being demolished. As part of the planning permission for the new Coca Cola plant in the Lissue Road area, a footway across NIR's crossing on the Lisburn to Moira railway line is required. Coca Cola asked if they could temporarily remove the bridge over the Lissue Road on the Knockmore to Antrim line because there was insufficient head room for their lorries below the bridge on the diversionary route required for the work on the footway to be completed.
- (ii) The bridge will be reinstated in September 2010 once the road works to the crossing on the Lissue Road are finished.
- (iii) There will be no impact on the potential re-opening of the Antrim to Lisburn railway line.

City of Derry Airport

Mr P Ramsey asked the Minister for Regional Development to outline his Department's assessment and current position in relation to the business case for the City of Derry Airport and the subsequent application for funding. (AQW 7650/10)

Minister for Regional Development: I have proposed that the Executive should support Derry City Council's application for additional funding for the airport, as and when resources can be made available. There is insufficient provision in my Department's budget to support an offer of grant.

Although the business case has not met the necessary tests of financial appraisal, it has shown that the investment would bring significant economic benefits to the north-west and it is on the basis of these wider economic benefits that I have recommended funding support.

I await conclusion of the Executive's consideration of my proposal.

Newtownards to Dundonald Carriageway

Mr J Shannon asked the Minister for Regional Development, given the high kerbs that are being placed on the Newtownards to Dundonald carriageway, whether the Minister can confirm that a heavy layer of tarmac will be laid on the carriageway to enable broken-down cars to be moved to the side of the road.

(AQW 7672/10)

Minister for Regional Development: My Department's Roads Service has confirmed that the kerbs on the A20 Newtownards to Dundonald road have been laid at a height to allow for an overlay of a new carriageway surface.

George Best Belfast City Airport

Mr C McDevitt asked the Minister for Regional Development, pursuant to AQW 7208/10, if he will consider requesting the Civil Aviation Authority to conduct an inquiry into safety issues at the George Best Belfast City Airport.

(AQW 7754/10)

Minister for Regional Development: My Department has been in contact with the Civil Aviation Authority which carries out regular aerodrome safety audits. The Civil Aviation Authority has been made aware of recent incidents of roof damage to properties close to George Best Belfast City Airport and I understand finds no reason to carry out an inquiry into aerodrome safety at the airport.

Department for Social Development

Staff Salaries

Mr S Gardiner asked the Minister for Social Development how many staff in his Department, and associated Quangos, are paid in excess of £100,000 pa in salary and/or remuneration packages.

(AQW 7324/10)

Minister for Social Development (Mr A Attwood): One civil servant in the Department for Social Development, two senior managers in Non-Departmental Public Bodies sponsored by the Department for Social Development and one senior manager in a Non-Departmental Public Body co-sponsored by the Department for Social Development and the Office of the First Minister and Deputy First Minister are paid in excess of £100,000 pa in salary and/or remuneration packages.

Fibre in Cavity Wall Insulation for Social Housing

Mr R McCartney asked the Minister for Social Development whether his Department has withdrawn the use of fibre in cavity wall insulation for social housing; and if so, to explain the reason.

(AQW 7329/10)

Minister for Social Development: My Department has not withdrawn the use of fibre in cavity wall insulation for social housing. All social housing providers must comply with Building Regulations with regards to cavity wall insulating material when delivering schemes within the Social Housing Development Programme.

Maintenance Projects in the Monkstown Estate

Mr A Ross asked the Minister for Social Development how much has been spent on maintenance projects in the Monkstown Estate in each of the past 24 months.

(AQW 7335/10)

Minister for Social Development: The information is not available in the format requested. The Housing Executive provides two forms of maintenance – planned and response. In relation to planned maintenance in the Monkstown Estate, £1,295,000 has been spent in 2008/09 and £599,000 in 2009/10. These figures cannot be broken down on a monthly basis. In relation to response maintenance in the Monkstown Estate, the table below details expenditure from May 2008 to May 2010.

Month	Expenditure
May-08	£15,655
Jun-08	£15,024
Jul-08	£25,560
Aug-08	£14,533
Sep-08	£11,525
Oct-08	£21,202
Nov-08	£12,514
Dec-08	£23,781
Jan-09	£18,364
Feb-09	£19,481
Mar-09	£18,388
Apr-09	£19,709
May-09	£11,596
Jun-09	£19,103
Jul-09	£29,627
Aug-09	£16,635
Sep-09	£12,036
Oct-09	£16,102
Nov-09	£24,033
Dec-09	£13,341
Jan-10	£13,783
Feb-10	£13,74
Mar-10	£29,661
Apr-10	£19,175
May-10	£8,937

St.Patrick's Barracks Site in Ballymena

Mr D McKay asked the Minister for Social Development what work his Department has carried out to date in relation to the redevelopment of the St.Patrick's barracks site in Ballymena.

(AQW 7344/10)

Minister for Social Development: My Department has been working with a number of public sector Agencies to progress an application for outline planning permission for the St.Patrick's Barracks site in Ballymena. A firm of architects have been commissioned to analyse the site and produce a Masterplan, to show how the proposed uses might best be developed on it. The analysis of the site has identified the need for a traffic assessment, a flood risk assessment and an environmental assessment to be carried out. These projects are ongoing. My Department has also appointed Fold Housing Association to bring forward plans to acquire the 47 former MOD homes on the site.

Fuel Poverty

Mr A Ross asked the Minister for Social Development for the most up to date figures on the number of people living in fuel poverty in (i) Larne; (ii) Carrick; and (iii) Newtownabbey.

(AQW 7397/10)

Minister for Social Development: According to the Northern Ireland House Condition Survey 2006 the levels of fuel poverty in the council areas are as shown in the table below.

District Council Area	In Fuel Poverty 2006
Larne	43.1%
Carrickfergus	30.7%
Newtownabbey	26.3%

The fuel poverty figures will be updated in the new House Condition Survey which will report later in the year.

Newbuild Social Housing Units

Mr P Weir asked the Minister for Social Development how many new build social housing units are planned for North Down in the 2010/11 financial year.

(AQW 7407/10)

Minister for Social Development: A total of 202 new social housing dwellings are planned for the North Down Borough Council area in the 2010/11 financial year, as detailed in the table below.

Agency	Scheme Name	Dwellings
Clanmil	Bloomfield Road/South Circular Road, Bangor	48
Fold	Dufferin Avenue, Bangor	6
Fold	Kerr Park, Holywood	21
NIHE	Competition @ Rathgill, Bangor	50
Oaklee	Granshan Road, Bangor	6
TBC	34-36 Bangor Road, Holywood	12
TBC	Dufferin Avenue, Bangor	27
Trinity	Holborn Avenue, Bangor	14
Trinity	West Church, Bangor	18

Queen's Parade Project, Bangor

Mr A Easton asked the Minister for Social Development for an update on the Queen's Parade project in Bangor.

(AQW 7455/10)

Minister for Social Development: In December 2009, my predecessor appointed Karl Greenfarm Properties Limited as the preferred developer for the site. The developer is currently in Pre Application Discussions with the Planning Service on the proposals for the site. It is expected to take until Spring 2011 to complete this process. The Department has established a Project Board to manage the regeneration scheme and a Community Engagement Partnership to liaise with the local community throughout the process.

Grass Cutting

Mr A Ross asked the Minister for Social Development how much has been spent by the Housing Executive on grass cutting in the (i) Larne; (ii) Carrick; and (iii) Newtownabbey areas in each of the last three years.

(AQW 7462/10)

Minister for Social Development: The information is not available in the format requested as costs are not held at individual district levels but at a contract level which spans a number of districts. However, the Housing Executive has provided an indication of costs based on the amount of grassed area in each district expressed as a percentage of the contract total, as shown in the table below for 2006/07, 2007/08 and 2008/09. The figures for 2009/10 will not be available until November.

District	2006/07	2007/08	2008/09
Larne	£26,850	£28,180	£30,885
Carrickfergus	£43,661	£45,815	£50,224
Newtownabbey	£138,089	£136,485	£140,893

Social Housing Development Programme

Mr A Ross asked the Minister for Social Development to list all social development schemes, including the number of units planned, in this year's Social Housing Development Programme for the (i) Larne; (ii) Carrick; and (iii) Newtownabbey council areas.

(AQW 7463/10)

Minister for Social Development: There are no schemes programmed for the Larne Council area in this year's Social Housing Development Programme. The tables below detail the 2010/11 Social Housing Development Programme for Carrickfergus and Newtownabbey Borough Council areas.

TABLE 1: CARRICKFERGUS BOROUGH COUNCIL SOCIAL HOUSING DEVELOPMENT PROGRAMME 2010/11

Agency	Scheme name	Dwellings
Clanmil	Windmill, Carrickfergus	12
Oaklee	Minorca Drive, Carrickfergus	17
To be confirmed	Ellis Street, Carrickfergus	10

TABLE 2: NEWTOWNABBEY BOROUGH COUNCIL SOCIAL HOUSING DEVELOPMENT PROGRAMME 2010/11

Agency	Scheme name	Dwellings
Connswater	Monkstown Gardens, Newtownabbey	6
Fold	180 Ballycorr Road, Ballyclare	1
Fold	19A Glengormley Park, Newtownabbey	21
Fold	Rashee Estate, Ballyclare	14
Habinteg	Mount Street / High Street, Bawnmore	4
Helm Housing	1 Doagh Road, Newtownabbey	13
North & West	Rathcoole Gardens, Newtownabbey	28
Oaklee	466 Shore Road, Newtownabbey	10
Oaklee	Ballyduff Primary School, Newtownabbey	20
Oaklee	Longlands Avenue, Newtownabbey	13
To be confirmed	Ben Madigan, Newtownabbey	55

Benefit Fraud Unit

Mr J Craig asked the Minister for Social Development how much revenue his Department's Benefit Fraud Unit has generated from (i) convictions; and (ii) other activity, as a result of investigations into benefit fraud, in each of the last three years.

(AQW 7466/10)

Minister for Social Development: The Department's Benefit Fraud Unit does not generate revenue as such from convictions or other activity as a result of investigations into benefit fraud.

The Department does however calculate the amount of money overpaid as a result of benefit fraud. Table 1 below shows the amount of benefit overpaid in respect of cases that were convicted in each of the last three years. Table 2 shows the amount of benefit that was overpaid as a result of all counter fraud activity for the same period.

The Department also imposes Administrative Penalties (a fine) on particular cases where it is not appropriate to proceed with a prosecution. In such cases the customer agrees to repay the benefit overpaid plus an additional amount, calculated as 30% of the money overpaid. Any such money collected by the Department is paid to the Exchequer. The available details of Administrative Penalties are also shown in Table 2.

TABLE 1

Financial Year	Overpayments in respect of convicted cases
2007/2008	£2.87m
2008/2009	£3.72m
2009/2010	£3.29m

TABLE 2

Financial Year	Overpayments from all counter fraud activity	Amount of Administrative penalty*
2007/2008	£11.2m	Not available
2008/2009	£11.3m	Not available
2009/2010	£12.1m	£11,763

* Due to a change in IT systems, it is only possible to show the amounts of Administrative Penalties accepted by customers from 2 November 2009 to 31 March 2010.

The amounts of money shown in Table 1 do not necessarily relate to the same cases detailed in Table 2, for example, a case with an overpayment raised in 2007/2008 may not be convicted until 2008/2009 or later.

Benefit Fraud Unit

Mr J Craig asked the Minister for Social Development what means his Department's Benefit Fraud Unit uses to collect money claimed as a result of fraud or error.

(AQW 7487/10)

Minister for Social Development: The Department for Social Development's Benefit Fraud Unit does not collect money claimed as a result of customer fraud or customer error. The Northern Ireland Court Service is responsible for recovering the debt where a customer is successfully prosecuted for benefit fraud and the Court awards a compensation or confiscation order. The Social Security Agency's Debt Centre is responsible for collecting money in all other cases and the means available are deduction from ongoing benefit, voluntary agreement, the use of private debt collection agencies, civil proceedings and recovery from estate.

Housing Maintenance Schemes: Kilcooley Estate, Bangor

Mr P Weir asked the Minister for Social Development to detail the total spend on housing maintenance in the Kilcooley Estate in Bangor for each of the last five years.

(AQW 7498/10)

Minister for Social Development: The tables below detail the Housing Executive's expenditure on response maintenance and planned maintenance in each of the last five years in the Kilcooley Estate in Bangor:-

TABLE 1: HOUSING EXECUTIVE'S EXPENDITURE ON RESPONSE MAINTENANCE

	2005/06	2006/07	2007/08	2008/09	2009/10
Totals	£540,317.49	£468,414.09	£359,950.94	£374,219.12	£553,809.89

TABLE 2: HOUSING EXECUTIVE'S EXPENDITURE ON PLANNED MAINTENANCE

	2005/06	2006/07	2007/08	2008/09	2009/10
Totals	£115,000	£247,000	£2,896,000	£395,000	£203,000

Housing Maintenance Schemes: Kilcooley Estate, Bangor

Mr P Weir asked the Minister for Social Development what housing maintenance schemes are planned for the Kilcooley Estate in Bangor in (i) 2010/11; and (ii) 2011/12.

(AQW 7499/10)

Minister for Social Development: The Housing Executive has programmed a heating replacement scheme for 55 dwellings at a cost of approximately £242,000 for the Kilcooley Estate in 2010/11. There is currently no programme for a planned maintenance scheme in 2011/12.

Housing Maintenance Budget

Mr P Weir asked the Minister for Social Development what is the total housing maintenance budget for 2010/11.

(AQW 7500/10)

Minister for Social Development: The Housing Executive's budgetary allocation for housing maintenance is currently £133,754,000 for 2010/11 broken down as follows:-

Reactive maintenance	£49,427,000
Planned maintenance	£62,590,000
Grounds maintenance	£9,279,000
General maintenance	£12,458,000

Newbuild Social Housing

Mr I McCrea asked the Minister for Social Development to detail the planned new build social housing provision for Mid-Ulster in 2010/11.

(AQW 7502/10)

Minister for Social Development: The table below details the Social Housing Development Programme for Mid Ulster in 2010/11:-

Agency	Scheme Name	Dwellings
Marker*	Cookstown	20
Marker*	Magherafelt	40
North & West	Ballyronan Road, Magherafelt	5

* A Marker Scheme denotes an area of social housing need where development sites have not yet been secured.

Social Housing

Mr I McCrea asked the Minister for Social Development how much funding has been allocated for social housing maintenance in Mid-Ulster for 2010/11.

(AQW 7504/10)

Minister for Social Development: The Housing Executive's District Offices covering Mid-Ulster are Magherafelt, Cookstown and Dungannon. The details of the funding allocated for social housing maintenance for 2010/11 is as follows:-

	Magherafelt	Cookstown	Dungannon
Planned Maintenance	£386,000	£198,000	£722,000
Response Maintenance	£657,000	£536,000	£959,000

Under-Representation of Protestants in Housing Executive

Mr G Campbell asked the Minister for Social Development what discussions he plans to have with the Housing Executive to address the under-representation of persons from the Protestant community applying for jobs in that organisation.

(AQW 7510/10)

Minister for Social Development: I am aware that the Housing Executive has had an Affirmative Action Plan in place since 2003 which was developed and implemented in agreement with the Equality Commission for Northern Ireland. The Affirmative Plan contains a series of measures developed to specifically encourage the Protestant community to consider the Housing Executive as a prospective employer and therefore encourage them to apply for posts, permanent or temporary, when they arise. The Housing Executive has assured me it continues to implement the Affirmative Action Plan and this work is paralleled with ongoing activity on the other aspects of equality in relation to gender, disability, race and age etc.

Maintenance Schemes

Mr A Easton asked the Minister for Social Development to detail the maintenance schemes approved for the North Down area for the 2010/11 financial year.

(AQW 7515/10)

Minister for Social Development: The table below details the schemes which the Housing Executive has approved for the North Down area for the 2010/11 financial year:-

Area	Type	Dwellings
Bloomfield	External Cyclical Maintenance	155
Kilcooley	Heating Replacement	55
Fern Grove/Bloomfield Place	Kitchen Replacement	61
Clandeboyne	Structural Repairs	15
Ballyree	Retaining Wall Repair	-

The completion of these schemes will be subject to the availability of funding.

Kilcooley Womens Centre in Bangor

Mr A Easton asked the Minister for Social Development what funding his Department currently provides to the Kilcooley Womens Centre in Bangor.

(AQW 7566/10)

Minister for Social Development: The Department currently provides funding from the Neighbourhood Renewal Investment Fund to the Kilcooley Women's Centre for the Supported Training for Employment (STEP) project. The funding amounts to £115,299.80 and covers the period from 8 December 2008 to 31 March 2011.

Funding to Community Organisations

Mr J Spratt asked the Minister for Social Development if he has any plans to cut funding to community organisations in light of the proposed cuts in public spending; and to outline any planned cuts by constituency.

(AQW 7569/10)

Minister for Social Development: I currently have no plans to cut funding to community organisations in light of proposed cuts to public spending. Until the Spending Review has been completed I will not know what my department's budget will be in the future. I am acutely aware of the current pressing

financial situation and it is inevitable that budgets in all spending areas will face pressures. Any future funding decisions will be taken on a fair and equitable basis with a view to ensuring that the effects on the most disadvantaged in our communities are minimised.

New Social Housing Provision in South Belfast

Mr J Spratt asked the Minister for Social Development for a projection of new social housing provision in the South Belfast constituency for the next three years.

(AQW 7570/10)

Minister for Social Development: The tables below detail the Social Housing Development Programme for South Belfast over the next three years.

TABLE 1: SOCIAL HOUSING DEVELOPMENT PROGRAMME FOR SOUTH BELFAST 2010/11

Agency	Scheme Name	Dwellings
Clanmil	Boiler House Site, Stewart Street, Belfast	16
Clanmil	North Infill, Hatfield Street, Belfast	4
Clanmil	North Rugby Club Grounds Phase 3, Belfast	42
Connswater	2 Sunnyside Drive, Belfast	2
Hearth	Rosetta Cottages, Belfast	2
Helm Housing	Lily Bar, Sandy Row, Belfast	18
Helm Housing	Ormeau Embankment Phase 1, Belfast	47
North & West	314 Ravenhill Road, Belfast	65

TABLE 2: SOCIAL HOUSING DEVELOPMENT PROGRAMME FOR SOUTH BELFAST 2011/12

Agency	Scheme Name	Dwellings
Clanmil	2 Windsor Road, Belfast	28
Clanmil	20 Lower Windsor Avenue, Belfast	12
Clanmil	65-71 Dublin Road, Belfast	27
Habinteg	Finaghy Road South, Belfast	5
Helm Housing	Ormeau Embankment Phase 2, Belfast	8
Wesley	Bladon Drive, Stranmillis, Belfast	20

TABLE 3: SOCIAL HOUSING DEVELOPMENT PROGRAMME FOR SOUTH BELFAST 2012/13

Agency	Scheme Name	Dwellings
Fold	Maldon Street, Belfast	48
Helm Housing	Cromac Street, Belfast	13
Helm Housing	Northbrook Street, Belfast	9
Helm Housing	Russell Court Extension, Belfast	21
Helm Housing	Village URA Phase 1, Belfast	40
NIHE	Finnis Drive, Taughmonagh, Belfast	15

Housing Executive Design Office in Omagh

Mr T Elliott asked the Minister for Social Development why the Housing Executive is closing the design office in Omagh; and who will provide this service once the office is closed.

(AQW 7614/10)

Minister for Social Development: The Omagh Design Group was set up on 1 June 2009 with the overall restructuring of Design and Property Services being completed in July 2009. It was agreed that a further review would be carried out in approximately six months to ensure structures were correct in line with budgets and resources etc. Given the downturn in the Housing Executive's capital budget the workload and fee earning capacity of the Design Group satellite based in Omagh has been greatly reduced. To make the Design Group sustainable for the future, it is necessary to reduce the number of technical and administration staff within the Group and to offer them alternative appropriate employment in other parts of the Housing Executive. Because of the revised staff numbers in the Design Group it is no longer sustainable to have the group split across two sites with the associated overheads. The closure of the Design Group sub-office in Omagh and the delivery of the core service in future from the Design Group in Belfast will not affect the delivery of the service in the west of Northern Ireland. The delivery will be in line with the Housing Executive's guidelines and no-one will be disadvantaged by the changes.

Housing Executive Design Office in Omagh

Mr T Elliott asked the Minister for Social Development what steps will be taken to minimise the negative impact of the closure of the Housing Executive design office in Omagh.

(AQW 7615/10)

Minister for Social Development: I have been assured by the Housing Executive that the closure of the Design Group sub-office in Omagh and the delivery of the core service from the Design Group in Belfast will not affect the delivery of the service in the west of Northern Ireland. The delivery will be in line with the Housing Executive's guidelines and no-one will be disadvantaged by the changes. In relation to the impact on staff, where there is a surplus of staff to be redeployed the Housing Executive's Redeployment of Staff procedures will be applied in consultation with the Trade Union. The Housing Executive's policy is to take all reasonable measures to absorb surplus staff by redeployment in the interests of staff and the Housing Executive.

Northern Ireland Assembly

Friday 25 June 2010

Written Answers to Questions

Office of the First Minister and deputy First Minister

Draft Public Assemblies, Parades and Protests Bill

Mr P Ramsey asked the First Minister and deputy First Minister whether they have any plans to meet with the Human Rights Commission in relation to the Draft Public Assemblies, Parades and Protests Bill before the summer recess.

(AQW 7480/10)

First Minister and deputy First Minister (Mr P Robinson and Mr M McGuinness): A meeting with the Human Rights Commission is being arranged by OFMDFM officials.

Newtownards Castlebawn Development Project

Mr J Dallat asked the First Minister and deputy First Minister to detail any contact they have had in the last four years with (i) the Planning Appeals Commission; or (ii) the Department of the Environment in the relation to the Newtownards Castlebawn development project.

(AQW 7516/10)

First Minister and deputy First Minister: The Planning Appeals Commission (PAC) is an independent tribunal Non-Departmental Public Body which operates at arms length from Government and exercises its functions independently and free from influence by the Department or any other body. The Chief Commissioner is responsible for the financial, operational and administrative management of the Commission. OFMDFM holds sponsorship responsibility for the Commission and provides the financial and administrative support to the Commission but has no locus in planning appeal matters or referred work and has no operational remit.

We have had no contact with the Planning Appeals Commission in relation to the Newtownards Castlebawn development project. Factual information on the status of this referral from DOE was sought at official level from the Commission during 2009 to inform responses to representations from local representatives.

Responsibility for planning policy rests with the Department of the Environment (DOE). At our request in 2009, DOE provided information on its decision to refer this major planning application for public inquiry and the date and scope of the referral. This information was incorporated into our responses to representations by local representatives regarding the Castlebawn major planning application. In addition, we provided information to DOE to confirm our Department's and the Chief Commissioner of the Planning Appeals Commission's responsibilities in relation to the Castlebawn major planning application.

Northern Ireland Commissioner for Children and Young People

Lord Morrow asked the First Minister and deputy First Minister for their assessment of the effectiveness of the Northern Ireland Commissioner for Children and Young People; and to detail the main achievements to date.

(AQW 7552/10)

First Minister and deputy First Minister: The Office of the First Minister and deputy First Minister is the sponsoring body for the Commissioner for Children and Young People. In this role we are obligated under Treasury guidance, the Management Statement and Financial Memorandum, to carry out a review of the Commissioner every three years.

The purpose of the review is to determine the effectiveness and efficiency of the operation of the Commissioner, within the legislative terms set out in the Commissioner for Children and Young People (NI) Order (2003). It also looks at whether the Commissioner's Office continues to be the best way to deliver the services for which it is responsible; and if it is, how delivery of these services can be improved in the future.

The first review of the Commissioner was carried out in 2007. A copy of the review report can be found on www.allchildrenni.gov.uk website.

OFMDFM commissioned the second review of the Commissioner at the beginning of 2010. Information on the effectiveness and efficiency of the Commissioner will be detailed in the review report soon to be published. It would be premature to speculate at this time what the review findings will be.

Draft Strategy for Cohesion, Sharing and Integration

Dr S Farry asked the First Minister and deputy First Minister whether the forthcoming draft strategy for Cohesion, Sharing and Integration will be accompanied by an Equality Impact Assessment.

(AQW 7553/10)

First Minister and deputy First Minister: We agreed the core of the Programme for Cohesion, Sharing and Integration on 23 February 2010.

It is expected that the Programme will go out to public consultation before the summer and the formal consultation period will run until at least the end of September 2010.

The consultation document will include detail of a high-level Equality Impact Assessment and the public will have the opportunity to comment on this as part of the consultation exercise.

As the Programme will cut across many areas of responsibility, the departmental policies currently underpinning it, and any new policies or programmes leading from it, will also be subject to Equality Impact Assessments where appropriate.

Commissioner for Children and Young People

Mr A Ross asked the First Minister and deputy First Minister to detail the annual running costs of the Commissioner for Children and Young People, broken down by (i) wages; and (ii) other costs.

(AQW 7679/10)

First Minister and deputy First Minister: The annual running costs of the Commissioner for Children and Young People for the last three years broken down by wages and other running costs are as follows:

Financial year	Wages	Other running costs	Total
07/08	£909,947	£558,471	£1,468,418
08/09	£905,871	£539,085	£1,444,956
09/10	£952,393	£561,982	£1,514,375

Public Assemblies, Parades and Protests Bill

Dr S Farry asked the First Minister and deputy First Minister to outline (i) any regulatory impact assessment of the proposals; and (ii) their assessment of the cost implications of the new system

of notification and the new structures for adjudication, in the consultation on the draft of the Public Assemblies, Parades and Protests Bill (Northern Ireland).

(AQW 7859/10)

First Minister and deputy First Minister: The consultation on the draft Public Assemblies, Parades and Protests Bill (Northern Ireland) concludes on 14 July. Until consideration has been given to the responses to the consultation, and the need for amendments, if any, to the proposals has been determined, it is not possible to undertake an accurate and definitive assessment of their regulatory impact or cost implications.

Single Equality Bill

Mr D Kennedy asked the First Minister and deputy First Minister, pursuant to AQW 5721/10, when the Single Equality Bill team was disbanded.

(AQW 7959/10)

First Minister and deputy First Minister: Members of the Single Equality Bill team were moved to other areas of work over a period of approximately 12 to 18 months beginning in 2007. The expertise is retained within the directorate to enable us to meet our policy and legislative requirements. Whilst no policy decision has been taken regarding a Single Equality Bill, the Office of the First Minister and deputy First Minister continues to legislate in order to provide legal protection against discrimination and to promote equality of opportunity.

Department of Agriculture and Rural Development

Staff Morale at Glenree House, Newry

Mr P J Bradley asked the Minister of Agriculture and Rural Development for her assessment of staff morale at Glenree House, Newry.

(AQW 7391/10)

Minister of Agriculture and Rural Development (Ms M Gildernew): It is not possible to provide a definitive assessment of staff morale within an organisation without undertaking a survey of those staff for that specific purpose.

Secretary of State for the Environment, Food and Rural Affairs

Ms M Ritchie asked the Minister of Agriculture and Rural Development what discussions she has had with the Secretary of State for the Environment, Food and Rural Affairs in relation to (i) the EU annual fisheries negotiating rounds; (ii) the Common Fisheries Policy; and (iii) the impact of the Northern Ireland Marine Bill on fishing in the Irish Sea; and if she will make a statement.

(AQW 7442/10)

Minister of Agriculture and Rural Development: I have not had discussions with the Secretary of State on these matters. However, I and other Fisheries Ministers from the devolved administrations will be participating in a meeting with Richard Benyon MP, the Defra Fisheries Minister on 23rd June when we will discuss the approach to forthcoming Fisheries Councils and our positions on the CFP Reform process. Ministerial discussions on fishing opportunities for 2011 will take place once we know the advice from the International Conference for Exploration of the Sea which is expected at the end of June.

Responsibility for the Marine Bill here rests with the Department of the Environment and it is currently engaged in a public consultation which seeks views by 9 July 2010 on policy proposals for the new Bill. The likely impacts on fishing would stem from any proposals to establish Marine Conservation Zones. But the precise impacts on fishing cannot be evaluated until there are firm proposals for MCZs and their management arrangements.

European Commission Fine

Mr B Wilson asked the Minister of Agriculture and Rural Development if she can give an assurance that the €60m fine from the European Commission will be met from her Department's budget.

(AQW 7470/10)

Minister of Agriculture and Rural Development: Firstly, there is no £60m fine. The Commission have advised of their intention to disallow a flat rate of 5% of area aids claimed from 2004 to 2006. Allowing for currency movements this is around £30m. This is based on a Commission audit in 2006 and its subsequent concerns that the Department had weaknesses in its control processes. A decision on this disallowance is expected later this month. Budget cover was set aside in 2009/10 in respect of scheme years 2004 to 2006.

A further audit in 2008 (covering the scheme years 2007 and 2008) found that while our controls had improved, it was still not possible to estimate precisely the risk to the EU Fund. In these circumstances, the Commission view was that the correction should remain at 5%. This proposal is currently being taken through the conciliation process to help clarify both our and the Commission's understanding of the actual risk to the Fund.

We have challenged and countered the arguments put forward by the Commission. In our view, as many of the errors found are small, the real risk to the Fund is less than 2% and disallowance proposed is disproportionate and that no financial correction is required.

It is important to stress that at this stage the Commission has not formally determined any disallowance. However should our efforts fail and a disallowance is imposed the cost will fall to DARD's budget. The EC will expect DARD to pay farmers' Single Farm Payment in full, but will subsequently withhold an amount from the reimbursement made to DARD. In this case I reserve the right to seek Executive intervention through the Budget and in-year Monitoring processes to meet any resultant pressure.

European Commission's Audit

Mr B Wilson asked the Minister of Agriculture and Rural Development what action she is taking to recover overpayments made to farmers highlighted by the European Commission's audit.

(AQW 7471/10)

Minister of Agriculture and Rural Development: All efforts are made to recover any over claimed payments. Every year my Department carries out both administrative cross check and on farm inspections. When inaccuracies are found, overpayments are recovered and penalties are applied.

In addition, my Department is looking very closely at a number of potential fraud cases and, if appropriate, these will be taken forward for prosecution.

Compensation to Farmers

Dr W McCrea asked the Minister of Agriculture and Rural Development to detail (i) the total amount of compensation paid to farmers with pedigree herds infected by bovine tuberculosis in each of the last three years; and (ii) the largest single compensation award for any pedigree male animal during this time.

(AQW 7564/10)

Minister of Agriculture and Rural Development:

(i) The amount paid for bovine TB compensation of pedigree animals in each of the three years was:

2007/2008	£2,268,900.00
2008/2009	£2,616,419.23
2009/2010	£2,239,415.00

- (ii) The single largest bovine TB compensation payment for a pedigree male animal during the same period was £ 12,500.00

European Commission Fine

Mr A Easton asked the Minister of Agriculture and Rural Development from which part of her budget will the €60m European Commission fine be paid.

(AQW 7609/10)

Minister of Agriculture and Rural Development: Firstly, there is no £60m fine. The Commission have advised of their intention to disallow a flat rate of 5% of area aids claimed from 2004 to 2006. Allowing for currency movements this is around £30m. This is based on a Commission audit in 2006 and its subsequent concerns that the Department had weaknesses in its control processes. A decision on this disallowance is expected later this month. Budget cover was set aside in 2009/10 in respect of scheme years 2004 to 2006.

On the Commission's proposal to disallow a further £30m relating to the audit carried out in 2008, my officials are currently taking this through the conciliation process and we await the outcome of this process.

I can confirm that the cost of any disallowance will not be deducted from farmer's claims. EU regulations do not permit us to reduce EU funded schemes to disallowance. The EC will expect DARD to pay farmers' Single Farm Payment in full, but will withhold an amount from the reimbursement made to DARD. In this case I reserve the right to seek Executive intervention through the Budget and In-Year Monitoring processes to meet any resultant pressure.

Department of Culture, Arts and Leisure

European Charter of Regional and Minority Languages

Mr P Butler asked the Minister of Culture, Arts and Leisure what measures he has taken to date to promote (i) the Irish language; and (ii) Ulster Scots as part of his Department's obligations under the European Charter of Regional and Minority Languages.

(AQW 7635/10)

Minister of Culture, Arts and Leisure (Mr N McCausland): Through my Department I have continued to make funding available to promote the Irish language and Ulster-Scots through the North South Language Body. I have attended three meetings of the North South Ministerial Council and I attended a meeting of the British Irish Council in Jersey in November 2009.

Since my appointment I have taken significant steps to bring forward the establishment of an Ulster-Scots Academy.

Furthermore, I am in the process of developing a Regional or Minority Languages Strategy which will seek to enhance and develop the Ulster-Scots language, heritage and culture and seek to enhance and protect the development of the Irish language. It will be underpinned by our commitments in the Charter.

My Department continues to chair the Interdepartmental Charter Implementation Group to co-ordinate implementation of the European Charter for Regional or Minority Languages. The Group is made up of representatives of all Northern Ireland Departments and also from the UK Departments that operate in Northern Ireland.

Ulster American Folk Park

Mr T Burns asked the Minister of Culture, Arts and Leisure to detail all the financial assistance granted to the Ulster American Folk Park by his Department in each of the last ten years.

(AQW 7642/10)

Minister of Culture, Arts and Leisure: The attached table details the amount of financial assistance granted to the Ulster American Folk Park by my Department in each of the last ten years.

Year	Funding (£)
2009/10	3,963,295 Includes cost for reform and modernisation programme
2008/09	2,833,383
2007/08	2,358,990
2006/07	2,077,712
2005/06	2,107,993
2004/05	1,988,830
2003/04	2,012,334
2002/03	1,870,140
2001/02	1,919,752
2000/01	1,690,082
Total	22,822,511

Late Return of Books by Public Libraries

Mr T Burns asked the Minister of Culture, Arts and Leisure to detail (i) the total amount of revenue recovered in fines for late return of books and other items by public libraries; (ii) the total amount of money paid by members of the public to replace books or other items which were lost or misplaced; and (iii) the ten largest fines which have been paid upon late return of an item, broken down by Education and Library Board, for each of the last five years.

(AQW 7700/10)

Minister of Culture, Arts and Leisure:

- (i) The total amount of revenue recovered in fines for late returns of books and other items by public libraries;

	2009/10	2008/09	2007/08	2006/07	2005/06
BELB		£25,450	£35,382	£44,002	£44,282
Libraries NI*	£169,896	-	-	-	-
NEELB	-	£45,181	£53,946	£48,776	£54,498
SEELB	-	£20,090	£22,623	£26,893	£24,867
SELB	-	£25,450	£29,686	£35,665	£31,187
WELB	-	£30,508	£36,254	£35,896	£31,225
Total	£169,896	£146,679	£177,891	£191,232	£186,059

* Libraries NI took over responsibility of the Northern Ireland Public Library Services from the five Education and Library Boards on 1 April 2009.

- (ii) The total amount of money paid by members of the public to replace books or other items which were lost or misplaced; and

	2009/10	2008/09	2007/08	2006/07	2005/06
BELB*		£2,842	£3,782	£6,170	£2,676
Libraries NI**	NA				
NEELB***		NA	NA	NA	NA
SEELB*		£2,386	£2,182	£2,481	£2,539
SELB*		£2,479	£3,083	£3,170	£3,558
WELB***		NA	NA	NA	NA

* Also includes any monies paid for goods that were damaged.

** The requested information is not separately tracked in the Libraries NI finance system and is included in the figure for 'sale of withdrawn items'. This figure for 2009/10 was £44,643. The amount paid by the public for lost or misplaced books/other items would only be a small proportion of this.

*** The financial recording system used by the Board did not differentiate between fines and amounts charged for lost or misplaced items. The income is included within the figures at (i).

- (iii) the ten largest fines which have been paid upon late return of an item.

In 2005/06 the maximum fine was capped at £3.60. In 2006/07 the maximum fine cap was increased to £4.80. This figure remains unchanged.

The figures for the Education and Library Boards are supplied under the responsibility of their respective Accounting Officers.

Vandalism of Public Art

Mr T Burns asked the Minister of Culture, Arts and Leisure to detail (i) the total number of recorded incidents of vandalism of public art in each of the last five years; and (ii) the total cost of repairing the damage done by these acts of vandalism.

(AQW 7701/10)

Minister of Culture, Arts and Leisure: One incident of vandalism of public art owned by the Arts Council has been recorded in the last 5 years. There was no cost to the Arts Council for the repair of the piece which is now located outside the Stormont Hotel. The piece was restored as part of a general restoration to remove rust and weathering. This restoration work also removed a small amount of graffiti.

Invitations to Irish Language Events

Mr P Butler asked the Minister of Culture, Arts and Leisure to detail the number of invitations to Irish language events he has received; and (ii) the number of these events he has attended, since July 2009.

(AQW 7725/10)

Minister of Culture, Arts and Leisure: Since July 2009 I have received 9 invitations to attend Irish language related events and I have attended 2 of these.

Chief Executive to the Ulster-Scots Agency

Mr T Burns asked the Minister of Culture, Arts and Leisure to detail the cost incurred to date in recruiting and appointing a permanent full-time Chief Executive to the Ulster-Scots Agency; and when he expects the process to be completed.

(AQW 7741/10)

Minister of Culture, Arts and Leisure: At the North South Ministerial Council meeting in Language Sectoral format held in Armagh on 26 May 2010 Ministers approved an extension to the appointment of the interim Chief Executive Officer in the Ulster-Scots Agency to the end of December 2010.

The process of recruiting a permanent CEO to the Ulster-Scots Agency has not started therefore no cost has been incurred.

It is expected a permanent CEO will be in place in the Agency by the end of December 2010.

Stoneyford Reservoir

Mr P Butler asked the Minister of Culture, Arts and Leisure what discussions his Department has had with NI Water to ensure that anglers can continue to use Stoneyford Reservoir, since NI Water now plans to dispose of the site; and what plans his Department has for the reservoir given NI Water's decision.

(AQW 7848/10)

Minister of Culture, Arts and Leisure: Stoneyford reservoir is owned by NI Water and my Department leases the angling rights to the reservoir from NI Water. NI Water has declared the reservoir surplus to its requirements and has indicated its intention to sell the amenity on the open market.

NI Water had expected to dispose of the reservoir and informed my Department that the reservoir would not be included in any new lease between NI Water and the Department. However NI Water has been unsuccessful in obtaining a buyer and subsequently informed my Department that it wished to enter into negotiations for a new lease for Stoneyford. NI Water has indicated that this would be on a yearly basis and not the normal five year lease currently in place regarding other NI Waters leased by the Department.

The Department has agreed a yearly lease with NI Water relating to Stoneyford reservoir and NI Water has indicated that it will renew the lease on a yearly basis until the reservoir is sold.

Current Government financial constraints imposed on Departments prevent DCAL from submitting an offer for the reservoir.

Graeme McDowell

Mr J Shannon asked the Minister of Culture, Arts and Leisure if he has any plans to organise a congratulatory event for Graeme McDowell for becoming the first man from Northern Ireland to win the US Open Golf Championship; and if he will issue a congratulatory statement.

(AQW 7932/10)

Minister of Culture, Arts and Leisure: I have already written to Graeme to congratulate him on his tremendous victory in the US Open Golf Championship at Pebble Beach, California. I have also asked my officials to take forward the arrangement of a reception at the earliest possible date to celebrate this outstanding achievement.

Department of Education

Amount Spent on Administration and Teaching per Pupil

Mr D O'Loan asked the Minister of Education to detail the amount spent on (i) administration, per pupil; and (ii) teaching, per pupil, in each Education and Library Board area at primary school level and secondary school level in (a) 2007/08; (b) 2008/09; and (c) 2009/10.

(AQW 7315/10)

Minister of Education (Ms C Ruane): Is mionsonraithe sna táblaí thíos atá na méideanna a caitheadh in aghaidh an dalta, ar an riarachán agus ar an mhúinteoireacht araon i ngach limistéar Bhord

Oideachais agus Leabharlaine ag leibhéal bunscoil agus ag leibhéal iarbhunscoile do na blianta 2007-08, 2008-09 agus 2009-10.

The amounts spent per pupil, for both administration and teaching in each Education and Library Board area at primary and secondary level in 2007-08, 2008-09 and 2009-10 are detailed in the tables below.

(1) BELB

£'s	Admin spend per primary pupil	Admin spend per secondary pupil	Teaching spend per primary pupil	Teaching spend per secondary pupil
2007/08	78	296	2260	3139
2008/09	82	343	2281	3256
*2009/10	85	345	2345	3310

(2) NEELB

£'s	Admin spend per primary pupil	Admin spend per secondary pupil	Teaching spend per primary pupil	Teaching spend per secondary pupil
2007/08	64	253	2123	3035
2008/09	71	277	2232	3199
*2009/10	75	282	2339	3275

(3) SEELB

£'s	Admin spend per primary pupil	Admin spend per secondary pupil	Teaching spend per primary pupil	Teaching spend per secondary pupil
2007/08	75	256	2104	3122
2008/09	80	271	2245	3205
*2009/10	80	278	2310	3285

(4) SELB

£'s	Admin spend per primary pupil	Admin spend per secondary pupil	Teaching spend per primary pupil	Teaching spend per secondary pupil
2007/08	79	280	2209	3089
2008/09	87	305	2330	3225
*2009/10	87	311	2437	3290

(5) WELB

£'s	Admin spend per primary pupil	Admin spend per secondary pupil	Teaching spend per primary pupil	Teaching spend per secondary pupil
2007/08	77	273	2228	3236
2008/09	89	282	2465	3301
*2009/10	91	290	2453	3398

* Figures for 2009-10 are provisional outturn figures and may therefore be subject to change.

Projected Spend per Pupil

Mr D O'Loan asked the Minister of Education to detail the projected spent on (i) administration, per pupil; and (ii) teaching, per pupil, in each Education and Library Board area at primary school level and secondary school level, in 2010/11.

(AQW 7316/10)

Minister of Education: Is mionsonraithe thíos atá an caiteachas réamh-mheasta in aghaidh an dalta, don riarachán agus don mhúinteoireacht araon i ngach limistéar Bhord Oideachais agus Leabharlaine ag leibhéal bunscoil agus ag leibhéal iarbhunscoile, don bhliain 2010-11. Tá na réamh-mheastacháin bunaithe ar leibhéil an chaiteachais sa bhliain 2009-10, agus tá siad ceartaithe de réir boilsciú pá agus de réir boilsciú neamhphá.

The projected spend per pupil, for both administration and teaching in each Education and Library Board area at primary and secondary school levels, for 2010–11 is detailed below. These projections are based 2009-10 levels of expenditure uplifted for pay and non pay inflation.

£'s	Projected Admin spend per primary pupil	Projected Admin spend per secondary pupil	Projected Teaching spend per primary pupil	Projected Teaching spend per secondary pupil
BELB	86	350	2422	3394
NEELB	76	298	2396	3352
SEELB	82	282	2379	3375
SELB	88	314	2493	3366
WELB	92	293	2486	3443

Support Services

Mr D O'Loan asked the Minister of Education to detail the average amount spent on support services, per pupil, at (i) primary school level; and (ii) secondary school level across Northern Ireland since 2007.
(AQW 7388/10)

Minister of Education: Níl an t-eolas a iarradh ar fáil san fhormaid a éilítear agus bheadh costas díréireach ag baint le hé a sholáthar.

The information requested is not available in the format required and could only be provided at disproportionate costs.

Cost of Departmental Administration

Mr D O'Loan asked the Minister of Education to detail the average amount spent on departmental administration, per pupil, at (i) primary school level; and (ii) secondary school level across Northern Ireland since 2007.
(AQW 7389/10)

Minister of Education: Níl an t-eolas a iarradh ar fáil san fhormaid a éilítear agus bheadh costas díréireach ag baint le hé a sholáthar.

The information requested is not available in the format required and could only be provided at disproportionate costs.

Sectoral Support

Mr D O'Loan asked the Minister of Education to detail the amount spent on sectoral support for (i) the maintained sector; (ii) the integrated sector; and (iii) the Irish-medium sector in each of the last five years.
(AQW 7390/10)

Minister of Education: Níl an t-eolas a iarradh ar fáil san fhormaid a éilítear agus bheadh costas díréireach ag baint le hé a sholáthar.

The information requested is not available in the format required and could only be provided at disproportionate costs.

Budget for 2010/11

Mr D O'Loan asked the Minister of Education to detail the budget for 2010/11 for (i) the Council for Catholic Maintained Schools; (ii) the Northern Ireland Council for Integrated Education; and (iii) Comhairle na Gaelscolaíochta.
(AQW 7393/10)

Minister of Education: Mionsonraítear sa tábla thíos staid an chéad bhuiséid don bhliain airgeadais 2010/11 do Chomhairle na Scoileanna Caitliceacha faoi chothabháil; don Chomhairle um Oideachas Comhtháite; agus do Chomhairle na Gaelscolaíochta.

The table below details the opening budget position for the financial year 2010/11 for the Council for Catholic Maintained Schools; the Council for Integrated Education; and Comhairle na Gaelscolaíochta.

BUDGET ALLOCATIONS 2010 -11

	Resource Budget (£000s)	Capital Budget (£000s)	Total Budget (£000s)
CCMS	4,126	98	4,224
NICIE	651	0	651
CnaG	643	0	643

Backlog of School Maintenance Work

Mr D Bradley asked the Minister of Education to provide details on the current backlog of school maintenance work, broken down by (i) school; (ii) Education and Library Board area; (iii) the nature of the work; and (iv) the estimated cost.

(AQW 7399/10)

Minister of Education: Tá sé socraithe agam go gcuirfean an t-eolas ar an riaráiste cothabhála reatha de réir scoile (atá glactha ó chóras bainistíochta eastát na mBord Oideachais agus Leabharlainne) i Leabharlann an Tionóil. Is é an riaráiste cothabhála reatha (de réir limistéar Bhord Oideachais agus Leabharlainne) ná:

I have arranged for the information for the current school maintenance backlog by school (derived from the Education and Library Boards' estates management system), to be placed in the Assembly library. The current backlog total (by Education and Library Board area) is:

Board Area	Maintenance Backlog
BELB	£88,273,732
WELB	£46,410,758
SELB	£60,071,703
SEELB	£36,642,750
NEELB	£55,504,594
Total	£286,903,538

The nature of this work includes any urgent work required to address health and safety and to avoid serious deterioration of the fabric or services to the building and would be deemed to be items in very poor condition and in poor condition.

Education and Library Boards are responsible for maintenance across the schools' estate, are working to address the backlog and have procedures in place to carefully prioritise those areas of greatest need including health and safety.

I will continue to press the Executive for additional funding for schools' maintenance.

Appointments to School Boards of Governors

Mr P Weir asked the Minister of Education whether the Education and Library Boards are continuing to make appointments to school Boards of Governors under any new arrangements that she has been put in place.

(AQW 7411/10)

Minister of Education: Níl aon tionchar ag na socruithe idirthréimhseacha atá curtha i bhfeidhm agam ar chumhachtaí reatha na mBord Oideachais agus Leabharlainne chun ceapacháin a dhéanamh ar Bhoird Ghobharnóirí na scoileanna.

Yes. The transitional arrangements I have put in place until the Education and Skills Authority is established do not affect the existing powers of the Education and Library Boards to make appointments to school Boards of Governors.

Exceptional Circumstances Body

Mr D Bradley asked the Minister of Education to list the names of the people appointed to the Exceptional Circumstances Body; and to outline each appointee's background and experience.
(AQW 7430/10)

Minister of Education: Níor cuireadh an próiseas ceapacháin don Fhoras um Imthosca Eisceachtúla i gcrích go fóill agus, mar gheall air sin, ní féidir liosta deiridh de bhaill an Fhorais um Imthosca Eisceachtúla a fhoilsiú. Nuair atá an próiseas críochnaithe, foilseofar ainmneacha na mball i dTuirisc Bhliantúil na gCeapachán Poiblí.

The Exceptional Circumstances Body appointment process has not yet concluded and so it is not possible to publish the final list of Exceptional Circumstances Body members. When the process has concluded the members names will be published in the Public Appointments Annual Report.

Members of the Board of Governors

Mr D Bradley asked the Minister of Education to list the names of the members of the board of governors of each school; and to outline each member's experience and background.
(AQW 7431/10)

Minister of Education: The Department does not hold this information centrally and as there are over 11,000 governor posts it could only be obtained at disproportionate cost. The relevant authorities would also have to have regard to Data Protection legislation in deciding on information to provide in each case on a member's experiences and background.

Éilítear ar gach scoil ainmneacha agus catagóir bhallraíochta a ngobharnóirí go léir (ie cibé acu is Aistreoir, Ionadaí lontaobhaí, gobharnóir de chuid an Bhoird nó gobharnóir de chuid an RO, nó gobharnóir tuismitheorí nó gobharnóir múinteorí é) a fhoilsiú i dTuirisc Bhliantúil a mBord Gobharnóirí do thuismitheoirí.

Every school is required to publish the names and membership category of each of their governors (ie whether a Transferor or Trustee representative, Board or DE governor, or parent or teacher governor) in its Board of Governors Annual Report for parents.

First Choice Schools

Mr D Bradley asked the Minister of Education how many children in each Education and Library Board area were not admitted to their first choice school this year, broken down by named school.
(AQW 7432/10)

Minister of Education: Chuir na Boird Oideachais agus Leabharlainne in iúl gur mar atá mionsonraithe sa tábla faoi iamh atá lón na bpáistí i ngach limistéar Bhord Oideachais agus Leabharlainne nár glacadh isteach leo ina gcéadrogha scoile i mbliana, agus iad miondealaithe de réir scoil ainmnithe.

The Education and Library Boards have advised that the number of children in each Education and Library Board area not admitted to their first choice school this year, broken down by named school is as detailed in the table attached.

BELFAST EDUCATION & LIBRARY BOARD

School Name	Number Not Admitted To Their First Choice School
Primary Schools	
Belmont Primary School	15
Cavehill Primary School	20
Cranmore Integrated Primary School	5
Dundela Infants School	1
Finaghy Primary School	5
Greenwood Primary School	15
Hazelwood Integrated Primary School	1
Holy Family Primary School	20
Our Lady of Lourdes Primary School	20
St Bride's Primary School	18
St Therese of Lisieux Primary School	8
Stranmillis Primary School	4
Post-Primary Schools	
Aquinas Grammar School	41
Ashfield Boys' School	13
Ashfield Girls' School	22
Belfast Royal Academy	66
Bloomfield Collegiate	47
Campbell College	7
De La Salle School	39
Dominican College	38
Grosvenor Grammar School	19
Hazelwood Integrated College	16
Hunterhouse College	48
Methodist College	51
Rathmore Grammar School	51
Royal Belfast Academical Institution	36
St Dominic's High School	76
St Genevieve's High School	5
St Malachy's College	41
St Mary's Christian Brothers' Grammar School	15
Strathearn School	17

School Name	Number Not Admitted To Their First Choice School
Victoria College	13
Wellington College	38

WESTERN EDUCATION & LIBRARY BOARD

School Name	Number Not Admitted To Their First Choice School
Primary Schools	
Culmore Primary School	2
Drumlish Primary School	1
Enniskillen Integrated Primary School	12
Enniskillen Model Primary School	2
Lisbellaw Primary School	3
St Columba's Primary School, Clady	7
St Dymphna's Primary School, Dromore	13
St Mary's Primary School, Mullymesker	2
St Patrick's Primary School, Eskra	2
St Patrick's Primary School, Mullanskea	1
Post-Primary Schools	
Christian Brothers' Grammar School, Omagh	18
Collegiate Grammar School, Enniskillen	16
Drumragh Integrated College	51
Foyle & Londonderry College	6
Loreto Grammar School, Omagh	5
Lumen Christi College	57
Mount Lourdes Grammar School	33
Oakgrove Integrated College	10
Portora Royal School	7
St Cecilia's College	36
St Columb's College	8
St Joseph's Boys' School	5
St Mary's College, Derry	31
St Michael's College, Enniskillen	19
Strabane Grammar School	9
Thornhill College	24

NORTH-EASTERN EDUCATION & LIBRARY BOARD

School Name	Number Not Admitted To Their First Choice School
Primary Schools	
Acorn Integrated Primary School	2
Carrickfergus Model Primary School	2
Clough Primary School	3
Damhead Primary	1
Eden Primary School	2
Greenisland Primary School	7
Mossley Primary School	12
Olderfleet Primary	8
St Columba's Primary School (Draperstown)	1
St Mary's Primary School (Portglenone)	1
St Patrick's & St Joseph's Federated Primary School	2
Whiteabbey Primary School	2
Whitehead Primary School	4
Post-Primary Schools	
Antrim Grammar School	32
Ballyclare High School	8
Ballyclare Secondary School	25
Ballymena Academy	12
Belfast High School	21
Cambridge House Grammar School	46
Carrickfergus Grammar School	69
Coleraine Academical Institution	13
Coleraine High School	30
Dalriada School	49
Dominican College, Portstewart	27
Downshire School	1
Dunclug College	7
Larne Grammar School	19
Loreto College	31
Rainey Endowed School	21
Slemish Integrated College	93
Sperrin Integrated College	18

School Name	Number Not Admitted To Their First Choice School
St Louis Grammar School	24
St Mary's Grammar School	17
St Patrick's College, Maghera	5
St Paul's College, Kilrea	18
Ulidia Integrated College	34

SOUTH-EASTERN EDUCATION & LIBRARY BOARD

School Name	Number Not Admitted To Their First Choice School
Primary Schools	
Carrickmannon Primary School	2
Newtownards Model Primary School	1
Portavogie Primary School	1
Gilnahirk Primary School	12
Loughview Integrated Primary School	5
Millennium Integrated Primary School	5
All Children's Integrated Primary School	15
Cumran Primary School	2
St Mary's Primary School, Ardglass	2
Fort Hill Primary School	1
Oakwood Integrated Primary School	4
Pond Park Primary School	9
Riverdale Primary School	6
Bangor Central Integrated Primary School	3
Crawfordsburn Primary School	5
Kilmaine Primary School	4
Post-Primary Schools	
Assumption Grammar School	40
Bangor Academy & Sixth Form College	34
Bangor Grammar School	44
Down High School	25
Friends' School	48
Glastry College	7
Glenlola Collegiate	48

School Name	Number Not Admitted To Their First Choice School
Lagan College	87
Nendrum College	22
Our Lady & St Patrick's College, Knock	67
Priory College	1
Regent House	66
Saintfield High School	9
Shimna Integrated College	6
St Columbanus College	15
St Patrick's Grammar School	37
Strangford Integrated College	48
Sullivan Upper School	6
Wallace High School	62

SOUTHERN EDUCATION & LIBRARY BOARD

School Name	Number Not Admitted To Their First Choice School
Primary Schools	
Augher Central Primary School	1
Ballydown Primary School	5
Bocombra Primary School	8
Bush Primary School	2
Clare Primary School	4
Moyallon Primary School	1
Orchard County Primary School	6
Waringstown Primary School	7
Kilbroney Integrated Primary School	5
Bridge Integrated Primary School	21
Phoenix Integrated Primary School	3
Portadown Integrated Primary School	9
Windmill Integrated Primary School	4
Cloughoge Primary School	1
Dromintee Primary School	3
Holy Cross Primary School	4
Our Lady & St Mochua's Primary School	7

School Name	Number Not Admitted To Their First Choice School
St Colman's Primary School, Annaclone	4
St Colman's Primary School, Saval	2
St Francis' Primary School, Aghaderg	4
St Francis' Primary School, Lurgan	10
St Mary's Primary School, Derrymore	2
St Mary's Primary School, Mullaghbawn	1
St Patrick's Primary School, Mayobridge	8
Post-Primary Schools	
Banbridge Academy	34
Christian Brothers' Abbey Grammar School	34
Fivemiletown College	1
Markethill High School	19
New-Bridge Integrated College	46
Our Lady's Grammar School	25
Royal School, Armagh	17
Royal School, Dungannon	21
Sacred Heart Grammar School	45
St Catherine's College	12
St Ciaran's College	9
St Colman's College	42
St Joseph's Grammar School	53
St Louis' Grammar School	20
St Patrick's Academy, Dungannon	41
St Patrick's Grammar School, Armagh	50
St Paul's High School, Bessbrook	38

Schools Development Proposals

Mr T Elliott asked the Minister of Education to list (i) the schools that have submitted development proposals ; and (ii) the schools that have had their proposals approved since January 2007.

(AQW 7436/10)

Minister of Education: Sa tréimhse ó mhí Eanáir 2007 go dtí an t-am i láthair, tá 120 moladh forbartha faighte ag an Roinn Oideachais. As na moltaí seo, níor faomhadh 25 acu agus tá 16 acu ar moltaí reatha iad agus nach ndearna mé cinneadh orthu go fóill. Tá moladh forbartha eile ann faoi láthair a bhfuil an moltóir ag machnamh ar é a tharraingt siar.

In the period from January 2007 to present the Department of Education has received 120 development proposals. Of these proposals, 25 were not approved and 16 are recent proposals on

which I have yet to make a decision. A further published proposal is currently under consideration of withdrawal by the proposer.

With regard to your second and third questions; 20 primary schools, 7 post-primary schools and 2 special schools have closed in the period January 2007 to date

There have also been 2 primary and 1 post-primary amalgamation proposals approved in this period, each amalgamation involving 2 or more schools.

I append for your information a list of all the schools concerned – this list identifies the nature of each proposal.

Preschool Places in Fermanagh

Mr T Elliott asked the Minister of Education to detail (i) the total number of (a) voluntary; and (b) statutory preschool places in Fermanagh; (ii) the number of places allocated to each nursery or play group; and (iii) the number of pupils at each nursery or play group.

(AQW 7441/10)

Minister of Education:

Sa scoilbhliain reatha (2009/10) is é líon na n-áiteanna réamhscoile atá ar fáil i gContae Fhear Manach ná:

- (a) earnáil dheonach /phríobháideach — 412
- (b) earnáil reachtúil — 364
- (i) In the current school year (2009/10) the total number of preschool places available in Fermanagh is:
 - (a) voluntary /private sector — 412
 - (b) statutory sector — 364
- (ii) The attached tables detail the number of places available in each setting and the number of places filled:

(A) VOLUNTARY / PRIVATE SECTOR

Playgroup	No of Places	No of Places filled	Places unfilled
Belcoo Playgroup	19	19	
Belleek Pre-School Centre	17	13	4
Bo-Peeps Playgroup, Boho	9	8	1
Brookeborough & District Community Playgroup	15	15	
Bunnahone Bunnies Cross Community Playgroup, Derrygonnelly	6	5	1
Busy Bees Montessori Nursery, Lisbellaw	10	10	
Donagh Wee Folk Playschool	21	21	
Irvinestown Cross Community Playgroup	23	23	
Kindertee Community Playgroup, Derrylin	38	38	
Little Smarties Playgroup, Garrison	22	22	
Little Treasures Playgroup, Kinawley	26	26	

Playgroup	No of Places	No of Places filled	Places unfilled
Mullanakea Community Pre-School Centre	26	26	
Naiscoil An Traonaigh, Lisnaskea	4	3	1
Newtownbutler Playgroup	36	36	
Rascals Playstation, Ballinamallard	4	4	
Roslea Cross Community Playgroup	21	20	1
Small-Fry Community Playgroup, Maguiresbridge	26	26	
'Squirrels' Montessori Nursery, Enniskillen	32	31	1
Tempo Community Pre-School	34	31	3
The Little Castle Playgroup, Lisnaskea	9	9	
Tiny Tots Cross Community Play-Centre, Mullymesker	14	14	
Totals	412	400	12

(B) STATUTORY NURSERY SCHOOLS AND NURSERY UNITS

School	No of Places	No of Places filled	Places unfilled
Enniskillen Nursery School	78	78	
Enniskillen Integrated Primary School Nursery Unit	26	26	
Holy Trinity Primary School Nursery Unit	52	52	
St Ronan's Primary School Nursery Unit	52	52	
Ballinamallard Community Nursery School (based at Ballinamallard PS)	26	25	1
Ederney Community Nursery School (based at St Joseph's PS Ederney)	26	25	1
Kesh Community Nursery School (based at Kesh PS)	26	26	
Lisbellaw Community Nursery School (based at Lisbellaw PS)	26	27 *	
Little Bridges Community Nursery School (based at Florencecourt PS)	26	22	4
Necarne Community Nursery School (based at St Paul's PS Irvinestown)	26	26	
Totals	156	151	6

* Additional child in attendance with Statement of Special Needs

The Western Education and Library Board (WELB) has advised that for the 2010/11 school year they originally allocated the same number of places to providers in the voluntary / private sector as they had done in 2009/10.

Following my announcement on 20 May of up to an additional £1.3m of funding to address the shortfall of places across the north of Ireland, a further 165 places have been allocated to the WELB and they are in the process of distributing these to settings in the voluntary / private sector to meet the needs of unplaced children in their area.

The number of places available in the statutory sector in the forthcoming year remains the same.

Review of Capital Projects

Mr I McCrea asked the Minister of Education when she expects to complete the review of capital projects for the Mid-Ulster constituency.

(AQW 7478/10)

Minister of Education: Tá an t-athbhreithniú caipitil ag tulstaid agus cuirfear na torthaí in iúl do gach duine a bhfearrann siad go díreach orthu a luaithe is féidir.

The capital review is at an advanced stage and all those directly affected will be advised of the conclusions as soon as possible.

However I want to reiterate that the motivation for the review has been to ensure that investment in the education estate is consistent with and supportive of the policy framework that I am putting in place and that it adheres to our statutory duties in relation to equality and targeting on the basis of objective need. I have indicated that all projects will be considered in the context of the six criteria outlined in the Sustainable Schools Policy alongside the condition of the schools buildings.

It is important to recognise however that, as a result of the current constraints on the capital budget, difficult decisions will have to be taken and not all projects will go ahead in the timeframe originally planned or at a pace that we would all like to achieve.

Classroom Assistants

Mr P Weir asked the Minister of Education to detail the number of classroom assistants in each school in the North Down constituency, in each of the last three years.

(AQW 7507/10)

Minister of Education: Chuir Príomhfheidhmeannach ar Bhord Oideachais agus Leabharlainne an Oirdheiscirt in iúl dom gur mar seo a leanas atá líon na gcúntóirí ranga a oibríonn i dtoghcheantar an Dúin Thuaidh:

I have been advised by the Chief Executive of the South Eastern Education and Library Board of the following number of classroom assistants in the schools in the North Down constituency:

Name of School	Number of Classroom Assistants		
	1-Sept-07	1-Sept-2008	1-Sept-2009
Ballyvester PS	1	1	1
Hollywood PS	4	7	7
Crawfordsburn PS	4	5	7
Ballyholme PS	10	12	14
Donaghadee PS	11	12	12
Clandeboyne PS	4	4	4
Millisle PS	6	5	6
Redburn PS	1	2	0

Name of School	Number of Classroom Assistants		
	1-Sept-07	1-Sept-2008	1-Sept-2009
Bloomfield PS	7	7	6
Grange Park PS	8	13	10
Kilcooley PS	3	3	4
Rathmore PS	6	7	11
Towerview PS	9	11	13
Kilmaine PS	5	7	9
Ballymagee PS	7	8	9
St Patrick's PS	5	4	6
St Anne's PS	1	2	2
St Comgalls PS	7	6	6
St Malachy's PS	3	6	6
Bangor Central PS	8	8	9
Glencraig Integrated PS	3	5	7
Clifton Special School	36	43	45
Lakewood Special School	3	3	3
Bangor Academy	4	2	3
St Columbanus' College	8	11	12
Priory College	6	6	9
Glenlola Collegiate	5	5	4
Total	175	205	225

Please note that this table does not include Voluntary Grammar/Grant Maintained Integrated Schools.

Irish-medium Sector

Mr J Craig asked the Minister of Education to detail the number of pupils in each primary school and post-primary school within the Irish-medium sector, broken down by school year, in each of the last three years.

(AQW 7521/10)

Minister of Education: Tá eolas ar líon na ndaltaí i scoileanna deontaschúnta Gaeilge agus ar líon na ndaltaí a fhreastálaíonn ar aonaid Ghaeilge i meánscoileanna Béarla cuimsithe sna táblaí thíos.

Information on the numbers of pupils in grant-aided Irish medium schools and the numbers of those attending Irish medium units in English medium schools is contained in the tables below.

PRIMARY – IRISH MEDIUM SCHOOLS – 2007/08

School Name	Year Group									
	N	R	1	2	3	4	5	6	7	Total
Bunscoil an Chastil	0	0	15	13	18	8	10	7	4	75
Bunscoil an Iúir	0	0	23	16	16	10	13	12	12	102
Bunscoil an Traonaigh	0	0	6	6	5	10	0	0	0	27
Bunscoil an tSléibhe Dhuibh	0	0	23	25	23	24	23	25	25	168
Bunscoil Bheann Mhadagáin	0	0	11	18	21	21	14	15	19	119
Bunscoil Bheanna Boirche	0	0	10	10	5	7	7	4	5	48
Bunscoil Cholmille	26	0	22	20	12	23	23	16	17	159
Bunscoil Mhic Reachtain	0	0	8	17	12	8	9	11	6	71
Bunscoil Phobal Feirste	41	0	33	37	27	36	35	39	46	294
Gaelscoil an Damba	0	0	6	3	4	9	7	0	0	29
Gaelscoil an Lonnáin	0	0	11	11	8	7	3	0	4	44
Gaelscoil Éadain Mhóir	0	0	25	16	22	21	17	19	15	135
Gaelscoil Éanna	0	0	12	0	0	0	0	0	0	12
Gaelscoil Ghleann Darach	0	0	12	1	3	3	0	0	0	19
Gaelscoil na bhFál	26	0	28	26	21	22	33	30	25	211
Gaelscoil na gCrann	0	0	11	11	7	4	4	7	1	45
Gaelscoil na Móna	0	0	14	19	10	9	7	11	2	72
Gaelscoil na Speiríní	0	0	5	9	3	5	1	0	0	23
Gaelscoil Uí Dhochartaigh	0	0	27	14	18	18	18	18	17	130

School Name	Year Group									
	N	R	1	2	3	4	5	6	7	Total
Gaelscoil Uí Néill	0	0	21	15	20	16	13	14	14	113
Scoil an Droichid	0	0	27	13	14	14	11	13	11	103
Scoil na Fúiseoige	0	0	13	21	15	17	25	19	23	133

PRIMARY – IRISH MEDIUM UNITS – 2007/08

School Name	Year Group									
	N	R	1	2	3	4	5	6	7	Total
Christian Brothers' Ps, Armagh	0	0	20	20	13	16	16	13	20	118
St Brigid's Ps Tirkane	0	0	17	12	10	8	12	7	9	75
St Canice's Ps	0	0	4	16	8	6	4	9	4	51
St Columbkille's Ps	0	0	7	13	7	5	8	1	0	41
St Francis Ps	0	0	18	23	17	18	15	11	7	109
St John The Baptist Ps, Portadown	0	0	8	6	7	9	4	7	9	50
St Mary's Ps, Pomeroy	0	0	5	2	4	3	1	10	0	25
St Patrick's Boys' Ps, Downpatrick	0	0	13	11	12	13	10	7	9	75
St Patrick's Ps, Crossmaglen	0	0	21	15	7	15	12	0	0	70

POST PRIMARY – IRISH MEDIUM SCHOOLS – 2007/08

School name	Year Group							Total
	8	9	10	11	12	13	14	
Coláiste Feirste	99	84	100	83	98	25	17	506

POST PRIMARY – IRISH MEDIUM UNITS – 2007/08

School name	Year Group							Total
	8	9	10	11	12	13	14	
St Brigid's College	4	5	4	7	7	0	0	27
St Catherine's College	24	25	26	9	15	0	0	99

PRIMARY – IRISH MEDIUM SCHOOLS – 2008/09

School Name		Year Group									
		N	R	1	2	3	4	5	6	7	Total
Bunscoil an Chastil		0	0	11	13	12	17	7	10	7	77
Bunscoil an Iúir		0	0	21	20	16	14	10	12	11	104
Bunscoil an Traonaigh		0	0	6	5	6	4	10	0	0	31
Bunscoil an tSléibhe Dhuibh		0	0	20	25	27	27	29	27	25	180
Bunscoil Bheann Mhadagáin		0	0	8	11	17	21	16	11	15	99
Bunscoil Bheanna Boirche		0	0	16	10	9	5	6	8	4	58
Bunscoil Cholmcille		26	0	22	17	22	13	21	24	16	161
Bunscoil Mhic Reachtain		0	0	10	6	15	10	8	9	11	69
Bunscoil Phobal Feirste		49	0	42	34	38	26	39	29	40	297
Gaelscoil an Lonnáin		0	0	13	10	11	8	6	3	0	51
Gaelscoil Éadain Mhóir		0	0	22	24	12	16	21	14	19	128
Gaelscoil Éanna		0	0	15	11	0	0	0	0	0	26
Gaelscoil Ghleann Darach		0	0	11	9	3	4	3	0	0	30
Gaelscoil na bhFál		27	0	21	31	24	21	23	34	30	211
Gaelscoil na Daróige		0	0	14	6	5	9	0	0	0	34
Gaelscoil na gCrann		0	0	11	10	12	6	3	2	6	50
Gaelscoil na Móna		0	0	19	16	17	8	7	8	11	86

School Name	Year Group									
	N	R	1	2	3	4	5	6	7	Total
Gaelscoil na Speiríní	0	0	4	4	8	3	4	1	0	24
Gaelscoil Uí Dhochartaigh	0	0	21	27	13	16	18	18	18	131
Gaelscoil Uí Néill	0	0	28	21	14	19	17	12	15	126
Scoil an Droichid	20	0	21	26	11	12	11	11	13	125
Scoil na Fuiseoige	0	0	19	10	18	14	16	25	17	119

PRIMARY – IRISH MEDIUM UNITS – 2008/09

School Name	Year Group									
	N	R	1	2	3	4	5	6	7	Total
Christian Brothers' Ps, Armagh	0	0	18	16	19	13	15	16	13	110
St Brigid's Ps Tirkane	0	0	15	17	12	10	7	12	7	80
St Canice's Ps	0	0	11	4	16	8	6	4	9	58
St Columbkille's Ps	0	0	8	7	13	7	5	8	1	49
St Francis Ps	0	0	14	17	22	16	17	13	11	110
St John The Baptist Ps, Portadown	0	0	4	8	4	8	9	5	8	46
St Mary's Ps, Pomeroy	0	0	5	3	2	3	4	2	10	29
St Patrick's Boys' Ps Downpatrick	0	0	11	14	8	12	12	10	7	74
St Patrick's Ps, Crossmaglen	0	0	10	19	15	7	15	12	0	78

POST PRIMARY – IRISH MEDIUM SCHOOLS – 2008/09

School name	Year Group							Total
	8	9	10	11	12	13	14	
Coláiste Feirste	82	94	79	97	82	60	19	513

POST PRIMARY – IRISH MEDIUM UNITS – 2008/09

School name	Year Group							Total
	8	9	10	11	12	13	14	
St Brigid's College	0	3	5	4	6	3	0	21
St Catherine's College	30	24	23	26	8	0	0	111

PRIMARY – IRISH MEDIUM SCHOOLS – 2009/10

School name	Year Group									
	N	R	1	2	3	4	5	6	7	Total
Bunscoil an Iúir	0	0	21	20	17	16	14	10	11	109
Bunscoil an Traonaigh	0	0	6	5	5	6	4	10	0	36
Bunscoil an tSléibhe Dhuilbh	0	0	28	19	24	24	26	27	26	174
Bunscoil Bheann Mhadagáin	0	0	20	6	13	18	21	17	11	106
Bunscoil Bheanna Boirche	0	0	10	13	7	9	5	6	6	56
Bunscoil Cholmille	26	0	11	22	15	19	10	21	24	148
Bunscoil Mhic Reachtain	0	0	9	11	3	11	10	8	6	58
Bunscoil Phobal Feirste	52	0	27	42	34	42	27	36	28	288
Gaelscoil an Chaistil	0	0	13	12	13	12	16	7	9	82
Gaelscoil an Lonnáin	0	0	10	10	9	8	6	6	3	52
Gaelscoil Éadain Mhóir	26	0	16	21	25	14	15	18	13	148
Gaelscoil Éanna	0	0	7	16	11	0	0	0	0	34
Gaelscoil Ghleann Darach	0	0	15	13	10	3	5	7	1	54
Gaelscoil na bhFál	26	0	25	20	26	23	22	19	32	193
Gaelscoil na Daróige	0	0	15	6	4	4	10	0	0	39
Gaelscoil na gCrann	0	0	15	11	11	12	7	3	3	62
Gaelscoil na Móna	0	0	23	15	18	14	9	7	9	95
Gaelscoil na Speiríní	0	0	12	2	3	2	2	3	0	24
Gaelscoil Uí Dhochartaigh	0	0	12	20	26	13	14	18	18	121
Gaelscoil Uí Néill	0	0	26	25	20	14	18	16	12	131

School name	Year Group									
	N	R	1	2	3	4	5	6	7	Total
Scoil an Droichid	26	0	16	19	23	10	10	10	11	125
Scoil na Fuiseoige	0	0	18	19	10	18	14	14	25	118

Primary – Irish Medium Units – 2009/10

School name	Year Group									
	N	R	1	2	3	4	5	6	7	Total
Christian Brothers' Primary School, Armagh	26	5	15	17	15	19	12	15	16	140
St Brigid's Primary School Tirkane	0	0	14	15	17	13	12	8	12	91
St Canice's Primary School	0	0	6	10	4	16	8	6	4	54
St Columbkille's Primary School	0	0	4	9	7	13	7	5	8	53
St Francis Primary School, Lurgan	0	0	19	14	17	18	14	16	9	107
St John the Baptist Primary School, Portadown	0	0	5	4	9	4	8	9	5	44
St Mary's Primary School, Pomeroy	0	0	2	5	3	2	3	3	1	19
St Patrick's Boys' Primary School, Downpatrick	0	0	13	10	12	7	12	12	10	76
St Patrick's Primary School, Crossmaglen	0	0	20	10	19	15	6	15	12	97

POST PRIMARY – IRISH MEDIUM SCHOOLS – 2009/10

School name	Year Group							Total
	8	9	10	11	12	13	14	
Coláiste Feirste	90	82	91	80	97	64	57	561

POST PRIMARY – IRISH MEDIUM UNITS – 2009/10

School name	Year Group							Total
	8	9	10	11	12	13	14	
St Brigid's College	0	0	3	5	4	3	1	16
St Catherine's College	30	28	23	23	25	0	0	129

Source: school census

Note: 'N' refers to children in nursery class, both full-time and part-time.

'R' refers to children in reception classes.

Irish Language Classes Offered to Departmental Staff

Mr G Campbell asked the Minister of Education to detail the cost of providing Irish language classes offered to departmental staff in the 2010/11 financial year to date.

(AQW 7530/10)

Minister of Education: Is é an costas go dtí seo atá ar ranganna Gaeilge a sholáthar d'fhoirne na Roinne sa bhliain airgeadais 2010/11 ná £300.

The cost of providing Irish language classes offered to departmental staff in the 2010/11 financial year to date is £300.

Physical Assault on Teachers

Mr G Campbell asked the Minister of Education how many teachers required hospital treatment as a result of a physical assault while undertaking their educational roles in each of the last three years.

(AQW 7532/10)

Minister of Education: Ní bhailíonn an Roinn ná na húdaráis fostaíochta an t-eolas a iarradh.

Neither the Department nor the employing authorities collect the requested information.

Physical Assault on Teachers

Mr G Campbell asked the Minister of Education how teaching days were lost due to teachers being off work as a result of a physical assault in each of the last three years.

(AQW 7534/10)

Minister of Education: Ní bhailíonn an Roinn ná na húdaráis fostaíochta an t-eolas a iarradh.

Neither the Department nor the employing authorities collect the requested information.

Closed Primary Schools

Mr T Elliott asked the Minister of Education to list the primary schools that have closed since 2007.

(AQW 7539/10)

Minister of Education: Sa tréimhse ó mhí Eanáir 2007 go dtí an t-am i láthair, tá 120 moladh forbartha faighte ag an Roinn Oideachais. As na moltaí seo, níor faomhadh 25 acu agus tá 16 acu ar moltaí reatha iad agus nach ndearna mé cinneadh orthu go fóill. Tá moladh forbartha eile ann faoi láthair a bhfuil an moltóir ag machnamh ar é a tharraingt siar.

In the period from January 2007 to present the Department of Education has received 120 development proposals. Of these proposals, 25 were not approved and 16 are recent proposals on which I have yet to make a decision. A further published proposal is currently under consideration of withdrawal by the proposer.

With regard to your second and third questions; 20 primary schools, 7 post-primary schools and 2 special schools have closed in the period January 2007 to date.

There have also been 2 primary and 1 post-primary amalgamation proposals approved in this period, each amalgamation involving 2 or more schools.

I append for your information a list of all the schools concerned – this list identifies the nature of each proposal.

Primary Schools Enrolments

Mr T Elliott asked the Minister of Education to list the primary schools that are currently below the enrolment threshold, including their approved and actual enrolment figures.

(AQW 7540/10)

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

Enrolment Figures

Mr T Elliott asked the Minister of Education to list the secondary schools that have an enrolment threshold of less than 500 pupils; and their approved and actual enrolment figures.

(AQW 7543/10)

Minister of Education: Tá na hiarbhunscoileanna a bhfuil tairseach rollaithe de níos lú ná 500 dalta don scoilbhliain 2009/10 mionsonraithe sa tábla faoi iamh, chomh maith lena bhfigiúirí formheasta rollaithe agus lena bhfigiúirí iarbhire rollaithe.

The post-primary schools that have an enrolment threshold of less than 500 pupils for the 2009/10 school year are detailed in the table attached along with their approved and actual enrolment figures.

Name of School	Approved Enrolment Number ¹	Actual Enrolment Number ²
St Gemma's High School, Belfast	420	222
Castlederg High School	450	437
Lisnaskea High School	300	136
St Mary's High School, Belleek	230	128
St Fanchea's College, Enniskillen	350	322
St Joseph's College, Enniskillen	370	219
St Mary's College, Irvinestown	310	154
St Eugene's High School, Castlederg	310	134
Dean Maguirc College, Carrickmore	440	464*

Name of School	Approved Enrolment Number¹	Actual Enrolment Number²
St Patrick's High School, Dungiven	450	308
St John's High School, Dromore	450	138
St Aidan's High School, Derrylin	330	155
St Eugene's College, Roslea	300	172
St Comhghall's College, Lisnaskea	430	334
Erne Integrated College, Enniskillen	400	395
Strabane Grammar School	400	409*
Garvagh High School	350	130
Ballycastle High School	460	334
St Aloysius' High School, Cushendall	280	39
Our Lady of Lourdes High School	400	187
St Joseph's College, Coleraine	490	329
St Colm's High School, Magherafelt	340	419*
St Mary's College, Portglenone	350	277
St Paul's College, Kilrea	270	294*
Crumlin Integrated College	400	287
Dominican College, Portstewart	480	473
The High School, Ballynahinch	380	340
Nendrum College, Comber	400	392
Saintfield High School	340	336
Dunmurry High School	400	279
St Colmcille's High School, Crossgar	450	419
De La Salle Secondary School, Downpatrick	430	285
Priory College, Holywood	450	445
Shimna Integrated College, Newcastle	480	480
Blackwater Integrated College, Downpatrick	400	270
Newtownhamilton High School	175	172
Markethill High School	465	460
Fivemiletown High School	425	403
Rathfriland High School	330	281
Tandragee Junior High School	320	241
Aughnacloy College	232	158
St Brigid's High School	450	188

Name of School	Approved Enrolment Number ¹	Actual Enrolment Number ²
Brownlow College, Craigavon	450	396
Lurgan College	440	431

Source:

1. School Access Team
2. School Census October 2009

* where the actual enrolment number exceeds the approved enrolment number the school has been granted a temporary variation or a child or children have been admitted to Year 8 as the result of an appeal to an independent admissions appeal tribunal .

Nursery School Places in South Belfast

Mr J Spratt asked the Minister of Education (i) how many children did not obtain a nursery school place in the South Belfast constituency in each of the last five years; and (ii) to provide a breakdown of the reasons these children did not obtain a place.

(AQW 7546/10)

Minister of Education: Chuir Bord Oideachais agus Leabharlaine Bhéal Feirste in iúl gur mar atá mionsonraithe sa tábla thíos atá líon na bpáistí nach bhfuair áit naíscoile i dtoghcheantar Bhéal Feirste Theas (ie iad siúd a bhfuil BT7, BT9 nó BT10 mar phostchód acu) i ngach ceann de na cúig bliana a chuaigh thart.

The Belfast Education and Library Board have advised that the number of children who did not obtain a nursery school place in the South Belfast constituency (ie with BT7, BT9 and BT10 post codes) in each of the last five years is as detailed in the table below.

Year	(i) Number of children who did not obtain a nursery school place
2006/07	58
2007/08	64
2008/09	51
2009/10	96
2010/11	94

Information provided is as at the conclusion of the admissions process at the end of April each year. These children did not obtain a place because they did not meet the nursery schools' admissions criteria as well as other applicants.

I am aware that there has been an unprecedented demand for funded pre-school places for those children in their immediate pre-school year. I have made available up to £1.3m to assist in meeting this demand in 2010/11.

Year 8 Enrolment Places

Mr A Easton asked the Minister of Education to detail (i) the number of Year 8 enrolment places available in each school; and (ii) the number of Year 8 applications received by each school for the 2010/11 academic year, in the North Down area.

(AQW 7571/10)

Minister of Education: Is mar atá mionsonraithe sa tábla thíos atá (i) líon na n-áiteanna rollaithe don Bhliain 8 atá ar fáil i ngach scoil; agus (ii) líon na n-iarratas ar an Bhliain 8 a fuair gach scoil don bhliain acadúil 2010/11 i limistéar an Dúin Thuaidh.

The (i) number of Year 8 enrolment places available in each school; and (ii) the number of Year 8 applications received by each school for the 2010/11 academic year, in the North Down area is as detailed in the table below.

2010/11	(i) Approved admissions number	(ii) Year 8 applications at first preference	(ii) Year 8 applications all preferences
Bangor Academy and Sixth Form College	242	184	301
St Columbanus' College	90	76	132
Priory College	85	50	95
Glenlola Collegiate	157	184	224
Bangor Grammar School	125	159	183
Sullivan Upper School	150	150	162

Kilcooley Women's Centre in Bangor

Mr A Easton asked the Minister of Education to detail the level of funding her Department has provided to the Kilcooley Women's Centre in Bangor in each of the last three years.

(AQW 7573/10)

Minister of Education: Ní sholáthraíonn an Roinn Oideachais aon mhaoiniú ar bith d'Ionad Ban Chill Chúile i mBeannchar.

The Department of Education does not provide any funding to the Kilcooley Women's Centre in Bangor.

Funding to Preparatory Schools

Mr P Weir asked the Minister of Education if an Equality Impact Assessment was carried out on the reduction in funding to preparatory schools; and when it will be published.

(AQW 7575/10)

Minister of Education: Rinne mo Roinn comhairliúchán Measúnachta Tionchair Chomhionannais (EQIA) ó 7 Eanáir 2010 go 4 Márta 2010 ar an mholadh le cistiú a aistarraingt ó rannóga ullmhúcháin scoileanna gramadaí ar bhonn comhionannais rochtana.

My Department carried out an Equality Impact Assessment (EQIA) consultation from 7 January 2010 to 4 March 2010 on the proposal to withdraw funding from preparatory departments of grammar schools on the basis of equality of access.

My view remains that the funding of preparatory departments is an inequitable use of public funding. However, taking into account comments received as part of the EQIA consultation exercise, I recognised that the ending of funding completely may have caused difficulties for parents and children and possible disruption to some schools. Hence my decision to continue funding preparatory departments, but to reduce the current level of funding by one-third with effect from September 2010.

My Department intends to issue a copy of the final assessment from the EQIA consultation to all consultees who participated and to publish this assessment on the Department's website. This will take place shortly.

School Sites

Mr T Elliott asked the Minister of Education (i) what action she has taken in relation to the sites of (a) primary schools; and (b) post-primary schools closed since 2007; (ii) to detail any sites that have been sold; (iii) the amount of funding raised from the sale of these sites; and (iv) how this funding was, or will be, used.

(AQW 7597/10)

Minister of Education: Ó Mhí Eanáir sa bhliain 2007, druideadh 20 Bunscoil agus 7 nIarbhunscoil. Go dtí seo, níor díoladh aon cheann de na suíomhanna seo. Níor measadh go raibh 6 cinn de na foirgnimh scoile sin fuílleach, áfach, agus tá siad á n-úsáid le haghaidh soláthair oideachais mhalartaigh, nó fillleadh iad chun na húinéireachta roimhe.

Since January 2007, 20 Primary Schools and 7 Post-Primary Schools have closed. To date, none of the sites have been sold, however, 6 of those school buildings are not considered to be surplus and are therefore being used for alternative educational provision, or have reverted to previous ownership.

Funding is only raised if and when a site is sold.

The Department's gross capital budget for any given financial year already takes account of expected receipts from the sale of school buildings or land in its planning figures. As such, any subsequent sale of associated buildings or land does not release additional capital funds for use by my Department.

If receipt income realised by the Department of Education exceeds the amount anticipated in that year's capital budget by more than £500k, the excess would be surrendered to DFP for redistribution by the Executive across Departments.

Closed Post-primary Schools

Mr T Elliott asked the Minister of Education to list the post-primary schools that have closed since 2007.
(AQW 7599/10)

Minister of Education: Sa tréimhse ó mhí Eanáir 2007 go dtí an t-am i láthair, tá 120 moladh forbartha faighte ag an Roinn Oideachais. As na moltaí seo, níor faomhadh 25 acu agus tá 16 acu ar moltaí reatha iad agus nach ndearna mé cinneadh orthu go fóill. Tá moladh forbartha eile ann faoi láthair a bhfuil an moltóir ag machnamh ar é a tharraingt siar.

In the period from January 2007 to present the Department of Education has received 120 development proposals. Of these proposals, 25 were not approved and 16 are recent proposals on which I have yet to make a decision. A further published proposal is currently under consideration of withdrawal by the proposer.

With regard to your second and third questions; 20 primary schools, 7 post-primary schools and 2 special schools have closed in the period January 2007 to date

There have also been 2 primary and 1 post-primary amalgamation proposals approved in this period, each amalgamation involving 2 or more schools.

I append for your information a list of all the schools concerned – this list identifies the nature of each proposal.

Enrolment Figures for Bangor Academy

Mr B Wilson asked the Minister of Education what consideration she has given to a temporary variation in the enrolment figures for Bangor Academy to ensure that all Year 8 pupils, from the Bangor Borough Council area, can obtain a place.

(AQW 7632/10)

Minister of Education: D'iarr Bangor Academy athrú sealadach ar líon a iontrálacha le déanaí don scoilbhliain 2010/11. Tá sé seo á mheas faoi láthair agus tabharfar freagra do Bhord Gobharnóirí na scoile in am trátha.

Bangor Academy has recently requested a temporary variation to its admissions number for the 2010/11 school year. This is currently under consideration and a response will issue to the school Board of Governors in due course.

Review of Capital Expenditure

Mr G Savage asked the Minister of Education if the review of capital expenditure is complete; and when she expects to make an announcement on the outcome of the review.

(AQW 7637/10)

Minister of Education: Chuir m'fheidhmeannaigh an obair ar an athbhreithniú caipitil i gcrích agus tá mé ag cíoradh na dtorthaí faoi láthair. Fógróidh mé mo chinntí agus an bealach chun tosaigh roimh i bhfad. Ba mhaith liom a dhearbhu duit go gcuirfear mo chinntí in iúl do gach scoil ábhartha agus do na húdaráis bhainistíochta scoile gan mhoill.

My officials have completed their work on the capital review and I am currently considering the findings. I will announce my conclusions and the way forward in the near future. I would like to assure you that all relevant schools and school managing authorities will be informed promptly of my conclusions.

Secondary School Places

Mr I McCrea asked the Minister of Education how many pupils, in the Mid-Ulster area, due to transfer to secondary schools in 2010/11 have not yet been allocated a place.

(AQW 7657/10)

Minister of Education: Chuir Bord Oideachais agus Leabharlaine an Deiscirt agus Bord Oideachais agus Leabharlaine an Oirthuaiscirt in iúl nach bhfuil aon daltaí i gceantar Lár-Uladh atá le haistriú go meánscoileanna sa bhliain 2010/11 nár leithdháileadh áit orthu go fóill.

The Southern and the North Eastern Education and Library Boards have advised that, in the Mid-Ulster area, there are no pupils who are due to transfer to secondary schools in 2010/11 and who have not yet been allocated a place.

Enrolment Figures at Year 8 in the Mid-Ulster Area

Mr I McCrea asked the Minister of Education to detail the enrolment figures at Year 8 in each post-primary school in the Mid-Ulster area, in each of the last five years.

(AQW 7664/10)

Minister of Education: Tá an t-eolas a iarradh mar atá mionsonraithe sa tábla thíos.

The information requested is detailed in the table below.

Post primary schools in the Mid Ulster constituency – Year 8 enrolments – 2005/06 – 2009/10

School Name	2005/ 06	2006/ 07	2007/ 08	2008/ 09	2009/ 10
Cookstown High School	156	149	165	161	159
Holy Trinity College	118	110	89	99	138
Maghera High School	23	32	22	18	N/A
Magherafelt High School	81	74	82	98	75
Rainey Endowed School	100	102	100	101	102

School Name	2005/ 06	2006/ 07	2007/ 08	2008/ 09	2009/ 10
Sperrin Integrated College	78	83	83	84	87
St Colm's High School, Draperstown	56	76	62	72	80
St Joseph's Grammar School, Donaghmore	81	73	73	74	77
St Joseph's College, Coalisland	94	77	84	86	54
St Mary's College, Clady	40	41	60	49	47
St Mary's Gs, Magherafelt	155	172	159	161	155
St Patrick's Co-Ed Comprehensive College	195	187	200	197	200
St Pius X College	155	148	148	160	154

Source: school census 2009/10

Note: 1. Maghera High school closed in 2008/09.

Classroom Assistants in the Mid-Ulster Constituency

Mr I McCrea asked the Minister of Education to detail the number of classroom assistants in each school in the Mid-Ulster constituency, in each of the last three years.

(AQW 7665/10)

Minister of Education: Chuir na Príomhfheidhmeannaigh ar Bhord Oideachais agus Leabharlainne an Deiscirt agus ar Bhord Oideachais agus Leabharlainne an Oirthuaiscirt in iúl dom gur mar seo a leanas atá líon na gcúntóirí ranga a oibríonn i scoileanna i dtoghcheantar Lár-Uladh:

I have been advised by the Chief Executives of the Southern Education and Library Board and North Eastern Education and Library Board of the following number of classroom assistants in the schools in the Mid-Ulster constituency:

Name of School	Number of Classroom Assistants		
	2007/08	2008/09	2009/10
Magherafelt NS	0	0	1
Holy Family PS (NU)	0	0	2
St Mary's PS (NU)	0	0	0
Amperatine PS	2	2	3
Bellaghy PS	2	2	2
Castledawson PS	1	1	3
Culnady PS	1	1	1
Drumard PS	1	1	2
Kilross PS	1	1	2
Knockloughrim PS	2	3	3
Maghera PS	3	4	4

Name of School	Number of Classroom Assistants		
	2007/08	2008/09	2009/10
Magherafelt PS	10	9	8
Tobermore PS	3	3	3
Altayeskey PS	3	2	3
Anahorish PS	4	5	5
Cross Roads PS	6	5	4
Desertmartin PS	1	1	2
Holy Family PS	13	11	13
Knocknagin PS	1	1	1
New Row PS	4	5	6
St Brigid's PS, Mayogall	7	8	11
St Brigid's PS Tirkane	5	6	6
St Columb's PS	2	2	2
St Columba's	4	5	5
St Eoghan's PS	2	2	2
St John Bosco PS	2	1	3
St John's PS Swatragh	5	6	7
St Mary's PS Draperstown	3	3	4
St Mary's PS Glenview	8	9	8
St Mary's PS Greenlough	5	5	5
St Mary's PS Bellaghy	4	6	4
St Patrick's PS Maghera	3	5	4
St Trea's PS	2	3	2
Gaelscoil Na Sperini	1	1	1
Maghera High School	5	6	0
Magherafelt High School	4	6	10
St Colm's High School	4	7	9
St Mary's College	3	5	5
St Patrick's College	7	7	6
St Pius X College	13	16	17
Kilronan School	34	33	33
Aughamullan	5	4	5
Ballylifford PS	4	4	4
Ballytrea PS	4	3	4

Name of School	Number of Classroom Assistants		
	2007/08	2008/09	2009/10
Bush PS	8	12	10
Churchtown PS	2	2	2
Coagh PS	1	1	1
Cookstown HS	8	10	10
Cookstown NS	1	2	1
Cookstown PS	25	18	20
Crievagh PS	2	2	3
Derrychrin PS	6	6	6
Donaghey PS	5	5	4
Donaghmore PS	3	2	1
Edendork PS	4	9	8
Gaelscoil Ui Neill	4	2	5
Holy Trinity College	11	10	9
Holy Trinity PS/NS	18	24	22
Lissan PS	4	4	5
Little Flower NS	3	1	1
Moneymore PS/NS	5	4	6
Newmills PS	2	3	3
Orritor PS/NS	11	15	14
Primate Dixon PS/NS	12	16	12
Queen Elizabeth II PS	1	1	2
Sacred Heart PS	4	6	7
St Brigid's PS	7	9	8
St John's Kingsisland	3	4	4
St Joseph's College	8	14	11
St Joseph's PS Galbally	10	7	8
St Jospeh's PS Killeenan	2	3	3
St Malachy' PS	3	3	3
St Marys PS Dunamore	2	3	3
St Marys PS Lisbuoy	1	2	3
St Marys PS Pomeroy	10	11	10
St Marys PS Stewartstown	5	5	9
St Patrick's PS Annaghmore	4	4	4

Name of School	Number of Classroom Assistants		
	2007/08	2008/09	2009/10
St Patrick's PS Donaghmore	7	7	8
St Patrick's PS Loup	6	4	5
St Patrick's PS Moneymore	7	6	7
St Patrick's PS Mullinahoe	7	7	7
St Peter's PS/NS	6	7	6
Stewartstown PS	3	3	8
Woods PS	4	7	7
Total	429	471	491

Please note that this table does not include Voluntary Grammar/Grant Maintained Integrated Schools.

Assaults on Primary School Teachers

Mr G Campbell asked the Minister of Education to detail the average number of work days lost as a result of assaults on primary school teachers in each of the last four years for which figures are available.

(AQW 7702/10)

Minister of Education: Ní bhailíonn an Roinn ná na húdaráis fostaíochta an t-eolas a iarradh.

Neither the Department nor the employing authorities collect the requested information.

Mobile Classrooms

Mr G Campbell asked the Minister of Education how many (i) primary schools; and (ii) post-primary schools in the East Londonderry constituency have been using mobile classrooms in each of the last three years.

(AQW 7704/10)

Minister of Education: Níl an t-eolas a iarradh ar fáil do na trí bliana a chuaigh thart ach léirítear sa tábla thíos an staid reatha. Ní féidir a mhaíomh cén bhliain inar suíodh an seomra ranga soghluaiste ar an suíomh. Is é líon iomlán na seomraí ranga soghluaiste atá á n-úsáid i scoileanna i dtoghcheantar Oirthear Dhoire ná:

The information requested is not available for the past three years but the table below reflects the current position. It is not possible to state in which year the mobile was located on site. The total number of mobile classrooms being used in schools in the East Derry constituency is as follows:

No of mobile classrooms in primary schools	No of mobile classrooms in post primary schools	Total
56	41	97

Closed Primary and Post-primary Schools

Mr I McCrea asked the Minister of Education, pursuant to AQW 7374/10, to list the (i) primary schools; and (ii) post-primary schools that have been closed by her Department in the last ten years which are owned by an Education and Library Board.

(AQW 7772/10)

Minister of Education: Dúnadh 35 bunscoil agus 9 n-iarbhunscoil san earnáil rialaithe sna deich mbliana a chuaigh thart.

Ina theannta sin, cuireadh 11 chónascadh i gcrích; is é sin, 9 mbunscoil agus 2 iarbhunscoil (agus tá pleanáil ar chónascadh iarbhunscoile eile fós ar siúl). Bhí 2 scoil nó níos mó bainteach le gach cónascadh agus tá liosta de na scoileanna lena mbaineann faoi iamh thíos.

35 primary schools and 9 post-primary schools in the controlled sector have closed in the last 10 years.

Additionally, 11 amalgamations have taken place; 9 primary and 2 post-primary (with planning for a further approved post-primary amalgamation on-going). Each amalgamation has involved 2 or more schools and a list of the schools concerned is attached below.

PRIMARY SCHOOL CLOSURES SINCE 2000

Name of school	Date of closure
Cavanacaw Primary School, Omagh	31/8/01
Glengoorland Primary School, Strabane	31/8/01
Tullywisker Primary School, Strabane	31/8/02
Mosside Primary School, Ballymoney	31/8/02
O'Neill Memorial Primary School, Belfast	31/8/02
Toberlane Primary School, Cookstown	31/8/03
Earl of Erne Primary School, Stragowna, Enniskillen	31/8/03
Ballypriormore Primary School, Larne	31/12/03
Maydown and Strathfoyle Primary School, Derry	31/8/04
Brackalislea Primary School, Desertmartin	31/8/04
Ballyrock Primary School,,Bushmills	31/8/04
Antiville Primary School, Larne	31/8/05
Granville Primary School, Dungannon	31/8/05
Ardmore Primary School, Craigavon	31/8/06
Loughbrickland Primary School	31/8/06
Stragowna Primary School, Enniskillen	31/8/06
Mersey Street Primary School, Belfast	31/8/06
Lisnamurrigan Primary School, Broughshane	31/8/06
Glenarm Primary School, Ballymena	31/8/06
Eglish Primary School, Dungannon	31/8/07
Ballyduff Primary School, Newtownabbey	31/8/07
Groomsport Primary School	31/8/07
Tullymacarette Primary School, Dromore	31/8/07
Lambeg Primary School, Lisburn	31/8/07
Minterburn Primary School, Caledon	31/8/08
Collone Primary School, Armagh	31/8/08
Shanmullagh Primary School Ballinamallard	31/8/08

Name of school	Date of closure
Trillick Primary School, Omagh	31/8/08
Conlig Primary School	31/8/08
Kindle Integrated Primary School, Ballykinler	31/8/08
Hilden Controlled Integrated Primary School, Lambeg	30/11/08
Benburb Primary School, Dungannon	31/8/09
Suffolk Primary School, Belfast	31/8/09
Newtownbreda Primary School	31/8/09
Ballee Primary School, Ballymena	To close 31/8/10
Total	35

POST-PRIMARY

Name of school	Date of closure
Templemore Controlled Secondary School Derry	31/9/03
Massereene Community College, Antrim	31/8/06
Mount Gilbert Community College, Belfast	31/8/07
Lisnasharragh High School, Belfast	31/8/08
Balmoral High School	31/8/08
Down Academy, Downpatrick	31/8/08
Donaghadee High School	31/8/09
Maghera High School	31/8/09
Castle High School, Belfast	31/8/09
Total	9

AMALGAMATIONS SINCE 2000

Schools	Date of closure
Primary (PS)	
Ballygawley PS and Innismagh PS, Ballygawley	5/1/04
Dervaghroy PS, Hutton PS and Sixmilecross PS	28/2/05
Clough PS, Downpatrick and Downshire PS, Dundrum	30/4/05
Annaghmore PS and Tullyroan PS	31/8/05
Hillsborough PS and Newport PS Hillsborough	31/8/05
Killyman PS and Tamnamore PS, Dungannon	31/8/07
One new rural primary school to replace Charley Memorial, Lambeg, Hillhall and Drumbo PS's.	31/8/07
Burnfoot, Dungiven and Largy PS's to amalgamate	31/8/08
Amalgamation of Sydenham Infants and Strand PS's	31/8/08

Schools	Date of closure
Primary (PS)	
Post-primary	
Clondermot and Faughan Valley High Schools, Derry	31/8/04
Enniskillen High School & Duke of Westminster High Schools	31/8/04
Strabane Grammar School and Strabane High School	Planning for approved merger on-going
Total	12

Summer Scheme in Donard School, Banbridge

Mr G Savage asked the Minister of Education to detail (i) the cost of the Southern Education and Library Board's two week summer scheme in Donard School, Banbridge in each of the last five years; (ii) the criteria used in the decision to cut the funding and remove the transport from the summer scheme; and (iii) how many other special schools in the Southern Education and Library Board have had their funding and transport for summer schemes either removed or cut in each of the last three years.

(AQW 7803/10)

Minister of Education: Chuir an Príomhfheidhmeannach (CE) ar Bhord Oideachais agus Leabharlainne an Deiscirt (SELB) an t-eolas seo a leanas in iúl dom:-

I have been advised by the Chief Executive (CE) of the Southern Education and Library Board (SELB) as follows:

(i) Donard Special School Summer School – costs in each of last five years.

Summer 2005	£12,811.17
Summer 2006	£11,296.10
Summer 2007	£17,694.80
Summer 2008	£19,194.02
Summer 2009	£22,338.18

- (ii) The SELB decision to cut the funding and remove the transport from the summer scheme was determined in the first instance by identifying savings in administration and management expenses and then examining discretionary services which do not impact on statutory services to children and young people.
- (iii) There have been no cuts in funding or transport for summer schemes in the SELB in 2007, 2008 and 2009. However the SELB at its Board meeting on 9 June 2010 approved a range of areas where savings could be made in the current financial year which included the reduction in the length of the Special Schools' Summer Schemes across the Board's area.

The Department distributes to Education and Library Boards a block grant each year from which they fund a range of services, including special education. This funding is distributed on an equitable basis to Boards who have a statutory duty to identify and make provision for children with special educational needs. They are best placed to direct those funds to local provision that most effectively meets the special educational needs of children in their Board area. In the current financial year I have provided a block grant of £78.7m, and, in addition, I have provided funding for specific purposes such as £300k for speech and language special education provision to the South Eastern Education and Library Board (SEELB).

Department for Employment and Learning

Programme-led Apprenticeships Scheme

Ms S Ramsey asked the Minister for Employment and Learning to detail the percentage of young people on the Programme-led Apprenticeships scheme who have gained employment in each year since the scheme was introduced.

(AQW 7423/10)

Minister for Employment and Learning (Sir Reg Empey):

Training Suppliers have notified the Department that since the introduction of Programme-Led Apprenticeships in September 2009, 12% (107) of the 868 apprentices leaving the programme have noted their destination as having gained employment. These young people have left during the first year of a possible two years on programme.

Merger of Stranmillis College and Queen's University

Mr A Easton asked the Minister for Employment and Learning for an update on the proposed merger of Stranmillis College and Queen's University.

(AQW 7523/10)

Minister for Employment and Learning: The economic appraisal prepared by Stranmillis to support its decision to merge with Queen's University was approved by my Department and by the Department of Finance and Personnel earlier this year.

Stranmillis has recently completed an Equality Impact Assessment (EQIA) on the proposed merger and this has gone out to public consultation. The consultation period runs to 1 October this year.

My Department will carry out a public consultation on the proposed merger in the autumn. Anyone who wishes to respond to the consultation may do so and they will have access to the outcome of the EQIA consultation before making their response.

Once the consultation is complete I will examine the responses and determine whether or not to bring forward enabling legislation to the Assembly. However, as I have stated before, I will not seek to accelerate the passage of the legislation and I will ensure that the Committee and the Assembly have ample opportunity to scrutinise and debate the legislation. I must also point out that I will not bring forward legislation unless the newly merged entity can guarantee respect for the ethos of the Controlled Sector.

Postgraduate Legal Studies

Mr M Durkan asked the Minister for Employment and Learning what funding is available for students who wish to pursue postgraduate legal studies outside Northern Ireland.

(AQW 7694/10)

Minister for Employment and Learning: My Department's postgraduate awards budget is aimed at supporting postgraduate study at the Queen's University of Belfast and the University of Ulster only. There is no Departmental budget to support Northern Ireland domiciled students who seek to undertake postgraduate study in universities in Great Britain or beyond.

Students undertaking postgraduate legal studies outside Northern Ireland may be able to secure sponsorships from the Inns of Court or law firms, or apply for funding from the Educational Grants Advisory Service.

Alternatively, students may be eligible to apply for a Professional and Career Development Loan. Following my approval, the Professional and Career Development Loan scheme was extended from Great Britain to Northern Ireland from 1 July 2009.

A Professional and Career Development Loan is a bank loan which is designed to help people pay for work-related learning to help gain experience, training and qualifications to improve job skills or launch a new career. Like any bank loan, the money must be repaid but with a Professional and Career Development Loan, the interest is paid by Government on the loan while studying and for up to one month afterwards.

Programme-Led Apprenticeships

Mr I McCrea asked the Minister for Employment and Learning how many people from the Mid-Ulster constituency have enrolled in the Programme-Led Apprenticeships scheme in each of the last three years.

(AQW 7698/10)

Minister for Employment and Learning: Programme-Led Apprenticeships were first introduced on 7 September 2009 and consequently there are only figures available from that date.

Of those currently undertaking a Programme-Led Apprenticeship, 94 are from the Mid-Ulster constituency.

Education Services to Prisoners

Mr J O'Dowd asked the Minister for Employment and Learning what financial or other support his Department offers to the Prison Service for the provision of education services to prisoners.

(AQW 7717/10)

Minister for Employment and Learning: The Department funds Further Education Colleges to offer Essential Skills courses within the prison system. Funding to the value of £216,172 was drawn down by colleges to support 517 prisoners enrolled on Essential Skills courses in the financial year 2008-2009.

Officials from my Department are participating in a cross departmental working group to ensure that prisoners can avail of Essential Skills provision at the earliest opportunity when they enter the system.

My Department has introduced flexibility in the Essential Skills qualifications when they are delivered in prisons. This means that those learners in prisons can achieve qualifications at the level they are assessed at, therefore giving them recognition at an early stage, building their confidence and encouraging them to progress and achieve at a higher level.

Currently Belfast Metropolitan College and the North West Regional College are negotiating with the Northern Ireland Prison Service on the possibility of offering Essential Skills Information, Communication and Technology (ICT) at levels 1 and 2 as well as entry level ICT accredited courses within the prison system.

In addition, I have met with Minister Ford recently and assured him of my Department's commitment to ensure that prisoners, who require literacy and numeracy skills as part of their rehabilitation, are given access to them.

Career Guidance Service for Young People

Mrs N Long asked the Minister for Employment and Learning for an update on the work undertaken by his Department to provide a focused career guidance service for young people.

(AQW 7718/10)

Minister for Employment and Learning: My Department's Careers Service continues to provide an impartial, careers information, advice and guidance service to young people and adults throughout Northern Ireland.

In line with the Key Actions in the Careers Education, Information, Advice and Guidance (CEIAG) Strategy, launched jointly by the Department for Employment and Learning and the Department of

Education in 2009, my department has undertaken the following work to provide a focused career guidance service for young people:-

- the recruitment of additional Careers Advisers to focus and address the needs of young people at year 10;
- improved the Partnership Agreements with post primary schools to raise the aspirations and achievements of young people by providing appropriate and timely careers information, advice and guidance to pupils in years 10 to 14;
- launched Industry Factsheets covering a variety of occupations and providing information on job prospects, relevant skills, entry requirements and skill shortages within each of the Sector Skills Council areas providing invaluable support to clients of all ages;
- undertaken an independent review of the two Careers Resource Centres operating in Belfast and Londonderry concluding that the Careers Resource Centre model is contributing positively to the delivery of careers services; the Department is currently considering the future potential for this approach;
- maintained a careers information, advice and guidance service to Providers of Alternative Education across Northern Ireland through Partnership Agreements; and
- continued the active role of Careers Advisers in the Transition Planning Process of pupils with statements of special educational need.

Extensive careers information, including information about a wide range of occupations and the local labour market, is available on the Careers Service website: www.careersserviceeni.com

Department of Enterprise, Trade and Investment

Development of Geothermal Energy in North Antrim

Mr D McKay asked the Minister of Enterprise, Trade and Investment what steps she is taking to remove barriers to the development of geothermal energy in North Antrim.

(AQW 7394/10)

Minister of Enterprise, Trade and Investment (Mrs A Foster): The Department of Enterprise, Trade and Investment recognises that there are a number of legislative, technical and financial barriers to the development of geothermal energy in Northern Ireland.

Work to date on deep geothermal energy has been led by the Department's Geological Survey of Northern Ireland (GSNI) and has addressed the issues of regulatory barriers and the risks associated with inadequate knowledge of the potential deep geothermal energy resource.

From 2006 to 2009, GSNI was a partner in an EU-funded project, Geothermal Regulations – Heat (GTR-H). In 2009, this project produced a Geothermal Energy Regulatory Framework for use as a template in those countries without adequate legislation for geothermal energy exploration, development and production.

GSNI has carried out research, under the Innovation Fund, to improve our knowledge of potential deep geothermal energy resources in Northern Ireland, through the acquisition and interpretation of new data from geophysical surveys and the assessment of potential geothermal target rocks from boreholes. In Autumn 2010, as part of the Innovation Fund studies, GSNI will publish the results of this research, designed to help reduce the geological risks inherent in deep geothermal energy exploration. Although the research was mainly in South Antrim and the Mourne, the work carried out in the former has relevance to the identification of areas of deep geothermal energy potential in North Antrim. The results from the new geophysical surveys in South Antrim have already been supplied to a geothermal energy company. GSNI are assessing the results from exploration wells with reference to the deep geothermal energy potential in North Antrim.

DETI is currently undertaking research into the potential for the development of a renewable heat market in Northern Ireland. The research will consider all types of renewable heat, including geothermal, and the measures needed to develop such a market.

Invest NI

Mr P Butler asked the Minister of Enterprise, Trade and Investment to detail the number of foreign companies that were in discussions with Invest NI about locating to Northern Ireland, but located instead to the Republic of Ireland due to lower corporation tax in each of the last five years. **(AQW 7422/10)**

Minister of Enterprise, Trade and Investment: Of the companies that have engaged with Invest NI and visited Northern Ireland in the last five financial years (2005-06 to 2009-10), 21 companies have subsequently invested in the Republic of Ireland.

Where possible, Invest NI attempts to establish the reasons for the decision taken by the investors. However, companies are not always open about the reasons for choosing one location over another as these decisions are often commercially sensitive.

The location of inward investment projects is determined by the company's operational needs and a number of other factors. Corporation tax may be one of a number of factors. Skills availability, infrastructure and cost and availability of property are all shown to play a part.

Please see below for a summary of this information by financial year:

	No. of companies who have invested in RoI after engaging with Invest NI¹	No. of investment projects into RoI
2005-06	5	7
2006-07	4	7
2007-08	4	4
2008-09	5	5
2009-10	6	7
Total	212	30

Notes:

- 1 Invest NI considers that it is "in discussions" with a company when it has demonstrated a willingness to engage. This is supported by the company's decision to visit Northern Ireland.
- 2 The total of companies investing in RoI is less than sum of individual years as it removes repeat investments during five year period (see next column for total number of projects).

One element of Northern Ireland's proposition in attracting inward investment is that it is cost competitive in comparison to other Western European locations. While Invest NI acknowledges that lower corporation tax in the Republic of Ireland may influence a company's investment decision on costs, Northern Ireland's strong track record in attracting investment shows that its overall proposition remains strong.

The table below outlines the number of offers made by Invest NI, jobs promoted / safeguarded and planned investment in each of the last five years:

	Offers	New Jobs Promoted	Safeguarded Jobs	Planned Investment £'000s
2005-06	31	3,100	3,281	362,189
2006-07	27	3,451	204	175,804
2007-08	35	2,738	1,475	256,133
2008-09	43	4,055	157	785,274
2009-10	56	1,875	1,128	195,870
Total	192	15,219	6,245	1,775,271

Notes:

1. New jobs promoted represent the number of jobs expected to be promoted by the project – Invest NI report against new jobs promoted.
2. Safeguarded jobs represent the number jobs that would have been lost if the project was not supported.
3. Total planned investment includes planned investment by the client and total assistance offered by Invest NI.

Belfast Twelfth of July Parade

Mr T Clarke asked the Minister of Enterprise, Trade and Investment for an estimate of how many (i) tourists; and (ii) people in total, attended the annual Belfast Twelfth of July parade last year.

(AQW 7459/10)

Minister of Enterprise, Trade and Investment: The Northern Ireland Tourist Board does not produce statistics that identify how many tourists attend the Twelfth of July celebrations.

However, the Orange Order using their own figures estimated that between 200,000 to 250,000 people attended the Belfast parade, with a total audience of 400,000 to 500,000 for the 12 July 2010 celebrations. These figures have not been independently researched.

Economically Inactive People

Mr P Weir asked the Minister of Enterprise, Trade and Investment to detail the number of economically inactive people in each constituency.

(AQW 7508/10)

Minister of Enterprise, Trade and Investment: The estimated numbers of working age persons who are economically inactive in each Parliamentary Constituency Area in Northern Ireland are shown in the table below. The confidence interval associated with these estimates has also been provided for information.

Of the 296,000 economically inactive people of working age in Northern Ireland¹ in 2008, an estimated 31% were sick/disabled, 26% were students, 26% were looking after the family/home, 6% were retired and 10% were 'other' reason.

These estimates are sourced from the January to December 2008 Labour Force Survey, as this is the latest source of economic inactivity information at constituency level.

NUMBER ECONOMIC INACTIVITY BY CONSTITUENCY AREA², JANUARY - DECEMBER 2008

Constituency Area	Number economically inactive (working-age³)	95% Confidence Interval⁴ (+/-)
Belfast East	10,000	3,000
Belfast North	15,000	4,000
Belfast South	15,000	4,000
Belfast West	18,000	4,000
East Antrim	14,000	4,000
East Londonderry	15,000	4,000
Fermanagh South Tyrone	16,000	4,000
Foyle	24,000	5,000
Lagan Valley	18,000	4,000
Mid Ulster	22,000	4,000
Newry & Armagh	19,000	4,000
North Antrim	16,000	4,000
North Down	13,000	3,000
South Antrim	13,000	3,000
South Down	17,000	4,000
Strangford	15,000	4,000
Upper Bann	16,000	4,000
West Tyrone	19,000	4,000
Total	296,000	14,000

- 1 Robust estimates for the reasons for economic inactivity are not available at Parliamentary Constituency Area (PCA) level.
- 2 Estimates for PCA's are based on relatively small sample sizes and are subject to a higher degree of sampling variability. They should therefore be treated with caution.
- 3 The term working age refers to females aged 16 to 59 and males aged 16 to 64.
- 4 The 95% confidence interval provides a range around the estimate in which the true economically inactive figure would be expected to fall 95% of the time, if the sample was drawn repeatedly.

Source: Labour Force Survey, January – December 2008

Recommendations of the Irish Government's Innovation Task Force

Mr P Butler asked the Minister of Enterprise, Trade and Investment whether Invest NI has contacted the IDA or Enterprise Ireland to discuss the recommendations of the Irish Government's Innovation Task Force, in relation to ways in which North South co-operation could be progressed towards developing the island into a leading region for research and development.

(AQW 7591/10)

Minister of Enterprise, Trade and Investment: Senior Management from Invest NI meets with counterparts in Enterprise Ireland on a six-monthly basis to examine opportunities where collaboration in research, development and innovation could bring mutual benefits to both economies. It is likely that the Irish Government's Innovation Taskforce, published in March 2010, will be discussed at the next meeting.

NorthWestNow Joint Promotional Campaign

Mr P Butler asked the Minister of Enterprise, Trade and Investment to outline the success of the NorthWestNow joint promotional campaign; and what consideration he has given to similar initiatives for the Newry-Dundalk border or central border regions.

(AQW 7592/10)

Minister of Enterprise, Trade and Investment: The NorthWestNow joint promotional Initiative between Invest NI and the Industrial Development Agency (IDA) was specifically developed as part of the North West Business Technology Zone Project (NWB TZ) funded by Interreg IIIa. It is the brand for the NWB TZ and incorporates a website and promotional brochures aimed at promoting the wider NWB TZ and its various components.

NorthWestNow was launched in February 2009 and both Invest NI and IDA have distributed the brochures across their overseas networks and the indications are that the website is receiving reasonable levels of interest. However, it is too early to comment on the impact this might have. An evaluation of the initiative will be carried out in due course.

Because of the direct link of NorthWestNow to the NWB TZ the specific relevance of such an initiative to other regions is not apparent. However, Invest NI is currently looking to the further development of regional sales propositions and the Newry area will be included within this.

Building Sites: Incidents

Mr J Dallat asked the Minister of Enterprise, Trade and Investment to detail the number of incidents on building sites in the last 10 years which resulted in (i) fatalities; (ii) serious injuries; and (iii) minor injuries.

(AQW 7605/10)

Minister of Enterprise, Trade and Investment: For the 10 year period 1 April 2000 to 31 March 2010 the number of incidents on building sites reported to the Health and Safety Executive for Northern Ireland were 45 fatalities, 864 major injuries and 1730 minor injuries.

Building Sites: Fatalities

Mr J Dallat asked the Minister of Enterprise, Trade and Investment to detail the number of prosecutions for criminal negligence as a result of fatalities on building sites in the last ten years; and if these prosecutions were taken against (i) the main contractor; or (b) the sub-contractor.

(AQW 7606/10)

Minister of Enterprise, Trade and Investment: Over the period 1st April 2000 to 31 March 2010 there were 31 prosecutions as a result of construction fatalities comprising:-

Party Prosecuted	Number of Prosecutions
Main Contractor only	11
Sub-Contractor only	3
Main Contractor and Sub-Contractor	15
Client	2
Total Prosecutions *	31

* A prosecution is not always possible as in some instances the death is of a self-employed person.

Building Sites: Health and Safety

Mr J Dallat asked the Minister of Enterprise, Trade and Investment what steps she intends to take to ensure that main contractors have, at all times, overall responsibility for health and safety issues on

building sites, particularly when developments are multi-storey or substantial in size and potentially hazardous.

(AQW 7607/10)

Minister of Enterprise, Trade and Investment: Already the provisions of the Construction, Design and Management Regulations (Northern Ireland) 2007 place an overall statutory duty for the management of health and safety of a building site on the main contractor. This duty means that the main contractor must plan, manage and monitor complex or large projects to ensure, so far as is reasonably practicable, that they are completed without risks to health and safety. The Health and Safety Executive for Northern Ireland, for its part, will continue to enforce the provisions of these regulations and take appropriate and proportionate enforcement action when breaches of these responsibilities are detected through its proactive and reactive inspection programme of construction sites.

Building Sites: Health and Safety

Mr J Dallat asked the Minister of Enterprise, Trade and Investment what new legislation she intends to enact to ensure that responsibility for health and safety on building sites is clearly defined and understood so that employees are not placed in a position where the negligence of others results in death or serious injury.

(AQW 7608/10)

Minister of Enterprise, Trade and Investment: I have no plans to enact any new legislation. The current body of health and safety law, and in particular the Construction, Design and Management Regulations (Northern Ireland) which were only enacted in 2007, is comprehensive, fit for purpose and very adequately defines the health and safety roles and responsibilities of all those involved in construction.

Ulster American Folk Park

Mr T Burns asked the Minister of Enterprise, Trade and Investment to detail all financial assistance granted to the Ulster American Folk Park by her Department, in each of the last 10 years.

(AQW 7649/10)

Minister of Enterprise, Trade and Investment: Over the past 10 years the Northern Ireland Tourist Board has provided the following financial assistance under the Tourism Development Scheme to projects undertaken at the Ulster American Folk Park:

Year	Project Details	Grant Source	Financial assistance provided
2001/02	Appalachian Blue Grass Music Festival	Events Support Scheme	£500
2002/03	Appalachian Blue Grass Music Festival	Peace II	£12,085
2006/07	Improvements to the entrance areas and visitor orientation	Peace II	£156,676
2008/09	Reconstruction of the McCallister Log Cabin as a new exhibit in the New World exhibition	Tourism Development Scheme	£75,000
2009/10	Reconstruction of the Rogan House an example of a Tennessee plantation house originally constructed by an Ulster emigrant to America.	Tourism Development Scheme	£150,000
		Total	£394,261

Department of the Environment

Gransha Road, Dundonald

Mr J Dallat asked the Minister of the Environment (i) if planning permission has been (a) sought; and (b) granted for access onto Gransha Road, Dundonald for a housing development in the rear garden of 51 Gransha Road; and (ii) if the Planning Service have been approached for advice on the potential for approved access for this site.

(AQW 7518/10)

Minister of the Environment (Mr E Poots): Prior to submitting the application discussions took place with the applicant and his representatives which included consideration of access options. The Planning Service gave formal consideration and approval to the access option chosen by the applicant.

Driving Tests

Mr A Ross asked the Minister of the Environment how many people took a driving test for (i) a car; and (ii) a motorcycle in each of the last three years; and how many passed the test first time.

(AQW 7536/10)

Minister of the Environment: The details for the requested period are included in the following table. For the purposes of this response the number of people who took a driving test is taken to mean the number who took the test for the first time and the number who subsequently passed.

Year	Cars		Motorcycles	
	Total number	Number passed	Total number	Number passed
2007/08	35548	15642	2187	1502
2008/09	36131	16337	2223	1548
2009/10	34933	17566	1099	840

Driving Tests

Mr A Ross asked the Minister of the Environment how much revenue was generated from driving tests in each of the last three years.

(AQW 7537/10)

Minister of the Environment: The total revenue from driving tests was as follows:

Year	£'000s
2007-08	£4,829
2008-09	£4,039
2009-10	£4,060

Planning Service

Ms A Lo asked the Minister of the Environment why Planning Service staffing levels are linked to the income received through the Planning Service given the continual fluctuation within the housing market.

(AQW 7547/10)

Minister of the Environment: Planning Service income is generated through fees charged for planning applications which were first introduced in Northern Ireland in 1981. The principle for charging is that the person who uses and potentially benefits from the service should pay the cost of the service.

In line with HM Treasury and DFP policy on fees and charges, the Agency is required to recover in full the permitted costs of delivering the Development Management function, a significant percentage of which are comprised of salary and other staff related costs.

Furthermore, in April 2000, DFP approval was also obtained to use additional income from planning application fees to pay for additional staff in an effort to reduce the growing backlog of planning applications.

Article 40 of the Planning Order

Mr P Butler asked the Minister of the Environment what steps his Department is taking to ensure that Article 40 of the Planning Order, between Antrim Construction and his Department, in relation to the construction of the loop distributor road between Lagmore Glen and Mount Eagles, is completed.

(AQW 7594/10)

Minister of the Environment: I can confirm that development is on-going at the Lagmore site and that Planning Service is satisfied that the road will be provided in accordance with the original proposals, within a reasonable timeframe. Indeed, private streets determinations have been issued by Roads Service, for the construction of the entire length of the Lagmore link road.

I accept that the pace of the development may not be to the full satisfaction of the local residents. However, the developer has advised and my Department accepts that this is due to the current wider economic climate. Consequently, it is considered that it would not be appropriate at the present time to pursue court action to force completion of this road, however the Downpatrick Divisional Enforcement team will continue to monitor the progress of the road construction.

Listed Buildings

Mr T Burns asked the Minister of the Environment to detail (i) the number of listed buildings that have been illegally demolished in each of the last five years, broken down by (a) category of listing; and (b) location; (ii) the number of prosecutions taken by his Department in relation to these offences; and (iii) the outcome of each case and any sanctions imposed by the courts.

(AQW 7648/10)

Minister of the Environment: My Department attaches great importance to the protection of listed buildings. In the last 5 years, my Department has investigated 146 cases involving alleged unauthorised works to listed buildings.

Based on a manual check of the Departments records, 13 cases alleged the unauthorised demolition of listed buildings. Of these, 2 cases are ongoing. Eleven have been concluded, 5 of which proceeded to formal summons and subsequent court action. The location, grade of listing and fine imposed are set out in the table below.

Location	Grade of Listing	Fine Imposed
Demolition of a listed building at 31 The Square, Moy	B1	£16,000
Unauthorised demolition of a Listed Building at 166 Malone Road, Belfast	B1	Owner £150 and contractor £200
Demolition of listed building - Corick House, 20, Corick Road, Clougher	B2	£11,000
Unauthorised works to listed building at 69 – 75 Main Street Five mile town	Building Preservation Notice	£18,500

Location	Grade of Listing	Fine Imposed
Unauthorised demolition of listed building at 91 Dromore Road, Waringstown.	B1	Initially £50,000 (2 owners, £15,000 each and contractor £20,000). The fine imposed was later reduced on appeal to £1,100 (2 owners, £500 each and contractor £100)

The imposition of fines is a matter for the courts and not my Department.

PPS 21

Ms A Lo asked the Minister of the Environment for his assessment of whether the Planning Service will be able to competently meet the demands of PPS 21, given the scale of the proposed job cuts in the Planning Service.

(AQW 7655/10)

Minister of the Environment: In light of the much reduced volume of planning applications and reduced income, the Planning Service is seeking to identify cost reduction measures which will help it to align staffing levels and costs more closely with work demands and revenue. The Planning Service will reorganise to live within budget and reprioritise resources to ensure key services to customers, including the assessment of applications under PPS21, can be maintained and impact from redeployment of staff is minimised.

In terms of the current PPS 21 deferred cases, Planning Service has agreed with me an action plan aimed at reassessing these applications within 6 months. Progress will be closely monitored to ensure there is no significant slippage particularly in those Divisions which have the greatest numbers of deferred cases.

I will also ensure that the Department makes the appropriate representations for additional in year funding at the June monitoring round. You may also wish to note that the Department has initiated a fundamental review of the nature and structure of the fees charged for planning services with the aim of ensuring that the fees charged for specific chargeable services are broadly consistent with the costs of providing those services.

Local Government Reform

Mr S Gardiner asked the Minister of the Environment to detail all the costs associated with Local Government reform to date.

(AQW 7663/10)

Minister of the Environment: The latest figures available are to the end of May 2010 and these show that my Department has spent £9.6m on Local Government Reform. In addition, expenditure by NILGA and the Local Government Staff Commission on RPA related work for the Department is £130k. Information about district council expenditure is not readily available and could only be obtained at disproportionate cost.

Environmental Crime

Mr P Weir asked the Minister of the Environment how many people have been convicted of an environmental crime in each of the last five years.

(AQW 7691/10)

Minister of the Environment: The figures below set out the detail of the 564 successful environmental crime prosecutions overseen by my Department between 2005 and 2009. The number of people prosecuted is not recorded, as cases can involve a number of individuals, or can be directed towards a company. The vast majority of these cases involve either water pollution or illegal waste activities, which can consist of transporting, treating or storing, and depositing the waste, and causing harm to human health or the environment.

Year	No. of prosecutions for environmental crime
2009	41*
2008	130
2007	116
2006	168
2005	109
Total	564

* Figures for 2009's water pollution incidents are still being progressed, and therefore not included in this total.

Domestic Waste

Mr A Ross asked the Minister of the Environment what percentage of domestic waste has been recycled in the (i) Larne Borough Council area; (ii) Carrickfergus Borough Council area; and (iii) Newtownabbey Borough Council area in each of the last five years.

(AQW 7764/10)

Minister of the Environment: Since 2002, all district Councils have submitted municipal waste data returns to NIEA. Since January 2005, councils have submitted these returns on a quarterly basis via the WasteDataFlow system. This national on-line database assists District Councils to carry out timely and structured reporting. The in-year provisional estimates are reported quarterly by the Northern Ireland Environment Agency in conjunction with the Central Statistics Research Branch throughout the financial year. The final annual figures are only fully reconciled by the following December and consequently the figures for the calendar year 2009, given in the attached table and highlighted below, may be subject to further reconciliation.

The attached Table shows the percentage recycling (inc.composting) rates between 2005/06 and 2009/10(provisional estimates only) for Larne, Carrickfergus and Newtownabbey Borough Council areas.

In Larne Borough Council area, the recycling rate (inc. composting) has increased from 25.0% in 2005/06 to 42.5% in 2009/10 (provisional estimate only).

In Carrickfergus Borough Council area, the recycling rate (inc. composting) has increased from 17.4% in 2005/06 to 35.8% in 2009/10 (provisional estimate only).

In Newtownabbey Borough Council area, the recycling rate (inc. composting) has increased from 22.5% in 2005/06 to 38.3% in 2009/10 (provisional estimate only).

HOUSEHOLD WASTE SENT FOR RECYCLING (INC. COMPOSTING) IN NORTHERN IRELAND (2004/05 - 2009/10*)

District Council	2005/06	2006/07	2007/08	2008/09	2009/10 Q1-3 only*
	Recycling (inc. composting) rate	Recycling (inc. composting) rate	Recycling (inc. composting) rate	Recycling (inc. composting) rate	Recycling (inc. composting) rate
Larne Borough Council	25.0%	31.6%	37.4%	40.5%	42.5%
Carrickfergus Borough Council	17.4%	21.9%	33.2%	32.9%	35.8%
Newtownabbey Borough Council	22.5%	24.8%	30.3%	35.0%	38.3%

* It should be noted that the 2009/10 Q1-3 (i.e. Apr-Dec) data are provisional estimates only and have not yet been fully reconciled

Invasive Species

Mr D McKay asked the Minister of the Environment (i) to detail the current annual cost of dealing with invasive species; and (ii) for an estimate of the damage caused by invasive species through (a) loss of aquaculture; (b) damage to watercourses for recreation or drinking water; and (c) damage to agriculture and forestry.

(AQW 7784/10)

Minister of the Environment: It is widely recognised that invasive species are the second biggest threat to biodiversity loss worldwide and that they can have associated impacts on the environment and economy in terms of the cost of their control and the damage they can cause. The full cost of dealing with invasive species in Northern Ireland is unknown.

The Northern Ireland Environment Agency (NIEA) has undertaken control of invasive species on the properties they own and manage, for example the clearance of *Rhododendron ponticum* at Peatlands Park, Dungannon. The total estimated cost to date of direct control of invasive species carried out by NIEA, on the properties it owns and manages, plus research carried out on invasive species by NIEA, has been £740,000.

My Department works closely with the major stakeholders in Northern Ireland and through the Invasive Species in Ireland Project has established a joint approach to the control of invasive species throughout the island of Ireland. The current phase of this project, 2009-12, has a target to assess the socio-economic costs and biodiversity damage caused by invasive species across a wide range of agricultural and natural processes, including aquaculture, water bodies and forestry, identifying specific examples from Northern Ireland and the Republic of Ireland.

The Project, following on from an earlier assessment of risks posed by invasive species, will total £270,000 (over six years) and will suggest programmes of action to ameliorate the threats from established and potential future invasive species.

Unauthorised Demolition, Alteration or Extension of a Listed Building

Mr C McDevitt asked the Minister of the Environment what steps he is taking to ensure that penalties that reflect the seriousness of the offence are imposed in incidences of unauthorised demolition, alteration or extension of a listed building, under the Planning (Audit) (NI) Order 2003, in light of the £200 fine awarded recently for the demolition of a B1 listed building on the Malone Road, Belfast, without permission.

(AQW 7795/10)

Minister of the Environment: The demolition of a listed building constitutes an offence under Article 44 of The Planning (Northern Ireland) Order 1991. The scale of penalties which the courts may impose is set out in legislation. The statutory maximum is £30,000 or imprisonment for up to 6 months. On conviction on indictment the courts may impose a prison sentence of up to 2 years or an unlimited fine or both.

My Department has no control over the amount of any fine as this is entirely a matter for the courts to determine.

Bins

Mr J Shannon asked the Minister of the Environment to detail the number of (i) blue bins; and (ii) brown bins in each constituency and the average number per household.

(AQW 7817/10)

Minister of the Environment: Data on blue and brown bin provision is collected through the WastedataFlow system – a United Kingdom wide waste data collection and recording web-based system. The data is collected and recorded at district council level only and is not routinely available by parliamentary constituency.

Analysis of the available data indicates that for the period January – March 2009, for Northern Ireland as a whole, the average number of dry recycling bins (which are generally blue in colour), including kerbside boxes, per household was 1.1. The average number of organic recycling bins (which are generally brown in colour) was 0.6. Therefore, the average number of dry recycling and organic bins per household in Northern Ireland was 1.6.

George Best Belfast City Airport

Ms D Purvis asked the Minister of the Environment whether he intends to carry out an Equality Impact Assessment (EQIA) on the proposal to lift the Seats for Sale limit at George Best Belfast City Airport; and, if so, when the EQIA will be carried out.

(AQW 7826/10)

Minister of the Environment: I do not intend to carry out an EQIA on the proposed removal of the seats for sale restriction.

George Best Belfast City Airport

Mr C McDevitt asked the Minister of the Environment if he will consider requesting the Civil Aviation Authority to conduct an investigation into the wider safety issues in the vicinity of the George Best Belfast City Airport, given the public safety implications of recent damage to property caused by low-flying aircraft.

(AQW 7833/10)

Minister of the Environment: My Department has no remit regarding civil aviation matters. The recent incidents are a matter for the airport and the Civil Aviation Authority.

PPS 21

Mr J Shannon asked the Minister of the Environment what discussions he has had with the Ulster Farmers Union and the Northern Ireland Agricultural Producers Association in relation to PPS 21.

(AQW 7843/10)

Minister of the Environment: I met with representatives of the Ulster Farmers Union (UFU) on 3 November 2009 to discuss PPS 21 and other issues of importance to them.

I have not had any direct engagement with the Northern Ireland Agricultural Producers Association on PPS 21.

George Best Belfast City Airport

Ms A Lo asked the Minister of the Environment if there is a limit on the number of flights that are allowed to depart or arrive at the George Best Belfast City Airport after 21.30 on a daily, weekly or monthly basis.

(AQW 7852/10)

Minister of the Environment: The Planning Agreement requires that no scheduled aircraft except delayed aircraft shall use the airport during prohibited hours, that is, 21.31 and 06.29 local time. And that only in exceptional circumstances to permit delayed aircraft to use the airport during extended hours, that is, 21.31 and 23.59 local time.

There is no restriction on diverted aircraft which may use the airport at any time.

There is no restriction on the number of aircraft.

George Best Belfast City Airport

Ms A Lo asked the Minister of the Environment what steps his Department have taken to investigate the incident (i) on 8 June 2010 when a resident was injured by falling roof tiles caused by a passing aircraft after 21.30; and (ii) on the previous weekend when two other homes suffered damaged roofs.
(AQW 7853/10)

Minister of the Environment: My Department has no remit regarding civil aviation matters. The recent incidents are a matter for the airport and the Civil Aviation Authority.

PPS 21

Mr J Shannon asked the Minister of the Environment when PPS 21 will be in place.
(AQW 7942/10)

Minister of the Environment: PPS 21 was published on 1 June 2010.

High Hedges Bill

Mr J Shannon asked the Minister of the Environment when the High Hedges Bill will be enacted.
(AQW 7946/10)

Minister of the Environment: The High Hedges Bill is currently at Committee Stage which has been extended until 17 December 2010.

The aim is to have the legislation enacted by March 2011 or earlier if possible.

Department of Finance and Personnel

Bain Report

Mr S Gardiner asked the Minister of Finance and Personnel what plans there are to implement the findings of the Bain Report on the re-location of public sector jobs.
(AQW 7659/10)

Minister of Finance and Personnel (Mr S Wilson): Decisions on the implementation of the Bain Report are for the Executive, taking account of business need, value for money and affordability. The Executive has yet to schedule a discussion on the matter.

Rates Arrears

Mr S Gardiner asked the Minister of Finance and Personnel what steps he has taken to ensure the recovery of rates arrears in the last two years; and how much has been recovered to date.
(AQW 7661/10)

Minister of Finance and Personnel: Land & Property Services (LPS) continues to place a very high priority on the recovery of ratepayer debt. LPS attempts to assist ratepayers who are having difficulty in paying their rates, but takes robust and resolute recovery action on any rates that are not paid.

In the last two years, LPS has:

- Taken significant numbers of ratepayers to court for non-payment of rates. 42,352 court processes were issued in 2009-10, an increase of 16% over 2008-09; and 16,455 court decrees were awarded, an increase of 9% over 2008-09.
- Reviewed its recovery activity to ensure that the Agency maintains a clear focus on this work.
- Continued to review policy and legislative matters to confirm whether they effectively support recovery activity.

In 2008-09, LPS collected £940 million of rates. £70.7 million of prior year debt was collected or discharged during that year.

In 2009-10, LPS collected £961 million of rates. £74.3 million of prior year debt was collected or discharged during that year.

Rates Arrears

Mr S Gardiner asked the Minister of Finance and Personnel to detail the legal costs associated with the recovery of rates arrears in the last two years.

(AQW 7662/10)

Minister of Finance and Personnel: If a ratepayer has not paid their rate bill, or made contact with LPS to agree a payment arrangement, after the issue of a bill and a final demand, LPS has little option but to take forward Court proceedings to recover the money owing.

LPS is obliged to pay fees to the NI Courts & Tribunals Service for the different stages of the legal proceedings, including for issue of a Court Process, the granting of a Court Decree, the issue of a Notice of Intention to Enforce Debt, and Enforcement fees. These charges are added to ratepayers' bills, and therefore become part of the recoverable amount.

Payments are made to the Courts & Tribunals Service by LPS at the time that the actions are taken, and are then recovered from ratepayers in due course. Given the daily movements in individual rate accounts, and the time differences in payment to the Courts and recovery of the money, it is not possible to provide an accurate figure for the net (unrecovered) legal costs in any period. The figures in the table below are therefore the total figures paid by LPS to the Courts & Tribunals Service.

Year	Payment by LPS to Courts & Tribunals Service
2008-09	£1,946,504
2009-10	£2,166,508

In addition to these legal costs, LPS also incurs additional staff costs in pursuing recovery of unpaid rates. These costs form part of the cost of rate collection and are therefore paid from the district and regional rates – in effect, by all ratepayers,

I should stress that no recovery costs would exist if all ratepayers paid their rates in a timely manner, or if in difficulty contacted LPS to agree a payment arrangement.

Legislative Protection for Householders

Ms M Anderson asked the Minister of Finance and Personnel whether any legislative protection exists on the rights of householders who enter into contracts with property and estates maintenance companies, to ensure that such companies uphold their obligations as agreed.

(AQW 7677/10)

Minister of Finance and Personnel: The arrangements for multi-unit developments and, in particular, apartment complexes will be matters of contract and it would be very unusual if the contracts were not set out in writing. The relationship between the parties and their rights and responsibilities should be set out in those contracts and so will require interpretation of the contracts. The contracts will vary between developments so it is only possible to give an answer in general terms.

Land and Property Services

Mr A Ross asked the Minister of Finance and Personnel for his assessment of the performance of Land and Property Services over the last three years.

(AQW 7678/10)

Minister of Finance and Personnel: Land & Property Services came fully into existence as an Agency on 1 April 2008. It was initially formed from the Valuation & Lands Agency and the Rate Collection Agency on 1 April 2007, with Land Registers of Northern Ireland and Ordnance Survey of Northern Ireland joining on 1 April 2008.

In the last three years, LPS has implemented a far-reaching programme of rating reforms, including moving to individual capital values for the rating of domestic properties, and accompanied by the implementation of a range of relief schemes (such as transitional relief, Lone Pensioner Allowance and Small Business Rate Relief).

The reform programme significantly impacted the performance of LPS on rating matters, and the economic downturn over the last 18 months has also affected all parts of the Agency, including reducing the income from applications for land registration by 30-40% and increasing the difficulties that people have had in paying their rates.

My predecessor commissioned a review of LPS by the Performance, Efficiency and Delivery Unit in 2009. This highlighted a number of areas in which LPS needed to take action, and I continue to take a close interest in the Agency's progress against the action plan, noting that many of the actions are being completed ahead of schedule.

Throughout the three year period of its existence, LPS has collected increased amounts of rates year on year, but ratepayer debt has continued to increase. Valuation work in hand has been reduced significantly, as have work stocks in land registration. In addition, LPS has maintained the official mapping of Northern Ireland, driven forward the quality and use of the definitive Pointer® address database, and ensured that Northern Ireland is one of the leading regions in Europe in the effective use of geographic information to inform and improve policy making and service delivery.

I am pleased with the improvements that LPS has made, and note the positive comments made by the Finance & Personnel Committee about the progress. I am conscious that the Agency has been the subject of constant change in the three years of its existence, and I have stated on a number of occasions that I am keen to reduce changes to the rating system, to allow the Agency to consolidate its progress to date.

National Asset Management Agency

Mr J Shannon asked the Minister of Finance and Personnel what discussions he has had with investors and businesses whose loans, which are with the local branches of Irish owned banks, have been transferred to the National Asset Management Agency.

(AQW 7846/10)

Minister of Finance and Personnel: There were no Northern Ireland loans involved in the first tranche transfer into the National Asset Management Agency (NAMA). I understand that some Northern Ireland based loans will transfer into NAMA during the second tranche, which should take place shortly.

I, and my officials, have been working closely with the local business sector, HM Revenue and Customs and the Department of Finance in Dublin to clarify any uncertainties and issues in advance of local loans transferring into NAMA.

I have also agreed with Minister Lenihan the establishment of a Northern Ireland Committee. This Committee is now operational and will ensure that the interests of local businesses and individuals are safeguarded when Northern Ireland loans start to transfer into NAMA.

Department of Health, Social Services and Public Safety

Accidental Injuries and Deaths

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 3518/10, if she is on target to reduce, by one tenth, the number of accidental injuries and deaths in the home, workplace and roads between 2000 and 2010.

(AQW 4172/10)

Minister of Health, Social Services and Public Safety (Mr M McGimpsey): This question may relate to the objective and targets on accidents agreed between departments at the time of publication of Investing for Health in 2002. These targets were selected to reflect the cross-cutting nature of the strategy, providing a common, challenging set of improvements to work towards, and took account of targets in other departmental strategies at that time.

The actual targets were:

- (i) To reduce the death rate from accidents in people of all ages by at least one fifth between 2000 and 2010
- (ii) To reduce the rate of serious injuries from accidents in people of all ages by at least one tenth between 2000 and 2010.

In respect of the death rate target figures have fluctuated from year to year. The most up to date figures show that the death rate from all categories of accidents, including unspecified factors has risen from 21.8 in 2000 to 28.2 per 100,000 population in 2008. In respect of the rate of serious injuries from accidents there was a 33% reduction from 432.3 admissions per 100,000 population in 2001/02 to 290.43 admissions per 100,000 population in 2008/09. The Investing for Health strategy is currently under review.

Chief Executive's Department in the Health and Social Care Trust

Mr J Craig asked the Minister of Health, Social Services and Public Safety the staffing costs of the Chief Executive's department in each Health and Social Care Trust, in each of the last five years.

(AQW 4481/10)

Minister of Health, Social Services and Public Safety: The information requested is only available from the date the new Health and Social Care Trusts were set up in April 2007 and is set out in the following table.

HSC Trust	2007/08 year	2008/09 year
Belfast HSC Trust	£176,784	£187,988
Northern HSC Trust	£57,879	£71,183
Southern HSC Trust	£73,757	£52,733
South Eastern HSC Trust	£67,539	£69,228
Western HSC Trust	£33,098	£66,153
NI Ambulance Services HSC Trust	£20,019	£23,621

Cost for Staff Attending Conferences and Courses

Mr T Lunn asked the Minister of Health, Social Services and Public Safety how much money has been spent by his Department on (i) fees; and (ii) all travel costs, including subsistence costs, for staff attending conferences and courses in each of the last three years.

(AQW 5140/10)

Minister of Health, Social Services and Public Safety: Departmental expenditure on fees for staff attending conferences and courses in each of the last 3 years is as shown in the table:

Year	DHSSPS Expenditure on conference and course fees
2008/09	£287,451
2007/08	£188,652
2006/07	£306,800

- (ii) It is not possible to provide details of travel costs for staff attending conferences and courses as these costs are not held separately.

Slips or Falls in Hospitals, Health Centres and Doctor's Surgeries

Mr T Burns asked the Minister of Health, Social Services and Public Safety to detail (i) the number of claims for compensation made against his Department for slips or falls in (a) hospitals; (b) health centres; and (c) doctor's surgeries in each of the last five years; (ii) how many of these claims were successful; and (iii) how much compensation was awarded in each year.

(AQW 6531/10)

Minister of Health, Social Services and Public Safety: Responsibility for meeting compensation costs arising from slips or falls on HSC premises rests with those organisations, and therefore any claims are made against, and settled by, individual HSC organisations not my Department. Information on the numbers of claims and the amount paid out in settlement of these in the last five years are set out for each HSC Trust in the tables below. The figures provided for health centres relate to Trust owned facilities only. Figures for privately owned health centres and GP surgeries are not available, as gathering this information would involve a disproportionate cost.

NORTHERN HSC TRUST

	Received		Settled		Damages £	
	Hospital	Health Centre	Hospital	Health Centre	Hospital	Health Centre
05/06	5	1	5	1	41,625	3,000
06/07	4	0	4	0	48,800	-
07/08	8	3	7	3	47,500	14,000
08/09	8	0	1	0	5,000	-
09/10	15	0	1	0	6,750	-

SOUTH EASTERN HSC TRUST

	Received		Settled		Damages £	
	Hospital	Health Centre	Hospital	Health Centre	Hospital	Health Centre
05/06*	7	1	5	0	30,500	Nil
06/07*	10	0	5	1	22,469	2,719
07/08*	4	3	3	0	17,333	Nil
08/09	10	0	4	0	18,530	Nil
09/10	12	0	2	0	10,500	Nil

*05/06 to 07/08 information relates only to the Legacy Ulster Community & Hospitals Trust (Down Lisburn information is not available).

WESTERN HSC TRUST

	Received		Settled		Damages £	
	Hospital	Health Centre	Hospital	Health Centre	Hospital	Health Centre
05/06	8	1	8	1	23,000	1,500
06/07	8	2	8	2	12,000	12,375
07/08	2	2	2	0	5,000	-
08/09	3	1	4	1	63,750	27,500
09/10	9	2	2	1	5,250	45,000

BELFAST HSC TRUST

	Received		Settled		Damages £	
	Hospital	Health Centre	Hospital	Health Centre	Hospital	Health Centre
05/06	32	1	18	0	107,284	-
06/07	49	2	36	1	164,757	1,000
07/08	30	3	16	0	87,750	-
08/09	36	2	12	0	53,914	-
09/10	23	1	0	0	-	-

SOUTHERN HSC TRUST

	Received		Settled		Damages £	
	Hospital	Health Centre	Hospital	Health Centre	Hospital	Health Centre
05/06	7	0	0	0	-	-
06/07	6	0	0	0	-	-
07/08	11	1	0	0	-	-
08/09	9	0	5	0	29,565	-
09/10	7	1	5	0	24,250	-

Elective Surgeries Cancelled in the Antrim Area Hospital

Mrs M O'Neill asked the Minister of Health, Social Services and Public Safety how many elective surgeries were cancelled in the Antrim Area Hospital as a result of bed shortages in (i) January to November 2009; and (ii) December 2009 to May 2010 to date.

(AQW 6815/10)

Minister of Health, Social Services and Public Safety: There were 317 elective surgeries cancelled in the Antrim Area Hospital as a result of bed shortages during the period January to November 2009; and 161 cancellations from December 2009 to May 2010 to date.

The Northern Health and Social Care Trust has advised that these cancellations were due to beds being used by emergency patients.

Rapid Response Vehicle Call-outs

Lord Morrow asked the Minister of Health, Social Services and Public Safety how many rapid response vehicle call-outs (i) required an ambulance; and (ii) resulted in the cancellation of an ambulance, in each Health and Social Care Trust area, since their introduction.

(AQW 7402/10)

Minister of Health, Social Services and Public Safety: I propose to answer AQWs 7402/2010 and 7404/2010 together.

The Northern Ireland Ambulance Service does not record performance statistics for Health and Social Care Trusts.

Rapid Response Vehicle Call-outs

Lord Morrow asked the Minister of Health, Social Services and Public Safety how many rapid response vehicle call-outs (i) arrived within the required timescale; and (ii) failed to arrive within the required timescale, in each Health and Social Care Trust area, since their introduction.

(AQW 7404/10)

Minister of Health, Social Services and Public Safety: I propose to answer AQWs 7402/2010 and 7404/2010 together.

The Northern Ireland Ambulance Service does not record performance statistics for Health and Social Care Trusts.

Mid-Ulster Hospital

Mr P McGlone asked the Minister of Health, Social Services and Public Safety what consideration was given to the needs and safety of children and people with a disability in the catchment area of the Mid-Ulster Hospital, when making the decision to close the Accident and Emergency Unit.

(AQW 7412/10)

Minister of Health, Social Services and Public Safety: An Equality Impact Assessment was carried out by the Department as part of the Developing Better Services strategy in 2002 for modernising hospitals and reforming structures in Northern Ireland. In addition the services changes at both Mid-Ulster and Whiteabbey hospitals were equality impact assessed and consulted on in January 2009 as part of the Northern Trust's 'Reconfiguration of Acute Hospital Services – Consultation and Equality Impact Assessment – January 2009.' A full copy of this report is available on the Trust's website at:

http://www.northerntrust.hscni.net/pdf/Reconfiguration_of_acute_hospital_services.pdf

Both assessments took into consideration all areas covered under section 75 NI Act 1998, including Age and Disability.

In keeping with its Section 75 obligations the Trust has put in place arrangements to monitor and review the impact of these changes on those directly affected.

Alleged Cruelty, Neglect or Abuse Towards a Child

Lord Morrow asked the Minister of Health, Social Services and Public Safety to detail the procedures taken following receipt of a report from a member of the public, or a non-statutory agency, of alleged cruelty, neglect or abuse towards a child.

(AQW 7426/10)

Minister of Health, Social Services and Public Safety: Allegations of child abuse are highly complex and difficult and the immediate response may depend on the level of information available. Where there is a serious risk of harm, relevant agencies will act promptly to protect the child involved. The range of material below sets out current procedures.

Understanding the Needs Of Children In Northern Ireland (UNOCINI) Guidance http://www.dhsspsni.gov.uk/unocini_guidance.pdf

Gateway Service Processes

http://www.dhsspsni.gov.uk/gateway_service_processes_guidance_for_northern_ireland_health_and_social_care_trusts.pdf

Co-operating to Safeguard Children

http://www.dhsspsni.gov.uk/show_publications?txtid=14022

Area Child Protection Committees' Regional Policy and Procedures Guide <http://www.dhsspsni.gov.uk/acpcregionalstrategy.pdf>

Children Order Guidance Volumes 1 to 5 http://www.dhsspsni.gov.uk/index/hss/child_care/child_care_guidance.htm

Mental Health Legislation

Lord Morrow asked the Minister of Health, Social Services and Public Safety to outline the role of his Department in relation to an individual sectioned under the Mental Health legislation.

(AQW 7427/10)

Minister of Health, Social Services and Public Safety: My Department has no role in relation to individuals sectioned under Mental Health legislation. These are clinical decisions made by medical practitioners who can detain patients for treatment under Part II of the Mental Health (Northern Ireland) Order 1986.

Health Service Staff Expenses

Lord Morrow asked the Minister of Health, Social Services and Public Safety how much has been claimed in expenses, including travel, by Health Service staff, at management level or above, in each of the last three years in each Health and Social Care Trust.

(AQW 7428/10)

Minister of Health, Social Services and Public Safety: The information requested is not held centrally and could only be provided at disproportionate cost.

Respite Care Beds

Mr G Campbell asked the Minister of Health, Social Services and Public Safety to detail the change in the number of respite care beds available in each Health and Social Care Trust between (i) the 2009/10 financial year; and (ii) the current financial year.

(AQW 7443/10)

Minister of Health, Social Services and Public Safety: Information is not available in the format requested.

Complaints

Mr G Campbell asked the Minister of Health, Social Services and Public Safety how many complaints were lodged with patient advocates on behalf of patients who received treatment at each acute hospital during 2009.

(AQW 7445/10)

Minister of Health, Social Services and Public Safety: The information is not available in the format requested and could only be obtained at disproportionate costs.

Ambulances

Mr G Campbell asked the Minister of Health, Social Services and Public Safety how many ambulances were replaced in each Health and Social Care Trust area during the 2009/10 financial year.

(AQW 7447/10)

Minister of Health, Social Services and Public Safety: On 1 October 2008 I announced my intention to invest some £100 million over the next ten years to enable the Northern Ireland Ambulance Service (NIAS) to modernise its estate and replace its fleet and equipment on a regular basis. This included an investment of £17 million capital funding over the CSR period 2008-2011 to modernise the ambulance service fleet, estate, equipment and IT infrastructure.

My announcement made clear that the new vehicles would replace older vehicles so that, in time, no vehicle would be more than five years old. In 2009/10 some 33 new A&E ambulances and 8 Patient Care Service Ambulances were brought into service. The distribution of those new vehicles is an operational matter for which NIAS is responsible.

Psychiatric Assessment Unit in the Downshire Hospital, Downpatrick

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety what measures he will take to ensure that the Psychiatric Assessment Unit currently located in the Downshire Hospital, Downpatrick will be re-located to the new Downe Hospital.

(AQW 7448/10)

Minister of Health, Social Services and Public Safety: The South Eastern Trust's "Strategic Direction for Mental Health Services" was published on 4 June for consultation. No decisions on future service provision will be taken until responses to the consultation exercise have been considered.

Ward 3 in the New Downe Hospital

Ms M Ritchie asked the Minister of Health, Social Services and Public Safety what steps he will take to reverse the decision of the South Eastern Health and Social Care Trust to close Ward 3 in the new Downe Hospital, which includes 15 medical beds; and if he will make a statement on this matter.

(AQW 7449/10)

Minister of Health, Social Services and Public Safety: Health and social care services are facing significant financial pressures. My Department and all HSC bodies have been set challenging efficiency targets and every part of the service must play its part in identifying ways to make more efficient use of resources.

The decision to close 15 medical beds in the Downe Hospital is an operational matter for the South Eastern Health and Social Care Trust. The Trust has advised that the reduction in bed numbers will not reduce services at the Downe Hospital. The same level of service will be delivered with fewer beds.

Swine Flu

Lord Morrow asked the Minister of Health, Social Services and Public Safety for his assessment of the revelation that scientists who advised the World Health Organisation on swine flu had carried out paid

work for drugs firms that stood to benefit from the advice regarding the stock-piling of vaccines; and if he will make a statement on this matter.

(AQW 7458/10)

Minister of Health, Social Services and Public Safety: This is a matter for the World Health Organisation. An independent committee is currently reviewing the World Health Organisation's management of its response to the swine flu pandemic. I will await the findings of the review team.

Swine Flu

Lord Morrow asked the Minister of Health, Social Services and Public Safety for his assessment of the potential impact of the overspend on the Swine Flu vaccine on his Department's budget.

(AQW 7505/10)

Minister of Health, Social Services and Public Safety: My Department did not overspend when purchasing the Swine Flu vaccine. It followed the advice of the Joint Committee on Vaccination and Immunisation (JCVI) to ensure that enough vaccine was ordered to protect the Northern Ireland population.

Delay in Answering Questions

Mr T Clarke asked the Minister of Health, Social Services and Public Safety when he expects to be in a position to respond to (i) AQW 6549/10; (ii) AQW 6576/10; and (iii) AQW 6604/10; and to detail the reason for the delay in answering these questions.

(AQW 7520/10)

Minister of Health, Social Services and Public Safety: These will be answered in due course.

Private Finance Initiative Funding

Mr T Buchanan asked the Minister of Health, Social Services and Public Safety (i) on how many capital projects his Department has used Private Finance Initiative funding in each of the last five years; (ii) the cost of each project; and (iii) how much capital funding his Department provided for each project.

(AQW 7558/10)

Minister of Health, Social Services and Public Safety: Eight projects have been taken forward through the PFI procurement route during the period 2006/07 – date. The majority of these relate to provision of equipment and/or services and are therefore funded through revenue rather than capital. Details on the 8 schemes are provided in the attached table:

Description	Contract Awarded	Total Estimated Value (£m)	Additional Capital Spend (£m)	Comments
Services Centre (new pathology, pharmacy & changing rooms) at Altnagelvin Hospital	April 2005	15.45	2.9	£2.9m relates to non PFI enabling costs for the scheme
Managed equipment services contract at Royal Group of Hospitals	May 2007	24	0	Equipment only – costs met from revenue

Description	Contract Awarded	Total Estimated Value (£m)	Additional Capital Spend (£m)	Comments
SW Acute Hospital at Enniskillen	March 2009	230	25.38	£25.38m is non PFI and relates to land purchase, enabling works etc. The £230m is planned to fall due in 2011/12.
NIPACS Project (Regional scheme)	Sept 2008	31.2	3.93	£3.93m relates to non PFI infrastructural works required to allow the NIPACS scheme to proceed.
		343.1	89.21	

Myalgic Encephalomyelitis Association

Dr S Farry asked the Minister of Health, Social Services and Public Safety (i) to outline the reasons for the cut in core funding to the Northern Ireland Myalgic Encephalomyelitis Association; and (ii) for his assessment of the impact of this cut in funding.

(AQW 7563/10)

Minister of Health, Social Services and Public Safety: There has been no decision taken to cut the core funding made available to the ME Association by my Department.

Increased financial pressures have been placed on my Department and across Health and Social Care sector by the budget settlement for 2010/11. My Department is currently re-assessing all funding streams, in an attempt to minimise the impact on front line services and patients across Northern Ireland.

As part of this process, full year funding for the 2010/11 year is currently being assessed for all grant receiving organisations including the ME Association.

Meeting with the Murtagh Family

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 6789/10, if he intends to reschedule the meeting with the Murtagh family, following the cancelled meeting of 15 December 2009.

(AQW 7579/10)

Minister of Health, Social Services and Public Safety: I have asked that my Permanent Secretary meets the Murtagh family.

Distinction Awards

Ms S Ramsey asked the Minister of Health, Social Services and Public Safety for an update on the Distinction Awards, following the letter he received from Nicola Sturgeon, MSP, in January 2010.

(AQW 7581/10)

Minister of Health, Social Services and Public Safety: Scottish Cabinet Secretary, Nicola Sturgeon, wrote to the Secretary of State, Andy Burnham MP and other UK health Ministers on 5 January seeking support for UK wide review of Clinical Excellence awards for consultants. I agreed that Northern Ireland should take part in the proposed review. Following the establishment of the new coalition government, she has recently written to the new Secretary of State for Health in England to seek support to begin a four country review of clinical excellence awards.

Guidance on the Termination of Pregnancy

Mr P Ramsey asked the Minister of Health, Social Services and Public Safety, since the publication of the 'Guidance on the Termination of Pregnancy: The Law and Clinical Practice in Northern Ireland' in March 2009, (i) what monitoring systems have been put in place to ensure that all abortions are carried out within the legal criteria set out in the guidance and are accurately recorded; and (ii) if he will publish the data collected by these monitoring systems.

(AQW 7583/10)

Minister of Health, Social Services and Public Safety: When my Department issued its Guidance on the Termination of Pregnancy, the HSC Board, in conjunction with the Public Health Agency and Trusts were asked to take forward a number of actions. This included a requirement to develop appropriate monitoring systems to ensure that terminations of pregnancy were carried out within the Northern Ireland legal framework. This work was delayed somewhat by the uncertainty caused by the Judicial Review brought against the March 2009 Guidance by SPUC, alleging that the Department had incorrectly set out the law.

Following Girvan LJ's judgment, which confirmed that the Guidance had accurately reflected the law, work on this monitoring system was able to proceed. The HSC Board have advised that a monitoring system should be in place by the Autumn.

It is proposed that aggregate data on the number of terminations of pregnancy carried out in Northern Ireland will continue to be made available.

Children Adopted from Outside the UK

Mr B Armstrong asked the Minister of Health, Social Services and Public Safety how many children have been adopted into Northern Ireland from outside the UK in each of the last five years; and to list the countries from which they have been adopted.

(AQW 7590/10)

Minister of Health, Social Services and Public Safety: The information requested was detailed in AQW 3650/10 and I would refer the Member to that written response.

Feasibility Study into Cross-border Hospital Services

Mr P Butler asked the Minister of Health, Social Services and Public Safety for an update on the joint feasibility study into cross-border hospital services; and when the study will be completed.

(AQW 7593/10)

Minister of Health, Social Services and Public Safety: My Department is not involved in a joint feasibility study into cross-border hospital services. A North South Feasibility Study exploring areas for co-operation across a range of health care services was completed in March 2009.

I have discussed this matter with Minister Harney and we are agreed that the report should not be progressed further at this time. We will however continue to work with the health authorities in the

Republic of Ireland on practical and deliverable projects which have clear, defined benefits for the population such as the current radiotherapy project at Altnagelvin.

Cost of Sending Patients Abroad for Treatment

Mr T Burns asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 6949/10, to detail the cost of send patients abroad for treatment in each of the last five years.

(AQW 7596/10)

Minister of Health, Social Services and Public Safety: The table below sets out the requested information:

Year	Cost (£)
2005/06	6372.49
2006/07	32,759.13
2007/08	58,937.47
2008/09	138,571.66
2009/10	10,197.83

Dunlewey Substance and Abuse Centre in Ballymena

Mr D McKay asked the Minister of Health, Social Services and Public Safety what steps his Department will take to ensure that the present funding and staff for the Dunlewey Substance and Abuse Centre in Ballymena will be sustained in the next three years.

(AQW 7601/10)

Minister of Health, Social Services and Public Safety: The allocation of local funding, as well as the identification of local needs and local priorities, is the responsibility of the local Health and Social Care organisations. Through my Department's New Strategic Direction for Alcohol and Drugs (NSD), the Public Health Agency (PHA) fund a range of services through tendered contracts in support of the Northern Drug and Alcohol Co-ordination Team's local Action Plan (2008 - 2011) across the Northern area. These services are currently contracted until 31 March 2011.

Dunlewey Substance Advice Centre (NI Ltd) is contracted within this tender process to provide Tier 2 / 3 Counselling, Support & Mentoring Services for young people under 18. It is the PHA's intention to continue to support the implementation and delivery of the NSD and the local DACT Action Plans within available resources reflecting identified need and agreed priorities post March 2011.

Drug Support Services in Ballymena

Mr D McKay asked the Minister of Health, Social Services and Public Safety to detail the level of funding his Department has provided to drug support services in Ballymena in each of the last three years.

(AQW 7602/10)

Minister of Health, Social Services and Public Safety: The allocation of local funding, as well as the identification of local needs and local priorities, is the responsibility of the local Health and Social Care organisations.

Through my Department's New Strategic Direction for Alcohol and Drugs, the former Northern Health & Social Services Board and subsequently the Public Health Agency commissioned and funded a number of specialist Northern area and locality based substance misuse services (covering both alcohol and drugs) in support of the Northern Drug and Alcohol Co-ordination Team's Action Plan in the three year period 2007/08, 2008/09 and 2009/10.

Northern-wide services are available across all ten Council areas. These Northern-wide and relevant locality-based services are open and accessible to all residents of Ballymena Council area. Funding allocated was as follows:

Financial year	Northern area services (not including locality based services)	Antrim/Ballymena locality services
2007/08	£724,406	£118,309
2008/09	£832,146	£119,541
2009/10	£1,059,083	£131,704

Drug Support Services in Ballymena

Mr D McKay asked the Minister of Health, Social Services and Public Safety how many referrals the drug support services in Ballymena have received in each of the last three years.
(AQW 7603/10)

Minister of Health, Social Services and Public Safety: Information on the number of referrals to drug support services in Ballymena in each of the last three years is not available.

Cushendall and Ballycastle Fire Stations

Mr M Storey asked the Minister of Health, Social Services and Public Safety for an update on the replacement of (i) Cushendall Fire Station; and (ii) Ballycastle Fire Station.
(AQW 7612/10)

Minister of Health, Social Services and Public Safety: The draft business case for the proposed new fire station at Ballycastle has been submitted to my Department and is currently being reviewed by my officials.

The draft business case for the fire station at Cushendall is being developed by NIFRS and is expected to be submitted to my Department for review in Summer 2010.

NI Ambulance Service and Red Eye GP Services

Mr G Robinson asked the Minister of Health, Social Services and Public Safety whether response times to rural call-outs, by the NI Ambulance Service and Red Eye GP services, are longer than those for urban areas.
(AQW 7619/10)

Minister of Health, Social Services and Public Safety: The 2010/11 performance target set for ambulance services specifies that the Health and Social Care Board and the Northern Ireland Ambulance Service (NIAS) should ensure an average of 72.5% of Category A (life-threatening) calls are responded to within eight minutes, increasing to an average of 75% by March 2011 (and not less than 67.5 % in any Local Commissioning Group (LCG) area). NIAS is currently well on the way towards achieving this target in those LCGs which cover rural areas.

All patients across Northern Ireland accessing the out of hours service day or night are seen within the timescales prescribed by the Northern Ireland Quality Standards, ie within 1 hour for urgent face-to-face consultations, 2 hours for less urgent consultations or 6 hours for routine appointments.

Out-of-hours GP Service

Mr G Robinson asked the Minister of Health, Social Services and Public Safety why consultations were not carried out with (i) the general public; (ii) elected representatives; and (iii) staff operating the out-of-hours services by Western Urgent Care, before the decision was taken to cut back this service.

(AQW 7620/10)

Minister of Health, Social Services and Public Safety: The GP out of hours service in the Western area is not being cut, it is being reconfigured to deliver a more effective and efficient service. As there will be no reduction in service provided by Western Urgent Care, consultation was not required.

Out-of-hours GP Service

Mr G Robinson asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 6998/10, if he can confirm that, when a call handler consults with colleagues on a case, it delays the dispatch of a doctor to an urgent call.

(AQW 7621/10)

Minister of Health, Social Services and Public Safety: Call handlers record calls immediately on the computer system. Calls are prioritised on the computer system using guidelines. Urgent calls are instantly available on the computer system for a nurse or GP to assess and respond to within the standard response times. Emergency calls are passed to 999 immediately.

Call handlers generally will not need to consult with colleagues. On occasions that they need to consult with a nurse or doctor this will not mean any delay in responding as all calls are immediately logged on the computer system.

Urgent Call-outs

Mr G Robinson asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 6998/10, if it takes 20 minutes to triage an urgent call-out whether the call-out could possibly then become an emergency call-out.

(AQW 7622/10)

Minister of Health, Social Services and Public Safety: It is possible that a call could be re-designated as an emergency call if the condition of the patient changes from the initial presentation to the call handler, and prior to undergoing triage. In recognition that a patient's condition can change over time, patients / carers are advised to contact the service again for reassessment of priority should the patient deteriorate following triage.

Superannuation Money

Mr S Moutray asked the Minister of Health, Social Services and Public Safety (i) how many Health and Social Care Trusts have used superannuation money to balance their accounts for the 2009/10 financial year; and (ii) for his assessment of the impact that using superannuation for this purpose might have on pensions and other benefits of Health Service employees.

(AQW 7630/10)

Minister of Health, Social Services and Public Safety: All 6 HSC Trusts have benefitted financially from the reduction in employers' superannuation contributions arising from SCAPE (Superannuation Contributions Adjusted for Past Experience). This is a revised methodology, introduced by Treasury, for assessing the appropriate rate of employers' contributions necessary to adequately fund the future liabilities of public sector pension schemes.

The rate of employers' contribution is set based on the recommendations of the Government Actuary and thus the reduction in employers' contributions implemented in 2009/10 has not impacted on the pensions and other benefits of HSC employees.

Ard Mhacha House, Armagh

Mr C Boylan asked the Minister of Health, Social Services and Public Safety, in relation to the proposed nursing care facility at 70 metres east of Ard Mhacha House, Armagh, whether this facility will accommodate forensic mental health patients; and whether these patients will be cared for by forensic mental health practitioners.

(AQW 7760/10)

Minister of Health, Social Services and Public Safety: The Southern Health and Social Care Trust has advised that there are currently no plans to build any type of facility adjacent to Ard Mhacha House.

George Best Belfast City Airport

Mr C McDevitt asked the Minister of Health, Social Services and Public Safety if he will consider requesting the Civil Aviation Authority to conduct an independent inquiry into safety issues in the vicinity of the George Best Belfast City Airport, given the public safety implications of recent damage to property caused by low-flying aircraft.

(AQW 7778/10)

Minister of Health, Social Services and Public Safety: I understand that the Civil Aviation Authority has received reports from residents of damaged property and has agreed to undertake an investigation into the cause of these incidents.

Department of Justice

Legal Aid

Mr P Weir asked the Minister of Justice in how many civil cases legal aid was granted in each of the last five years.

(AQW 7477/10)

Minister of Justice (Mr D Ford): The Northern Ireland Legal Services Commission is responsible for the administration of civil legal aid. While information is not available regarding the number of civil cases in which legal aid was granted, the Commission has provided the following figures:

- the number of civil legal aid certificates issued over the last five years, and
- the number of bills paid over the last five years where Assistance by Way of Representation has been approved.

In addition, advice and assistance is available on the application of Northern Ireland law, to any particular circumstances and is not confined to civil law. The Commission has also provided figures for the number of payments made for advice and assistance over the last five years; these figures include advice concerning civil cases.

CIVIL LEGAL AID CERTIFICATES ISSUED

Year	Number
2005-2006	8,181
2006-2007	6,197
2007-2008	6,171
2008-2009	7,142
2009-2010	8,348

PAYMENTS MADE FOR ASSISTANCE BY WAY OF REPRESENTATION (ABWOR)

Year	Number paid
2005/06	3,647
2006/07	3,130
2007/08	3,217
2008/09	3,270
2009/10	3,353

CHILDREN ORDER ABWOR

Year	Number paid
2005/06	3,966
2006/07	4,067
2007/08	3,857
2008/09	4,475
2009/10	4,941

LEGAL ADVICE AND ASSISTANCE

Year	Number paid
2005/06	27,253
2006/07	31,214
2007/08	24,724
2008/09	34,638
2009/10	30,049

Legal Aid

Mr P Weir asked the Minister of Justice what plans he has to review or reform the legal aid system.
(AQW 7479/10)

Minister of Justice: I have already announced my intention to initiate a fundamental review of public legal services in Northern Ireland. The objective of the review will be to go back to first principles and to decide how best to help secure access to justice for people in Northern Ireland. My vision for public legal services is one which helps more people solve their legal problems; which puts greater emphasis on finding solutions to problems outside courts; and which provides a much wider choice in the services of legal help available to those in need. I am determined that the fundamental review will set out a road map to make that vision a reality and provide justice for all.

I will also bring forward a range of reforms to the legal aid system. In criminal legal aid I am considering a number of proposals in relation to change. These are to introduce contracting arrangements for very high cost cases; to introduce a Graduated Fees Scheme in Northern Ireland, similar to that in England and Wales; and to regulate the assignment of two counsel in the Crown Court.

Moreover, I propose to take provision in the Justice Bill to introduce Recovery of Defence Costs Orders (RDCOs) and a new means test for criminal legal aid in the Magistrates Courts. My officials are also

engaged in more general discussions with the legal profession regarding remuneration for Crown Court cases.

In relation to civil legal aid, I have approved a number of legislative amendments for inclusion in the proposed Justice Bill. There are a number of reforms to civil legal aid being taken forward by the Northern Ireland Legal Services Commission on which I will provide further details in due course.

The attached Annex sets out more detail on the proposed reforms.

ANNEX

CRIMINAL LEGAL AID

Very High Cost Cases

The main strand of our proposals to reform criminal legal aid is in the area of Very High Cost Cases (VHCCs). Where a case is certified as a VHCC, the legal representative becomes entitled to remuneration (mainly) through hourly rates rather than standard fees. This has meant that a relatively small number of cases have had a disproportionate effect on overall costs to the legal aid fund. In such cases solicitors and counsel become entitled to be paid on an hourly rate basis and responsibility for assessing the fees payable transfers from the NILSC to the Taxing Master.

In June 2008, the former Northern Ireland Court Service issued a consultation document on VHCCs, proposing the introduction of a system of contracts between the NILSC and solicitors and counsel. In tandem with that proposal, it was also proposed that lower rates of remuneration, in line with the rates being paid in England and Wales, should be introduced in Northern Ireland.

The changes to remuneration were made in September 2009. It was always intended that the assessment of the fees in VHCCs to be paid in respect of claims would be an arithmetic calculation.

Barristers have continued to claim a brief fee without providing supporting information on the numbers of hours worked. Equally, some solicitors have sought uplifts to fees citing the perceived difficulty of the work and the quality of its disposal, effectively disapplying the prescribed hourly rates. The amended 2005 Rules are now quite specific that the fees must be assessed on the recorded hours and at rates no higher than in the rules.

Crown Court Graduated Fees Scheme

At present fees in Northern Ireland are up to 50% higher than equivalent fees paid in England and Wales under the graduated fees scheme being operated in that jurisdiction. Consideration is being given to introducing the graduated fee schemes in Northern Ireland.

In considering whether the GFSs could be successfully operated in Northern Ireland, no insurmountable reason could be found why this could not be done. The Courts and Tribunals Service would accept, however, that it would be necessary to make a number of modifications to ensure a proper fit in this jurisdiction.

In essence, the GFS would provide solicitors and counsel with a small basic fee (varied to reflect different classes of offence) that is enhanced by additional variable fees paid for the number of pages of served prosecution evidence, the number of prosecution witnesses (counsel only) and, where appropriate, the duration of the trial. The impact assessment of this proposal indicated that it would be reasonable to assume that implementing the GFS would provide annual savings of £5m.

Both the Bar and Law Society lobbied strongly against GFS. The introduction of GFS or a hybrid scheme for Northern Ireland based on the 2005 rules is an element of ongoing discussions with the Bar and Law Society.

Restricting the assignment of two counsel in the Crown Court

The third strand of our proposal is to restrict the number of instances where two counsel are instructed in Crown Court cases. In Northern Ireland, defendants in 58% of indictable cases in the Crown Court have two counsel assigned. The equivalent figure for England and Wales is 5%. It is proposed to introduce new rules that would place Northern Ireland on a similar basis to England and Wales.

The Courts and Tribunals Service believes that a defendant's right to have two counsel must be maintained where the interests of justice and the right to a fair trial require it. However, the Courts and Tribunals Service is conscious of the need to ensure that the finite resources allocated to legal aid are used efficiently and to the greatest good of people requiring help from the legal aid fund.

The consultation exercise received the response from the Bar that the criteria for determining whether two counsel could be retained did not mention the right to a fair trial or the interests of justice.

The Courts and Tribunals Service's view on this assertion is that where there are no 'substantial novel or complex issues of law or fact' in a case it can be properly presented by a junior counsel alone and, therefore, the principles mentioned above are upheld by the proposed criteria.

Introduction of a fixed financial means test in the Magistrate's Court

We are proposing to introduce a new means test with fixed financial limits for criminal legal aid in the Magistrate's Court. While there is currently a means test there are no fixed limits which can lead to disparity in how legal aid is granted in court. It is hoped that the introduction of fixed financial limits will help to target legal aid at those who need it most.

Recovery of Defence Costs Orders (RCDOs)

We propose to take provision in the Justice Bill to introduce RCDOs which, if accepted, will facilitate the recovery of legal aid costs from defendants who are subsequently convicted of the offences they had been charged with and who can afford to pay.

Further proposals

We are engaged in general discussions with the legal profession regarding a number of issues related to remuneration for Crown Court work. In particular we are looking at the possibility of extending the threshold for certification of VHCCs. However, none of the issues currently being discussed have been brought forward for public consultation at this stage.

CIVIL LEGAL AID REFORM

Civil legal aid is currently provided under the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981. The Access to Justice (Northern Ireland) Order 2003 (2003 Order) provided the tools to fund what is now known as civil legal aid in a different way, but this Order has not yet been fully commenced.

This area of reform broadly replicates what was introduced in England and Wales through the Access to Justice Act 1999. The commencement of the provisions to provide civil legal services would allow funding to be targeted on priority areas set by the Minister. Policy formulation for the reform of civil legal aid is led by the Northern Ireland Legal Services Commission (NILSC) which is working towards commencement of the 2003 provisions. Summaries of the key elements of civil legal aid reform are set out below.

Funding Code

The Funding Code will replace the current merits test for civil legal aid. The Code will set out the criteria for determining whether civil legal services should be provided in a particular case, and if so, what level of service is appropriate. It will also specify procedures to include the form and content of applications for funding and the review of decisions about funding.

The Funding Code is a detailed document prescribing how funding decisions will be taken in various areas of law and this will allow Ministerial priorities to be set.

The Code also introduces new levels of service. Under the current legal aid scheme, after initial Green Form advice is given, the next stage is to receive ABWOR approval or civil legal aid depending on the court tier before which the relevant proceedings are brought.

Under the Funding Code there will be four levels of services. The current green form scheme will become Legal Help and what is currently ABWOR approval and civil legal aid will, depending on the nature of the proceedings, be available as either Family Help or Legal Representation, Family Help will be broken into two categories (Family Help (Lower) and Family Help (Higher)) with the aim of facilitating the early resolution of family disputes.

NILSC has consulted on its Funding Code proposals and will issue their consultation response document later this year. Implementing the Code will require Affirmative resolution by the Assembly.

There is one issue arising from the responses to the Funding Code consultation on which the NILSC is developing further proposals. This concerns the future funding of money damages cases, (essentially, these are personal injury compensation claims). When the Code was introduced in England and Wales, an alternative mechanism was already in place for the funding of these cases, namely Conditional Fee Agreements.

When the NILSC issued their Funding Code consultation, this alternative mechanism was not in place here and this is the work which is now being taken forward.

There are two phases to this work. The first phase will explore the viability of establishing a voluntary scheme – NILSC intend to develop and consult on their proposals for funding money damages claims by the end of this year. The second phase involves removing a statutory restriction which prevents NILSC from establishing or funding services under a Litigation Funding Agreement (LFA). It is proposed to include such a provision in the draft Justice Bill.

Statutory Charge

The reason for reform of the Statutory Charge is to ensure that anyone who can pay for their legal aid costs at the end of their case does so thus ensuring that money is available to help other people in need of legal assistance. This is done by creating a statutory charge on the money or property which is the subject of the legal action. If successful, the charge takes effect and Legal Aid funding is reimbursed to NILSC.

The recovery of property or monies produces a considerable revenue stream for the various administrative bodies in the other jurisdictions including England & Wales, Scotland and Ireland, thereby assisting the funding of future cases.

The Statutory Charge is defined in Article 12 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

The Statutory Charge in Northern Ireland is subject to certain exemptions which are specified in the Legal Aid (General) Regulations (Northern Ireland) 1965.

Reform of the Statutory Charge will be carried out in these phases; Phase one clarified the existing exemptions to the Statutory Charge as set out in Regulation 17(9) of the 1965 Regulations. This phase updated the legislative references in the 1965 Regulations. This change came into effect on 1st April 2010. It was brought forward to facilitate appropriate application of the Statutory Charge under existing legislation.

Phase two will involve substantive amendment to Regulation 17(9), which will mean the application of the Charge in many more legally aided cases particularly those brought under the Matrimonial Causes (Northern Ireland) Order 1978; this is currently the subject of a public consultation which issued on 16th March 2010.

Under Phase two the Commission intends to introduce a number of substantive amendments to the 1965 Regulations. The most significant effect of these amendments will be to narrow the exemptions

from the Charge in Ancillary Relief Proceedings which deal with financial provision and property linked to matrimonial and divorce proceedings.

The proposed new set of exemptions are overall narrower in scope than the exemptions currently in place. The most significant change proposed is the deletion of the current exemptions in respect of lump sum payments of money in Ancillary Relief Proceedings. These payments will become subject to the Statutory Charge, and is the most common circumstance where money is recovered or preserved in legally aided proceedings, with no order as to costs. The effect of the proposed reform for legally assisted persons is that the Statutory Charge will apply in many more cases.

Phase three will involve the introduction of new Financial Regulations which for the Statutory Charge may include regulations in relation to Postponement of the Charge in certain circumstances and the provision of interest on any postponement. The Phase 3 proposals have yet to be published for consultation. It is estimated that implementation could be achieved after the summer recess of 2011.

Financial Eligibility

A further strand of the Commission's reform programme concerns financial eligibility. To date NILSC has consulted on the introduction of a simplified means test for civil legal aid. The NILSC is examining the potential to harmonise financial eligibility across all three civil legal aid schemes. The NILSC will also seek to introduce a waiver on the financial eligibility limits for victims of domestic violence. This strand of reform would be introduced by subordinate legislation.

Awarding costs

Under the current legal aid system, those persons in receipt of legal aid enjoy particular protections regarding costs being awarded against them if they are unsuccessful in their legal proceedings. Their successful opponents, who are not in receipt of legal aid, face considerable challenges in recouping their legal costs, namely they must prove that they would otherwise face severe financial hardship. The aim of the reform is to reduce the onus on the successful non legally aided client to prove severe financial hardship. The test instead would be to prove financial hardship. To accomplish this it would be necessary to introduce two sets of cost regulations upon the commencement of the 2003 provisions on civil legal services.

A Registration scheme for providers of publicly funded legal services

NILSC has been exploring the introduction of a registration scheme for the providers of publicly funded legal services. The concept of being registered to provide services is already established in England & Wales and Scotland. NILSC will look to both these schemes to inform the development of a scheme for Northern Ireland.

NILSC intends to consult on the introduction of a registration scheme for lawyers which would regulate who can provide publicly funded legal services and pilot a voluntary registration scheme by March next year.

Mixed Model of Delivery

The Commission also intends to issue a consultation on proposals to introduce a mixed model which would enable providers from the private and voluntary sectors to provide civil legal services. NILSC intends to issue this consultation by the end of this year.

Green Form

In order to prepare for the introduction of Legal Help as a level of service in the Funding Code it is necessary to review the current operation of the Green Form scheme. This includes whether or not the current statutory financial limit for Green Form should be transposed into Legal Help. The review also provides an opportunity to consider the operation of the Green Form (PACE) scheme when providing advice at police stations etc.

Emergency Certificates

The NILSC is conducting a review with regard to emergency certificates, in particular the length of time emergency certificates remain in force before a financial assessment of means is required. This will help to ensure that decisions about whether a client is financially eligible for legal aid can be made more quickly. Again, this reform is directed at improving the efficiency of the legal aid arrangement and changes would be welcomed by the legal profession.

Court Appearances by Mr Torrens Knight

Mr J Dallat asked the Minister of Justice to detail the cost of legal aid for the various court appearances by Mr Torrens Knight in the last two years.

(AQW 7550/10)

Minister of Justice: The total cost of court appearances for Torrens Knight in the last 2 years amounted to £2,152.30 plus VAT. The sum includes the cost of fees paid to both the instructing solicitor and junior counsel as follows, £1,168.09 plus VAT £199.17 (instructing solicitor costs) and £668.12 plus VAT £116.92 (junior counsel).

Convictions for Noise Pollution from Cars

Mr P Weir asked the Minister of Justice to detail the number of convictions for noise pollution from cars in each of the last five years.

(AQW 7567/10)

Minister of Justice: The table below gives the number of fixed penalty notices issued by the PSNI for the offences 'excessive noise' and 'using a horn when stationary'. It is more likely an offender will be issued with a fixed penalty notice for these offences and figures have, therefore, been included for information. The table covers the calendar years 2005 to 2009.

In relation to the number convicted at court, there was one conviction in 2004 for the offence 'using a horn when stationary'. This was the only such conviction identified during the five years assessed. Data covered are for the calendar years 2002 to 2006 (the latest year for which figures are currently available) and are collated on the principal offence rule; only the most serious offence for which an offender is convicted is included.

FIXED PENALTY NOTICES ISSUED BY THE PSNI FOR THE OFFENCES 'EXCESSIVE NOISE' AND 'USING A HORN WHEN STATIONARY'¹ 2005-2009

Year	Excessive noise	Using a horn when stationary
2005	17	10
2006	31	10
2007	71	12
2008	101	18
2009	89	16

Source: PSNI

- 1 It is an offence to use your horn whilst a vehicle is stationary, or when driving in a built up area between the hours of 11.30pm and 7.00am.

CCTV Cameras

Mr T Elliott asked the Minister of Justice to detail the total number of CCTV cameras in operation, broken down by county and major town.

(AQW 7617/10)

Minister of Justice: The DOJ has provided town centre CCTV cameras under the ‘Looking Out for You’ Challenge Fund competition. The table below details the towns, numbers of cameras and where installation is completed or work is ongoing.

Town Centre	Number Of Cameras	Installation Completed/ Work Ongoing
Ballymena	7	Completed
Bangor	3	Completed
Hollywood	1	
Coleraine	4	Work Ongoing
Portrush	5	
Portstewart;	3	
Downpatrick	6	Completed
Newcastle	6	
Enniskillen	7	Completed
Glengormley	3	Completed
Lisburn	3	Work Ongoing
Newry	12	Completed
Warrenpoint	4	
Kilkeel	4	
Newtownards	6	Completed
North Belfast	2	Completed
Omagh;	7	Work Ongoing
Portadown	2	Work Ongoing
Lurgan	2	
Total	87	

CCTV cameras at interface locations is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Other CCTV camera systems exist throughout NI but the DOJ has no responsibility for them. As a result information in the form requested is not readily available and could only be obtained/compiled at disproportionate cost.’

Offences Relating to Counterfeiting or Piracy of Goods

Mr T Burns asked the Minister of Justice (i) how many offences relating to counterfeiting or piracy of goods were recorded in each of the last five years; (ii) for a breakdown of the specific types of offences; (iii) the number of cases which resulted in a conviction; (iv) the sum total of any fines which were imposed; (v) for a summary of any other sanctions which were imposed; (vi) for an estimate of the total quantity of the items seized; and (vii) for an estimate of the value of items seized, broken down by types of items.

(AQW 7624/10)

Minister of Justice: The number of recorded offences relating to counterfeiting or piracy of goods in each of the last 5 years are set out in Table 1.

A breakdown of the specific types of offences is also included.

TABLE 1: RECORDED FORGERY AND COUNTERFEITING OFFENCES BY OFFENCE TYPE NORTHERN IRELAND

	2005/06	2006/07	2007/08	2008/09	2009/10
Forgery	12	13	8	10	7
Possessing Listed False Instrument	1	4	1	0	1
Using false instrument/copy of false instrument	118	102	46	96	79
Counterfeiting/ Possessing counterfeiting equipment	6	8	3	4	4
Tendering Counterfeit Currency	282	131	52	181	115
Possessing/ Delivering Counterfeit Currency	22	15	13	24	21
Total	441	273	123	315	227

Source: Central Statistics Unit, PSNI

Please Note:

Forgery and counterfeiting offences are counted as one crime for each offender or group of offenders. A crime will not be counted unless there is clear evidence (e.g. person caught in possession/using notes) that an offence has taken place.

The table shows the number of forgery and counterfeiting related offences by financial year and offence type. These offences are counted as per Home Office Counting Rules and must be treated as separate to seizures etc. as not all seizures result in crimes being recorded. A crime will not be counted unless there is clear evidence (e.g. person caught in possession/using notes) that an offence has taken place.

Table 2 below documents the disposals given to those convicted of counterfeiting or copyright offences and the sum total of any fines imposed.

Conviction data cover the calendar years 2002 to 2006 (the latest year for which figures are currently available) and are collated on the principal offence rule; only the most serious offence for which an offender is convicted is included.

It is not possible to reconcile PSNI data on the number of offences recorded directly with conviction data, as the former are offence-based whereas conviction data are offender-based. In addition, PSNI denote the offence as it has been initially recorded and this may differ from the offence for which a suspect (or suspects) is subsequently proceeded against.

TABLE 2: DISPOSALS GIVEN TO THOSE CONVICTED OF COUNTERFEITING / COPYRIGHT OFFENCES¹ AND THE SUM TOTAL (£) OF ANY FINES IMPOSED**2002-2006**

Disposal	2002	2003	2004	2005	2006
Immediate custody	2	1	4	3	13
Suspended custody	9	8	9	11	22
Supervision in the community	6	3	1	7	10
Fine	16	14	20	20	16
Sum of fines imposed (£)	2625	2100	5450	4425	2995
Conditional discharge	5	1	8	1	1
Other	1	0	1	0	2
Total	39	27	43	42	64

- 1 Includes the offences 'counterfeiting with intent to use', 'counterfeiting', 'tendering counterfeit currency', 'delivering counterfeit currency to another with intent to use', 'possessing counterfeit currency with intent to use', 'possessing counterfeit currency', 'possessing article infringing copyright', 'selling or offering article which infringes copyright', 'distributing article which infringes copyright business', 'fraudulently using trade mark when exposing goods for sale', 'fraudulently using trade mark on packaging', 'making illicit recording', 'possessing article for making trade mark', 'trading in counterfeit products', 'applying a false trade mark', 'making an unauthorised decoder', 'making article for sale or hire which infringes copyright' and 'possessing items that breach a registered trade mark'.

The total quantity and value of items seized, broken down by types of item, is set out in Table 3.

Figures for 2005 and quantity of seized items for 2006 are unavailable in this format; Information in the form requested is not readily available and could only be obtained/compiled at disproportionate cost.

TABLE 3: TOTAL SEIZED COUNTERFEIT GOODS

Product	2006	End of Year Total 2007		End of Year Total 2008		End of Year Total 2009	
	Est Value	Quantity	Value	Quantity	Value	Quantity	Value
Film	£997,095.00	58,344	£867,126.00	30,218	£448,512.00	32,933	£438,475.00
Music	£443,017.00	33,559	£436,267.00	8,810	£115,728.00	11,798	£140,151.00
PS2/Xbox	£229,475.00	7,312	£292,480.00	3,152	£126,080.00	58	£2,320.00
Cigarettes	£385,459.00	587,460	£152,739.60	284,860	£78,336.50	1,224,448	£630,096.00
Hand Rolling Tobacco	£15,624.00	737	£8,844.00	1,912	£11,472.00	146	£1,752.00
Clothes	£357,800.00	15,352	£854,800.00	21,201	£1,061,810.00	919	£69,185.00
Trainers	£1,200.00	1,466	£146,600.00	147	£14,700.00	92	£7,720.00
Washing Powder	£750.00	28	£70.00	0	£0.00	0	£0.00
Perfume/Sunglasses	£69,200.00	2,083	£208,300.00	0	£0.00	291	£15,920.00
Drink	£52.00	132	£1,716.00	1,560	£20,280.00	12,047	£731.00
Computers	£110,500.00	86	£73,100.00	77	£65,450.00	79	£55,764.00
Burners	£12,720.00	187	£14,960.00	94	£7,520.00	42	£6,400.00
Power Tools	£0.00	0	£0.00	0	£0.00	122	£122,750.00
Batteries	£1,660.00	53	£265.00	0	£0.00	160	£1,500.00
Watches	£66,400.00	222	£22,200.00	44	£4,400.00	0	£0.00
Equipment	£426,200.00	988	£903,200.00	0	£177,875.00	141	£29,850.00
Ugg Boots	£0.00	0	£0.00	0	£0.00	179	£33,950.00
Total Value Seized	£3,107,152.00	708,009	£3,982,668	352,075	£2,132,164	1,283,455	£1,556,564

Source: OCTF Annual Report and Threat Assessments 2006, 2007, 2008, 2009, 2010.

Firearms and Ammunition

Mr T Burns asked the Minister of Justice to detail (i) the total number of (a) firearms; (b) live ammunition; and (c) blank ammunition lost or misplaced by, or stolen from, the PSNI in each of the last ten years; (ii) the types of firearms and ammunition lost, misplaced or stolen; (iii) the length of time for which each item was lost or misplaced; and (iv) whether each item was found or remains missing.

(AQW 7625/10)

Minister of Justice: PSNI's firearms are an operational matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

PSNI

Mr D McKay asked the Minister of Justice what discussions he has had with the Chief Constable in relation to the PSNI moving away from a '9 to 5' culture.

(AQW 7627/10)

Minister of Justice: I have frequent discussions with the Chief Constable. I am aware of the PSNI's internal strategic review and the Chief Constable's strategy for the PSNI. The deployment of police officers is an operational matter for the Chief Constable but I know that he will want to make the best use of the resources available to him.

Libel Proceedings

Mr T Burns asked the Minister of Justice to detail (i) the total number of libel proceedings which have been issued in each of the last five years; (ii) the number of these cases that were heard in court; (iii) the number of cases which found in favour of the (a) plaintiff; and (b) respondent; and (iv) the total damages awarded for successful prosecution cases.

(AQW 7641/10)

Minister of Justice: The majority of actions for libel are settled between the parties either before they come to court or before the start of trial. In these circumstances the terms of the settlement, including any agreed damages, remain undisclosed. Where the matter is before the court and settles, the court does not make a finding for either the plaintiff or the respondent, it simply endorses the terms of the settlement. The parties may return to court should any of the settlement terms not be satisfied.

The tables below set out the number of libel actions received in the High Court and County Court for each of the last five years, the number of court disposals and details of the outcome where that was disclosed to, or ordered by, the court.

TABLE 1: HIGH COURT LIBEL PROCEEDINGS

ND denotes NOT DISCLOSED

	2005	2006	2007	2008	2009
Cases Received	85	46	98	55	46
Disposed of at Court	6	10	6	11	22
Found for Plaintiff	ND	ND	1	ND	1
Found for Respondent	1	2	ND	1	ND
Damages £	ND	ND	25,000	ND	75,000

Notes: Data for 2009 should be treated as provisional.

A case may not necessarily be dealt with in the same calendar year as it is received.

TABLE 2: COUNTY COURT LIBEL/SLANDER PROCEEDINGS

	2005	2006	2007	2008	2009
Cases Received	-	1	1	-	3
Disposed of at Court	2	-	5	1	-
Found for Plaintiff	-	-	1	-	-
Found for Respondent	2	-	ND	1	-
Damages £	-	-	3,000.00	-	-

Notes: Data for 2009 should be treated as provisional

A case may not necessarily be dealt with in the same calendar year as it is received.

In the County Court there is no distinction between libel and slander cases

Prison Service: Staff Suspensions

Mr P McGlone asked the Minister of Justice how much has been spent by the Prison Service on staff suspensions in each of the last five years.

(AQW 7680/10)

Minister of Justice: The table below provides information regarding the amount spent by the Prison Service on salary costs for staff suspended in each of the last five years.

Financial Year	Cost (£)
2005-6	150,922.68
2006-7	132,512.72
2007-8	100,183.71
2008-9	275,740.15
2009-10	444,046.94

Burning of Flags, Religious Symbols, Religious Effigies or Posters

Mr D McKay asked the Minister of Justice whether the burning of flags, religious symbols, religious effigies or posters of individuals belonging to a particular political party is illegal, or considered a hate crime; and if he has any plans to make this practice a hate crime.

(AQW 7682/10)

Minister of Justice: A hate crime is any incident which constitutes a criminal offence, perceived by the victim or any other person as being motivated by prejudice or hate. Therefore if the victim or any other person in the situations you have outlined perceives an incident/crime as a hate crime, it will be recorded as such and will receive a full and comprehensive investigation with a view to maintaining the confidence of the victim and detecting and prosecuting the offender. The burning of any property belonging to another can be deemed as criminal damage or arson and therefore a crime.

Bonfires

Mr D McKay asked the Minister of Justice how many times the PSNI has recovered, from bonfires, posters which have been stolen and are the property of a political party, in each of the last five years.

(AQW 7683/10)

Minister of Justice: The recovery, from bonfires, of posters which have been stolen and are the property of a political party is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Legally Held Firearms

Mr D McKay asked the Minister of Justice how many civilians are currently in possession of a legally held firearm, broken down by religion.

(AQW 7684/10)

Minister of Justice: Firearms licensing is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Legally Held Firearms

Mr D McKay asked the Minister of Justice how many civilians have been in legal possession of a firearm in each of the last ten years.

(AQW 7685/10)

Minister of Justice: Firearms licensing is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Speed over Distance Cameras System

Mr P Weir asked the Minister of Justice what plans there are to expand the Speed over Distance cameras system (SPECs).

(AQW 7692/10)

Minister of Justice: The extension of the Speed over Distance cameras system is a matter for the Chief Constable in discussion with the Department of the Environment. The Chief Constable is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Offences Relating to 'Kerb Crawling'

Mr T Burns asked Minister of Justice (i) how many offences relating to 'kerb crawling', engaging the services of a prostitute, or other similar offences were recorded in each of the last five years, broken down by the gender of the offender; (ii) for a breakdown of the specific types of offences; (iii) the number of cases which resulted in a conviction; (iv) the sum total of any fines which were imposed; and (v) for a summary of any other sanctions which were imposed.

(AQW 7707/10)

Minister of Justice: Offences relating to kerb crawling and soliciting for prostitution were introduced in February 2009 by the Sexual Offences (NI) Order 2008. The PSNI has not recorded any offences since then.

Police Training College Project at Cookstown

Mr K Robinson asked the Minister of Justice for an update on the site preparation, building programme and commissioning proposals for the police training college project at Cookstown.

(AQW 7712/10)

Minister of Justice: Plans are at an advanced stage for a public services training college for the police, fire and rescue, and prison services that will ensure that they can provide the highest level of service to the public.

The site is prepared and all survey work has been carried out. A business case review is being carried out jointly by the DOJ and the DHSSPS.

Vehicle Theft

Mr M Storey asked the Minister of Justice how many (i) vehicles were stolen; and (ii) people were convicted of vehicle theft in H District, in each of the last five years.

(AQW 7731/10)

Minister of Justice: Table 1 below gives the number of recorded offences of theft or unauthorised taking of a motor vehicle in H District for the financial years 2005/06 to 2009/10.

Table 2 gives the number convicted in H District for such offences. Data cover the calendar years 2002 to 2006 (the latest year for which figures are currently available) and are collated on the principal offence rule; only the most serious offence for which an offender is convicted is included.

It is not possible to reconcile PSNI data on the number of offences recorded directly with conviction data, as the former are offence-based whereas conviction data are offender-based. In addition, PSNI denote the offence as it has been initially recorded and this may differ from the offence for which a suspect (or suspects) is subsequently proceeded against.

TABLE 1: NUMBER OF RECORDED OFFENCES OF THEFT OR UNAUTHORISED TAKING OF A MOTOR VEHICLE – H DISTRICT¹ 2005/06-2009/10

Year	Number recorded
2005/06	209
2006/07	203
2007/08	202
2008/09	188
2009/10	205

Source: PSNI

1 Based on the district in which the offence was recorded.

TABLE 2: NUMBER CONVICTED OF THEFT OR UNAUTHORISED TAKING OF A MOTOR VEHICLE – H DISTRICT¹ 2002-2006

Year	Number convicted
2002	29
2003	33
2004	27
2005	23
2006	33

Source: Department of Justice

1 Based on the district in which the offender's address falls.

Incidents of Rape and Attempted Rape

Mr M Storey asked the Minister of Justice how many incidents of (a) rape; and (b) attempted rape have been recorded in H District, in each of the last five years, broken down by the age of the victim; and how many convictions have been secured for each of these offences.

(AQW 7732/10)

Minister of Justice: Table 1 below gives the number of recorded rape offences (including attempts) in H District broken down by age of victim. Due to small numbers and the potential disclosure of victim identity, rape and attempted rape are not given separately. Data cover the financial years 2005/06 to 2009/10.

Table 2 gives the number in H District convicted of rape (including attempts). Data cover the calendar years 2002 to 2006 (the latest year for which figures are currently available) and are collated on the principal offence rule; only the most serious offence for which an offender is convicted is included.

It is not possible to reconcile PSNI data on the number of offences recorded directly with conviction data, as the former are offence-based whereas conviction data are offender-based. In addition, PSNI denote the offence as it has been initially recorded and this may differ from the offence for which a suspect (or suspects) is subsequently proceeded against.

Table 1: Number of recorded rape offences (including attempts) by age of victim¹ – H District² 2005/06-2009/10

Year	Victim under 18 years	Victim 18 or over
2005/06	21	23
2006/07	17	18
2007/08	21	14
2008/09 ³	26	28
2009/10	14	28

Source: PSNI

- 1 The victim age refers to the victim age at the time the crime occurred.
- 2 Based on the district in which the offence was recorded.
- 3 In the 2008/09 financial year there was one offence where the victim age was unknown.

TABLE 2: NUMBER CONVICTED OF RAPE (INCLUDING ATTEMPTS) – H DISTRICT¹ 2002-2006

Year	Number convicted
2002	0
2003	1
2004	3
2005	1
2006	1

Source: Department of Justice

- 1 Based on the district in which the offender's address falls.

Sexual violence has a devastating impact on its victims. I am committed to working with Ministerial colleagues on the implementation of the 5 year Regional Strategy on Sexual Violence and Abuse which has prevention strategies, enhanced support for victims and an effective justice response as its key

cornerstones. The planned opening of Northern Ireland's first Sexual Assault Referral Centre at Antrim Area Hospital in 2011 will be one of its key achievements delivering coordinated aftercare services for victims and acting as a supportive gateway to the justice system where enhanced support services can start to reduce levels of victim withdrawal and improve conviction rates by helping victims to give their best evidence in court.

Prison Officers: Disciplinary Procedures

Mr P Butler asked the Minister of Justice to detail the number of prison officers that have faced disciplinary procedures in each of the last five years; and the disciplinary measures imposed.

(AQW 7736/10)

Minister of Justice: The number of prison officers that have faced disciplinary procedures in each of the last five years is set out in the table below.

Year	No of Staff Facing Disciplinary Action	Disciplinary Measures
2010 (Jan-Jun)	4	3 - Disciplinary action ongoing 1 - Written warning with removal from field of promotion
2009	23	3 – Cases dismissed 6 – Disciplinary action ongoing 6 – Oral warning 4 – Written warning 1 – Written warning & financial restitution 1 – Final written warning 1 – Reduction in rank 1 – Officer dismissed
2008	42	7 – Cases dismissed 11 - Disciplinary action ongoing 13 – Oral warning 8 – Written warning 1 – Final written warning with removal from field of promotion 2 – Retired/resigned to avoid disciplinary action

Year	No of Staff Facing Disciplinary Action	Disciplinary Measures
2007	41	10 – Cases dismissed 2 - Disciplinary action ongoing 12 - Oral warning 5 - Written warning 1 – Writing warning & financial restitution 1 – Final written warning with removal from field of promotion and financial restitution 4 – Final written warning 1 – Final written warning with financial restitution 1 – Disciplinary transfer 3 – Officers dismissed 1 – Retired/resigned to avoid disciplinary action
2006	31	6 - Cases dismissed 13 - Oral warning 9 - Written warning 1 - Final written warning 1 – Officer dismissed 1 – Retired/resigned to avoid disciplinary action
2005	29	10 - Cases dismissed 12 - Oral warning 4 - Written warning 1 - Written warning with removal from field of promotion 1 - Final written warning 1 – Officer dismissed

Note: This data is collated from the initial date on which a formal charge was issued to an officer – the disciplinary measures may not have been imposed in the same year. For clarity, the charge and measure imposed have been shown in the same year.

Medical Negligence Cases

Mr G Robinson asked the Minister of Justice, given the number of cases still outstanding, if he will examine the reasons for the low number of medical negligence cases heard each year.
(AQW 7737/10)

Minister of Justice: Case listing and management is a matter for the judiciary. The Lord Chief Justice will write to the Member in respect of this matter.

Processing a Case to Court

Lord Morrow asked the Minister of Justice for an estimate of the cost (i) from a prosecution perspective; and (ii) in terms of defence legal aid, of processing a case to court level and then having it withdrawn and replaced by a caution.
(AQW 7745/10)

Minister of Justice: The cost of prosecution (including investigation costs) is a matter for the Public Prosecution Service (PPS) and the Police Service of Northern Ireland (PSNI). I have forwarded your question to the PPS and PSNI, who will respond to that element of your question directly.

In relation to legal aid in respect of defence costs, the decision to withdraw or not to proceed with a charge is one taken by the prosecuting authority and can occur either prior to the matter appearing in court or at a court hearing.

There is a considerable range of situations which may result in a charge being withdrawn at court and the reasons for withdrawal are not recorded as part of the final court order. It is therefore not possible to provide information specifically in relation to all cases which were withdrawn at court so as to allow a caution to be administered.

We have identified 13 cases in the Magistrates' Court in the last financial years which were withdrawn for a caution to be administered. The cost in respect of legal aid for these cases was £8954.16. The most expensive single case was £1756.50 and the least expensive was £232.46. The average cost to legal aid was £689.00.

Youth Justice Agency

Mr I McCrea asked the Minister of Justice how many children and young people in the Mid-Ulster area have been engaged in youth conferencing with the Youth Justice Agency in each of the last 3 years.
(AQW 7767/10)

Minister of Justice: The Youth Justice Agency has supervised the following numbers of young people in the Mid-Ulster area over the past three years:

2007 – 26 young people (April 2007 onwards only)

2008 – 43 young people

2009 – 55 young people

These young people have met with their victims at a youth conference, and having agreed a reparative action plan and are subject to youth conference orders / plans.

Registered Sex Offenders

Mr I McCrea asked the Minister of Justice to detail the number of registered sex offenders who are living in each (i) town; (ii) village; and (iii) hamlet in the Mid-Ulster area.
(AQW 7768/10)

Minister of Justice: The recording of information provided by offenders subject to the notification requirements set out in Part 2 of the Sexual Offences Act 2003 (the sex offender register) is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Threat from Dissident Republican Groups

Mr A Bresland asked the Minister of Justice for his assessment of the threat from dissident republican groups in the Strabane area.
(AQW 7770/10)

Minister of Justice: The Chief Constable has stated that the threat level across Northern Ireland remains 'Severe'. Strabane is covered by this assessment.

Terrorist Attacks in the Strabane Area

Mr A Bresland asked the Minister of Justice what progress is being made by the PSNI in its investigations into recent terrorist attacks in the Strabane area.

(AQW 7771/10)

Minister of Justice: The investigations into terrorist attacks is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Equal Pay

Mr P Weir asked the Minister of Justice what discussions he has had with the Minister of Finance and Personnel regarding back pay under the equal pay settlement for civil servants working (i) in his Department; and (ii) for any of the bodies attached to his Department, such as the PSNI, the Courts and Tribunals Service or the Prison Service.

(AQW 7799/10)

Minister of Justice: To date I have not had any direct discussions with the Minister of Finance and Personnel regarding back pay under the equal pay settlement for civil servants working in the Department of Justice or any of the bodies attached to the Department.

However, I have asked my officials to provide me with advice and appropriate legal opinion and this has resulted in further in-depth discussions taking place between my officials and officials in the Department of Finance and Personnel in regard to this matter.

Incidents of Elderly People Assaulted in their Homes

Mr M Storey asked the Minister of Justice how many incidents of elderly people being assaulted in their homes have been recorded in H District in each of the last five years; and how many convictions have been secured for assaults.

(AQW 7825/10)

Minister of Justice: The recording of the number of incidents of elderly people being assaulted is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

Bonfires

Mr P Weir asked the Minister of Justice to detail the cost of policing bonfires in each of the last five years.

(AQW 7837/10)

Minister of Justice: The allocation of policing resources is a matter for the Chief Constable who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Policing Board, and I have forwarded this question to the Chief Constable, who will respond directly.

George Best Belfast City Airport

Ms D Purvis asked the Minister of Justice whether the PSNI has provided security cover at George Best Belfast City Airport since the ending of security arrangements with the Belfast Harbour Police in 2009; and, if so, what is the annual cost to the PSNI to provide this service.

(AQW 7869/10)

Minister of Justice: PSNI do not provide static or dedicated security cover at George Best Belfast City Airport. Security arrangements are continually reviewed by Airport Management in conjunction with the local Police Commander.

Policing by PSNI at George Best Belfast City Airport is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board.

Sexual Offence

Lord Morrow asked the Minister of Justice to outline the agencies that are responsible for ensuring that persons charged with a sexual offence are not in contact with children or vulnerable adults whilst their cases are proceeding through the court system; and, aside from bail conditions, what measures are in place, within these agencies, to ensure that the accused person adheres to these restrictions.
(AQW 7870/10)

Minister of Justice: The Courts will decide, on the basis of advice provided by the police and other relevant agencies, whether a person charged with a criminal offence, including a sexual offence, should be remanded in custody or granted bail with conditions imposed to ensure the safety of children and vulnerable adults should that be considered relevant in the individual case.

In addition, the risk of serious harm posed by persons who have been interviewed by police for an alleged or suspected sexual offence against a child or serious sexual offence against an adult, and who have been charged or are in the process of being reported with a view to prosecution, will be assessed on a multi agency basis through the public protection arrangements. If the level of risk is assessed as requiring multi agency input to manage the risk, this will be delivered by the relevant agencies and will specifically address issues such as contact with children or vulnerable adults. The key partners involved are likely to be police, probation and social services.

In addition to bail conditions, which are the primary method of reducing risk, the Chief Constable may also apply to the court in certain cases for a Risk of Sexual Harm Order (RoSHO), under the Sexual Offences Act 2003, where he considers that the person poses a sexual risk to children through previous inappropriate behaviour involving children. The RoSHO may place prohibitions on the person which are considered necessary to protect children from risk of sexual harm.

PSNI Officers

Mr D Hilditch asked the Minister of Justice what measures are in place to ensure that PSNI officers retain their physical fitness.
(AQW 7873/10)

Minister of Justice: The level of fitness of PSNI officers is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of the Chief Constable and the role of the Policing Board, and I have forwarded this Question to the Chief Constable, who will respond directly.

People-trafficking

Mr T Burns asked the Minister of Justice what provisions are in place along border areas to prevent people-trafficking; and what provisions are in place to help the victims of people-trafficking.
(AQW 7887/10)

Minister of Justice: The PSNI and the UK Border Agency work closely with the Garda National Immigration Bureau to prevent crime gangs using the border as a means of trafficking human beings between the two jurisdictions.

On 1st April 2009 a pilot scheme was established to offer victim centred support to potential victims of human trafficking recovered in Northern Ireland. Acting on behalf of the Department Women's Aid and the Migrant Helpline offer the services required under the Council of Europe Convention on the Trafficking of human beings. The requirements include the provision of:

- Safe and appropriate accommodation;
- One-to-one support by experienced support workers;

- Day-to-day living/travel costs;
- Information in a language victims can understand;
- Opportunities to speak to the relevant authorities if the victim wishes;
- emergency and non-emergency health care;
- Interpreter/translation services; Sign-posting to immigration advice;
- Sign-posting to independent legal advice; and
- Access counselling or other therapeutic services

Bail Conditions

Lord Morrow asked the Minister of Justice whether a youth is subject to bail conditions set by the PSNI whilst a decision is awaited from the Public Prosecution Service on whether or not to prosecute following the submission of a file by the PSNI.

(AQW 7894/10)

Minister of Justice: Police may impose conditions to bail on adult or juvenile suspects released before charge, released after charge or when released on report to the PPS for a decision on charge. Conditions may only be imposed where it appears to the custody officer that it is necessary to do so to secure that the person surrenders to custody; does not commit an offence while on bail; and does not interfere with witnesses or otherwise obstruct the course of justice, whether in relation to himself or any other person.

Bail conditions may be varied by a custody officer at the request of the person bailed or on application to a court.

Barristers

Mr A Ross asked the Minister of Justice how many barristers earned more than £1million from legal aid in each of the last three years.

(AQW 7903/10)

Minister of Justice: In the last three years the number of barristers who earned more than

£1million from legal aid is as follows:

2007/08	Nil
2008/09	1
2009/10	2

Department for Regional Development

Bus and Rail Services on the 12 July

Mr T Clarke asked the Minister for Regional Development (i) to outline the bus and rail services provided on the 12 July last year; (ii) how many people made use of public transport on the 12 July last year; (iii) how many coaches were hired on the Twelfth of July from Translink to provide transport for band members and parties last year; and (iv) how these figures compare to those for St. Patrick's Day.
(AQW 7460/10)

Minister for Regional Development (Mr C Murphy): As 12 July 2009 was a Sunday and the traditional parades took place on the following Monday, I am assuming that the question was intended to ask about services on 13 July 2009.

Bus services provided on 13 July 2009 were as per the standard public holiday timetables. NIR operated a Saturday service.

I cannot provide the information in the format requested as Translink records the number of passenger journeys on buses and the number of tickets sold for NIR rather than the actual number of passengers. On 13 July 2009, there were 48,124 passenger journeys made on Ulsterbus and Metro services and 7,736 tickets sold for NIR.

Three hundred and thirteen private coaches were hired from Translink on 13 July 2009 to provide transport for band members and parties.

Bus services for St Patrick's Day were as per the normal scheduled timetables with Northern Ireland Railways operating a Saturday service. On that day, there were 167,601 passenger journeys on Ulsterbus and Metro services and 12,162 tickets sold for NIR. Nineteen buses were privately hired.

Translink Smartpass

Mr A Ross asked the Minister for Regional Development to detail the cost of the Translink Smartpass for each of the last twelve months.

(AQW 7461/10)

Minister for Regional Development: The cost of reimbursing Translink for revenue foregone in respect of SmartPass holders over the previous twelve months is set out in the table below. Please note that these figures do not include the cost of the half fare concession for children as they are not issued with a SmartPass.

Month	Cost (£ Million)
June 2009	2.372
July 2009	1.869
August 2009	2.130
September 2009	2.494
October 2009	1.938
November 2009	1.874
December 2009	2.286
January 2010	1.339
February 2010	1.828
March 2010	2.379
April 2010	1.821
May 2010	2.037
Total	24.367

Capital Projects

Mr C McDevitt asked the Minister for Regional Development to detail (i) the total number and value of capital projects awarded by his Department since May 2007; (ii) the number of contracts, including social clauses; (iii) the number of long-term unemployed people hired under social clauses and the proportion they represent of the total number employed on these projects; and (iv) the number of apprentices hired under social clauses and the proportion they represent of the total number employed on these projects.

(AQW 7467/10)

Minister for Regional Development: Procurement in my Department and its Arms Length Bodies, Northern Ireland Water (NIW) and Translink is conducted through Centres of Procurement Expertise (CoPEs). The CoPEs, in line with guidance from the Central Procurement Directorate (CPD), incorporated social clauses in contracts let from April 2009. In accordance with the Sustainable Procurement Action Plans prepared by each CoPE, all construction contracts from April 2009 with a value exceeding £2m included provisions for social inclusion. Details of these contracts are set out below.

(i) Total Number and Value of Capital Projects Awarded by DRD Department Since May 2007

The Department and its Arms Length Bodies has awarded the capital projects as detailed in the following table since May 2007. These figures are based on major construction contract over £1m

Period	Roads Service		NIW		Translink	
	No. of Capital works projects > £1m	Total Value £m	No. of Capital works projects > £1m	Total Value £m	No. of Capital works projects > £1m	Total Value £m
2007/08 (from May 2007)	5	249.4	45	155	2	11.1
2008/09	1	1.3	35	97	2	11.3
2009/10	5	41.9	42	116	1	2.2
2010/11 (to date)	0	0	4	7		

(ii) Number of Contracts Including Social Clauses

The following table sets out the number of contracts awarded by the Department and its ALBs in the financial year from 1 April 2009 to 31 March 2010 that included provisions for social inclusion. In line with CPD guidelines, these contracts have a value of £2m or more.

Business Area	Number of Contracts that included provision for Social Inclusion
Roads Service	4
NIW	11
Translink	1
Total	16

(iii) Long-Term Unemployed People Hired Under Social Clauses

The following table sets out the numbers of long-term unemployed people hired under social clauses in the projects included in paragraph (ii). It also shows the numbers as approximate percentages of the total employed on projects that the numbers represent. The reason approximate percentages are shown is that business areas do not routinely capture the number of people employed on projects and also the number can fluctuate over the life of the contract.

Business Area	Number of Long Term Unemployed hired in the projects referred to in para (ii)	Percentage of the total employed on projects
Roads Service	5	3-5%
NIW	3	2-5%
Translink	-	*
Total	8	

* The contract awarded by Translink was for value below £5m and in line with CPD guidelines was not required to include a provision to hire long-term unemployed people.

(iv) The Number of Apprentices Hired Under Social Clauses

The following table sets out the numbers of apprentices hired under social clauses in the projects included in paragraph (ii) and the percentages the numbers represent of the total number employed. Again approximate percentages are used for the reasons given in paragraph (iii) above.

Business Area	Number of Apprentices hired in the projects referred to in para (ii)	Percentage of the total employed on projects
Roads Service	5	3-5%
NIW	30	2-5%
Translink	1	*
Total	36	

* The project involved a large number of sub-contractors and suppliers employed on the project. Numbers were not recorded and therefore percentage not included.

Land at the Rear of Rushmere Shopping Centre in Craigavon

Mr J O'Dowd asked the Minister for Regional Development, pursuant to AQW 6171/10, if and when his Department will make land at the rear of Rushmere shopping centre in Craigavon available on the open market to allow for the possibility of major investment in the area.
(AQW 7497/10)

Minister for Regional Development: As I indicated to the Member in my reply to his recent Assembly Question AQW 6171/10, my Department's Roads Service will be offering the subject land for sale on the open market as soon as the necessary contract for sale documents have been finalised. The proposed disposal of the subject land remains a complex issue and I have asked my Roads Service officials to write to the Member when they are in a position to proceed with the sale.

Gransha Road, Dundonald

Mr J Dallat asked the Minister for Regional Development if Roads Service has been approached for advice on the potential for approved access onto Gransha Road, Dundonald for a housing development in the rear garden of 51 Gransha Road.
(AQW 7557/10)

Minister for Regional Development: My Department's Roads Service has advised that it has no record of being consulted on the potential for an approved access onto Gransha Road, Dundonald for a housing development in the rear garden of 51 Gransha Road.

However, Roads Service, as a consultee of the Planning Service, provided advice on a number of planning applications for housing to the rear of 41 – 65 Gransha Road, all with proposed access via the adjacent Fort Road.

Areas at Risk Programme for the Beechfield Estate, Donaghadee

Mr A Easton asked the Minister for Regional Development whether his Department intends to support the Department for Social Development's Areas at Risk programme for the Beechfield Estate in Donaghadee.

(AQW 7572/10)

Minister for Regional Development: My Department's Roads Service has advised that it would consider any Roads related issues arising from the Department for Social Development's Areas at Risk programme for the Beechfield Estate, Donaghadee. Road Service will action any appropriate issues that arise, subject to the availability of funding and other competing priorities.

Telemetry Validation Project

Mr G Savage asked the Minister for Regional Development, pursuant to AQW 6916/10, whether NI Water can confirm that it had no role in identifying any technicians allocated to the Telemetry Validation Project.

(AQW 7584/10)

Minister for Regional Development: I am advised by Northern Ireland Water (NIW) that in October 2008 it engaged with Williams Industrial Services to identify specific individuals to work in the Telemetry Validation Project and other business areas. As the employer, Williams Industrial Services retained full responsibility for the selection and allocation of their employees in relation to the Telemetry Validation Project.

Telemetry Validation Project

Mr G Savage asked the Minister for Regional Development to detail (i) the criteria used by NI Water to identify suitably skilled and experienced staff for the Telemetry Validation Project; and (ii) the management level identified.

(AQW 7585/10)

Minister for Regional Development: I am advised by Northern Ireland Water (NIW) that in October 2008 it engaged with Williams Industrial Services to identify specific individuals, on the basis of perceived skills and geographical location, to work in the Telemetry Validation Project and other business areas. Williams Industrial Services were advised that, as the employer, they retained full responsibility for the selection and allocation of their employees in relation to the Telemetry Validation Project.

Telemetry Validation Project

Mr G Savage asked the Minister for Regional Development whether all staff identified for the Telemetry Validation Project were from the Protestant community.

(AQW 7586/10)

Minister for Regional Development: I am advised by Northern Ireland Water (NIW) that the individuals allocated to the Telemetry Validation Project are not NIW employees and it has no knowledge of their religious background.

CO 71 Contract

Mr G Savage asked the Minister for Regional Development if and why the CO 71 contract was discussed, in any way, by the Board of Directors of NI Water.

(AQW 7587/10)

Minister for Regional Development: I am advised by Northern Ireland Water (NIW) that the C071 contract was not discussed by the Board of Directors of Northern Ireland Water.

Roads Service Programme of Works for South Belfast

Mr C McDevitt asked the Minister for Regional Development for an update on Roads Service programme of works for South Belfast in 2010/11 and if outstanding work from (i) 2008/09; and (ii) 2009/10 will be included in the current programme.

(AQW 7604/10)

Minister for Regional Development: My Department's Roads Service does not hold information on schemes on a constituency basis. However, information on completed and proposed schemes can be found in Roads Service's Spring and Autumn Reports to Councils. These Council Reports can be accessed from the Department's internet site at the following web address:-

<http://www.drdni.gov.uk/index/publications/publications-searchall.htm>

Water Samples

Mr T Burns asked the Minister for Regional Development to detail, for each of the last five years (i) the number of water samples collected from sources where water is used for human consumption and (ii) the number and location of water samples collected where it was found to be of lower than acceptable quality.

(AQW 7629/10)

Minister for Regional Development: I am advised by Northern Ireland Water (NIW) that the number of water samples collected from sources where water is used for human consumption for the period 2005 to 2009 is as follows:

Year	Number
2005	216
2006	228
2007	227
2008	276
2009	228

These sample numbers refer to raw water monitoring across the North. None of the samples were found to be of lower than acceptable quality. Water is abstracted from raw water sources and treated at NIW treatment works prior to distribution to our customers.

Integrated Transport Hub

Mr P Butler asked the Minister for Regional Development (i) what progress his Department is making in relation to the proposed Integrated Transport Hub for bus and rail services in Belfast; and (ii) to provide the estimated costs.

(AQW 7639/10)

Minister for Regional Development: Approval of the Strategic Outline Case (SOC) for this project was obtained from DFP last year, though the approval is conditional on the production and subsequent approval of a full Economic Appraisal. The approval of the SOC does allow the Department to take forward the project to the design and planning phase.

Preparatory costs over the next 2 years are estimated at £800k. The full cost of the Integrated Transport Hub will be determined by the Economic Appraisal but the initial concept is that the project should be self financing.

Water Rates

Mrs N Long asked the Minister for Regional Development which groups are currently exempt from payment of water rates; and if he has any plans to exempt churches or other voluntary community facilities from this payment.

(AQW 7651/10)

Minister for Regional Development: No customer groups are exempt from paying for water and sewerage services. The Executive has agreed the deferral of additional domestic water and sewerage payments for 2010/11. However, the Independent Water Review concluded that, historically, households have made an annual contribution to water and sewerage services through the Regional Rate.

The Executive agreed with the Independent Water Review Panel's recommendation that billing for water and sewerage services should be extended to all non-domestic properties from 1st April 2008. The Panel also concluded in its Strand 2 report that everyone should contribute towards water and sewerage services.

There are no planned exemptions from non-domestic water charges. All non-domestic customers 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; churches; public bodies and places of worship, as well as any household not intended for permanent household use. Prior to the extension of non-domestic payments in 2008, the company had been billing some 1,200 church properties for several years.

Windyhill Road, between Limavady and Coleraine

Mr G Campbell asked the Minister for Regional Development how many times the Windyhill Road, between Limavady and Coleraine, has been scheduled to be closed from June 2005 to June 2010; and to list the purpose of the road closure on each occasion.

(AQW 7709/10)

Minister for Regional Development: My Department's Roads Service has advised that the B201 Windyhill Road has been closed on seven occasions between June 2005 and June 2010, as detailed in the table below:-

Start Date	Purpose
June 2005	Reconstruction and resurfacing works.
February 2006	Slip repairs and resurfacing.
October 2006	Major new watermain works.
July 2007	Carriageway surface dressing.
January 2008	Culvert repairs.
February 2010	Sidefilling and resurfacing.
June 2010	Resurfacing.

On a number of the occasions when the road was closed, the opportunity was taken to carry out work at more than one location.

The most recent scheme, completed in June 2010, is the last of Roads Service's planned improvement schemes on the Windyhill Road.

A26 between Coleraine and Glarryford

Mr G Campbell asked the Minister for Regional Development to detail any improvement works scheduled for the A26 between Coleraine and Glarryford in advance of an upgrade to dual carriageway status.

(AQW 7710/10)

Minister for Regional Development: My Department's Roads Service is not in a position to confirm which improvement schemes will be completed beyond the current financial year. However, I can confirm that Roads Service does not plan to complete any improvement schemes on the section of the A26 between Coleraine and Glarryford during the remainder of the current financial year.

Pilot Scheme on Residents Only Parking

Mr P Weir asked the Minister for Regional Development (i) when the pilot scheme on residents only parking is due to be completed; and (ii) what consideration he has given to extending the piloting of this scheme to areas outside Belfast.

(AQW 7759/10)

Minister for Regional Development: My Department's Roads Service has completed its policy on residents' parking schemes and is presently engaging with a number of local communities, with a view to developing and implementing schemes in those areas. I should point out that these are not pilot schemes, but the first of a number of schemes to be developed, consulted upon and hopefully, successfully implemented in due course.

To date, the development of residents' parking schemes has been disappointingly slow, as local residents in the initial areas considered have yet to substantially support the detail of the proposals. However, Roads Service is continuing to engage with local community representatives in several areas, with a view to having schemes finalised and implemented.

I can also advise that Roads Service has plans to introduce residents' parking schemes, not only in Belfast, but in other towns and cities as well. A number of surveys have been undertaken outside Belfast, and a consultation exercise has been successfully completed on a proposal for a scheme in the Bogside area of Derry, with details being finalised for the necessary legislative procedures.

In addition, preliminary surveys have been conducted in Victoria Street in Armagh, Markethill and Dromore. However, the criteria for the provision of Residents' Parking Schemes have not been met and, therefore, there are currently no plans to introduce schemes at these locations.

Senior Citizen SmartPasses

Mr P Weir asked the Minister for Regional Development why Senior Citizen SmartPasses are not valid for journeys in the rest of the UK.

(AQW 7815/10)

Minister for Regional Development: Currently concessionary fares policy is a devolved matter with individual jurisdictions having separate schemes. The north of Ireland does not have reciprocal arrangements with jurisdictions in Britain, just as jurisdictions there do not have reciprocal arrangements except in certain local areas.

Public Transport: People with Disabilities

Mr A Bresland asked the Minister for Regional Development what action he is taking to ensure the maximum level of access and assistance on public transport for people who are blind, partially-sighted, deaf or have a hearing impairment.

(AQO 1462/10)

Minister for Regional Development: My Department is taking forward improvements to the accessibility of public transport through the Accessible Transport Strategy (ATS). This strategy seeks to address the

barriers that impede use of the transport system by older people and people with disabilities and is being implemented through a series of action plans.

Currently all of NIR's new CAF trains are equipped with an on-board audio visual announcement system designed to cater for people who may have either hearing or sight difficulties. A further 20 trains are currently in production which will have a similar audio visual system fitted.

The Department is also committed to undertaking a pilot audio visual announcement system for buses and is working with Translink to develop a system which it hopes to trial in the Belfast area this autumn.

A1 Dual Carriageway: Newry Bypass

Mr C Boylan asked the Minister for Regional Development to outline progress on, and the expected opening date for, the A1 Newry by-pass dualling scheme.

(AQO 1463/10)

Minister for Regional Development: I can advise that construction work on the A1 Newry Bypass is several months ahead of schedule, and that the new dual carriageway is expected to be opened to traffic, well ahead of the December 2010 programme date. While Lagan Ferrovial, the Construction Contractor for this Design Build Finance and Operate (DBFO) project is advising that it expects to make this road available to traffic in the summer, it still has to confirm the date when this will be achieved.

Railways: Enterprise Service

Mr C McDevitt asked the Minister for Regional Development what steps he is taking to introduce an hourly Enterprise service from Belfast to Dublin.

(AQO 1464/10)

Minister for Regional Development: NI Railways and Iarnród Éireann had initially put forward a proposal to improve the service on the Belfast to Dublin line through the introduction of an hourly service using refurbished existing spare train capacity.

The hourly timetable was to be achieved through the refurbishment of 3 Iarnród Éireann trains (with 8 coaches). The capital cost of the proposal was estimated at £7.5m.

The proposal projected a breakeven point after 10 years. As a direct result and for a number of years NI Railways and Iarnród Éireann would require additional direct financial assistance from their respective departments (Public Service Obligation or PSO) cover (starting at £3.5m and falling year on year). This is a difficult issue for both governments.

At this point in time NIR are not in a position to finance the revenue shortfall associated with the introduction of an hourly Enterprise service from Belfast to Dublin. This has been discussed at the North South Ministerial Council in Transport Sectoral format. Specifically in April 2009 it was agreed by both governments that in view of the financing issues that both rail companies should concentrate on measures to reconfigure the Enterprise trains to improve their reliability. It was also agreed at that time that identification of the capital and revenue funding to allow an hourly service to be implemented should be an objective both North and South.

I am committed to ensuring that NI Railways continues to review alternative opportunities with Iarnród Éireann to improve services on the Enterprise. Discussions have taken place, for example, about creating new joint North/South mechanisms to review the options available to ensure long term objectives are taken forward.

Cycling

Mrs M Bradley asked the Minister for Regional Development what steps he is taking to remove the barriers faced by people who wish to cycle as an alternative means of transport.

(AQO 1465/10)

Minister for Regional Development: My Department is committed to promoting and facilitating cycling as a healthy and environmentally friendly means of transport. We established an Active Travel Forum in February this year to research and bring forward recommendations for an Active Travel Strategy, which will include consideration of the barriers faced by cyclists and proposals to address them. I have asked for the Forum's recommendations on the Strategy and proposals for demonstration projects by this autumn.

There are several perceived barriers cyclists may face, including a lack of confidence about their ability to navigate sometimes heavily congested roads as well as perceived risk factors in sharing road space with other road users, such as cars and lorries.

My Department, through its Travelwise initiative, promotes the Safer Routes to Schools programme which encourages young people to participate in cycle skills training, before attempting to navigate more congested road space. These skills will transfer into adulthood where young people continue to cycle regularly.

My Department also seeks to make it easier to cycle by providing cycle lanes and other infrastructure improvements such as advanced stop lines which make it easier for cyclists of all ages and abilities to navigate more congested road conditions. There are now over 1300km of National Cycle Network cycle paths throughout the North. My Department's Roads Service has invested £8.85m in the last 10 years in the provision of cycling facilities which fully demonstrates our support for this form of transport.

All of these factors, as well as increases in the number of cyclists, contribute to an increase in confidence in all cyclists and greater levels of awareness by other road users of the needs of cyclists.

Belfast City Airport

Mr P McGlone asked the Minister for Regional Development to outline his Department's policy on the proposed extension of the runway at Belfast City Airport.

(AQO 1466/10)

Minister for Regional Development: George Best Belfast City Airport has an important role as a transport gateway in the economic life of the North. At the same time, I recognise the desirability of maintaining suitable controls on the environmental impacts of the airport, given the large number of people who live in its vicinity.

I believe that a balance needs to be struck between these conflicting environmental and economic factors and the appropriate forum to debate this balance will be the public inquiry which the Environment Minister has commissioned. Ultimately, a decision on the planning application for a runway extension is a matter for the Environment Minister.

Roads: Randalstown to Toome

Mr T Clarke asked the Minister for Regional Development for an update on the Randalstown to Toome by-pass.

(AQO 1467/10)

Minister for Regional Development: My Department's Roads Service has advised that work is continuing on the development of the A6 Randalstown to Toome scheme, with the Direction Order planned to be made later this year.

It is anticipated that construction work will commence on site in the 2011/12 financial year, subject to the availability of funding at that time.

Department for Social Development

Grass Cutting

Mr S Hamilton asked the Minister for Social Development how much the Housing Executive has spent on grass cutting in each of the last five years.

(AQW 7248/10)

Minister for Social Development (Mr A Attwood): The table below details the total Housing Executive spend on grass cutting for each of the last five years.

Year	Total Spend
2004-05	£2,016,700
2005-06	£2,301,800
2006-07	£2,350,100
2007-08	£2,393,900
2008-09	£2,544,100

Figures for 2009/10 are currently being compiled by the Housing Executive.

Pool Cars

Mr S Gardiner asked the Minister for Social Development how many officials in his Department have the use of pool cars.

(AQW 7323/10)

Minister for Social Development: DFP maintains a small central car pool consisting of 4 cars and 4 drivers. There are 115 officials within my Department eligible to use these cars for business purposes, subject to availability.

Alley-gating Scheme

Mr C McDevitt asked the Minister for Social Development if there are any plans to extend funding for the alley-gating scheme in the Belfast area.

(AQW 7350/10)

Minister for Social Development: Between 2005 and 2008 the Department for Social Development and the Community Safety Unit provided funds to Belfast City Council and the Bryson Charitable Group to deliver a pilot alley-gate project.

In further consideration of this matter, it will be necessary to have discussions with the Department of Justice, as the primary Department with responsibility for community safety initiatives. DSD currently is under stress for funds to take the proposal forward.

Alley-gating Scheme

Mr C McDevitt asked the Minister for Social Development if there have been any alley-gating schemes implemented in the Derry area, similar to schemes in the Belfast area; and if so, how much funding was provided for these schemes.

(AQW 7366/10)

Minister for Social Development: The Department for Social Development has not funded alley-gating schemes in the Derry area similar to that piloted in the Belfast.

Damage to Housing Executive Property

Mr G Robinson asked the Minister for Social Development how much his Department has spent repairing deliberate damage to Housing Executive property in the East Londonderry constituency in each of the last three years.

(AQW 7429/10)

Minister for Social Development: The table below details the costs involved in repairing deliberate damage to Housing Executive property in the Limavady and Coleraine District Offices in each of the last three years.

District Office	2007/08	2008/09	2009/10
Coleraine	£21,944.19	£15,813.03	£9,076.02
Limavady	£1,129.53	£5,628.60	£1,228.07

The above figures do not include fire damage costs because these cannot be broken down into deliberate or accidental.

Benefits Paid in Error by the Social Security Agency

Mr J Craig asked the Minister for Social Development (i) how much benefit payment has been paid in error by the Social Security Agency in each of the last three years; (ii) how much of this has been recovered as a result of investigations; and (iii) how much the Department spent in completing these investigations in each of the last three years.

(AQW 7486/10)

Minister for Social Development:

- (i) The Agency estimates the value of incorrect benefit payment arising from fraud, customer error or official error. Errors arise where benefit awards are miscalculated by a member of staff (official error) or because a customer unintentionally fails to notify a reportable change that affects benefit entitlement (customer error). Estimates of the value of error are based on the results of a sample of cases extrapolated across the benefit caseload. Estimates of the value of official and customer error for the last three years available are shown in the table below, together with their value as a percentage of benefit expenditure.

Delivery Year	Value	Percentage of Benefit Expenditure
2006	£63.6m	1.8 %
2007	£61.3m	1.7 %
2008	£51.5m	1.4%

The Agency's activities to prevent, detect and correct error in the caseload resulted in benefit adjustments to the value of £19.8m in 2006, £24.3m in 2007 and £27m in 2008. These amounts do not include benefit recovered or paid out for retrospective periods.

The cost of activity directed at reducing error was £4.2m in 2006, £4.3m in 2007 and £4.4m in 2008. This does not include the cost of additional checking and control activity within normal day to day operations.

Footnote: Definitions

Customer Fraud

A customer deliberately provides false information, or fails to report information, which affects benefit entitlement.

Customer Error

A customer fails to notify changes which affect benefit entitlement but there is no deliberate intention to commit fraud.

Official Error

A staff member miscalculates benefit award by failing to either apply benefit rules correctly or take into account all relevant customer circumstances.

Marginalised Communities in Housing Estates

Mr G Campbell asked the Minister for Social Development what proposals he has to assist people living in 'hard to reach' and marginalised communities in housing estates across Northern Ireland.
(AQW 7511/10)

Minister for Social Development: My Department has a number of initiatives in place. The Neighbourhood Renewal Programme targets 36 neighbourhoods across Northern Ireland. Many of these neighbourhoods are "housing estates". The Areas at Risk Pilot Programme, which has been in operation since 2006 was specifically designed to intervene in areas that fall outside the top 10% most disadvantaged but are "at risk" of descending into instability, crisis and decline. The programme is currently operational in 23 estates across Northern Ireland.

The Community Fund for NI was formerly established at the Organised Crime Taskforce (OCTF) Annual Report and Threat Assessment launch in 2009. Funding was allocated through the Housing Executive under their Shared Neighbourhood Programme which targets 30 estates across Northern Ireland delivering a programme aimed at improving the quality of life, creating safer and more stable neighbourhoods as well as significantly contributing to the shared future agenda.

The Community Support Programme is a unique and collaborative initiative involving my Department, the 26 District Councils in Northern Ireland, local community and voluntary groups and local advice organisations.

The Housing Executive also has a number of initiatives in place, including the Housing Community Network (HCN) [Inter-Community Network (ICN), Black and Minority Ethnic (BME) Forum and Consultative Forum on Equality

In particular, the Community Involvement Strategy 2008-2011 stresses the need to provide specialist support to "Hard to Reach" groups to fully engage with the Housing Executive. A "Village Voice" initiative and Rural Forum have been developed to promote the involvement of rural residents in housing services, along with our work with the Rural Community Network.

The Supporting People programme, will commit just under £64 million through 2010/11 to provide housing support services to around 900 different projects, supporting 23,000 vulnerable people this year. These services provide much needed accommodation and support services for a range of different client groups, including homeless families, single homeless, vulnerable young homeless people and young people leaving care, women escaping domestic violence and older people.

Flats in the Rathgill Estate, Bangor

Mr A Easton asked the Minister for Social Development for an update on the proposed maintenance scheme for the flats in the Rathgill Estate, Bangor.
(AQW 7512/10)

Minister for Social Development: The proposed maintenance scheme for Rathgill was a Multi-Element Improvement scheme. I am still committed to undertaking these much needed improvements but due to the collapse of the land and property market, the significant resources needed to undertake this sort of scheme is simply no longer available. My Department is considering a different approach to the delivery of Multi- Element Improvement schemes in certain circumstances. In the meantime, the Housing Executive is considering different options to address the physical problems at the flats in Rathgill and is of course continuing to carry out a full maintenance programme for residents as the need arises.

Warm Homes Scheme

Mr J Spratt asked the Minister for Social Development to outline the current uptake of the Warm Homes Scheme in the constituencies of (i) East; (ii) West; (iii) North; and (vi) South Belfast.

(AQW 7568/10)

Minister for Social Development: The information requested cannot be provided by parliamentary constituency, the information can be provided for the Belfast area which comprises the four parliamentary constituencies. Since the new Warm Homes Scheme started on 1 July 2009 there have been a total of 1,382 eligible referrals to the scheme in the Belfast area. An eligible referral is an application from someone who appears to be eligible for the scheme based on the information they have provided prior to that information being verified by the Warm Homes Scheme manager. I have asked that scheme managers capture the information by parliamentary constituency in the future.

Kitchen, Boiler and Maintenance Schemes Planned for North Down

Mr A Easton asked the Minister for Social Development to outline the (i) kitchen; (ii) boiler; and (iii) maintenance schemes planned for the North Down area in 2010/11.

(AQW 7610/10)

Minister for Social Development: In relation to kitchens and boiler schemes, the Housing Executive has identified a need in the North Down area in 2010/11 as follows:-

- (i) Kitchen replacement: Fern Grove, Kilcooley and Bloomfield Place – 61 dwellings
- (ii) Heating replacement: Kilcooley Zone 6 – 55 dwellings

The following maintenance schemes have been programmed in the area in 2010/11:-

- (i) External Cyclical Maintenance scheme: Bloomfield - 154 dwellings
- (ii) External Cyclical Maintenance scheme: Newtownards Town - 214 dwellings

All these are dependant on finance being available.

Housing Executive Omagh Office

Mr T Elliott asked the Minister for Social Development to provide the most recent performance figures for programme targets of the Housing Executive Omagh office, compared to those of the Belfast office.

(AQW 7616/10)

Minister for Social Development: It is assumed this question is about the Housing Executive's Design Group Office in Omagh, in light of the member's two other recent Assembly Questions (AQW 7614/10 and AQW 7615/10) about that office. The table below shows the position for the Housing Executive's Omagh and Belfast Design Group Offices for 2009/10:-

Design Group Office	Adaptations delivered	Technical staff
Omagh* (June 2009 – March 2010)	16	7
Belfast** (August 2009 – March 2010)	77	14

* Omagh Design Group established in June 2009

** Belfast Design Group (as it now stands) established in August 2009

Social Housing Development Programme

Mr S Hamilton asked the Minister for Social Development to detail the percentage of the Social Housing Development Programme spend used specifically to address the housing needs of older people, in each of the last ten years.

(AQW 7633/10)

Minister for Social Development: Details about the Housing Association Grant spend within the Social Housing Development Programme specifically for elderly people in each of the last ten years is shown in the table below:-

Year	Elderly: % of HAG Spend
2000/01	11%
2001/02	5%
2002/03	17%
2003/04	12%
2004/05	6%
2005/06	18%
2006/07	19%
2007/08	9%
2008/09	18%
2009/10	12%

Some active elderly applicants on the social housing waiting list will also have been accommodated within general needs housing, which represents the largest proportion of the Social Housing Development Programme.

Gates to Secure Alleyways

Mr M Durkan asked the Minister for Social Development what funding is currently available to provide gates to secure alleyways; and what plans there are for future funding.

(AQW 7676/10)

Minister for Social Development: There is no specific funding allocated for gates to secure alleyways. Where such a need is identified as a priority in Neighbourhood Renewal Action Plans and resources available, funding may be awarded for such measures.

From 2005-2008 the Department for Social Development awarded £280k alongside £240k from the NIO Community Safety Unit to Belfast City Council and Bryson Charitable Group to deliver a pilot project.

As this is a community safety matter discussions with the Department of Justice are appropriate and I shall be doing so.

Broadband Access in Social Housing

Mr S Hamilton asked the Minister for Social Development what studies have been undertaken about developing programmes for the installation of broadband access in social housing.

(AQW 7686/10)

Minister for Social Development: No studies have been carried out regarding the development of programmes for the installation of Broadband in social housing.

Magherafelt and Cookstown District Offices

Mr I McCrea asked the Minister for Social Development how many houses have been allocated to tenants by the (i) Magherafelt; and (ii) Cookstown district offices, in each of the last 12 months.

(AQW 7688/10)

Minister for Social Development: The table below details allocations to social housing applicants within the Housing Executive's Cookstown and Magherafelt District offices in each of the last 12 months:

Month	Cookstown	Magherafelt
April 2009	4	12
May 2009	10	13
June 2009	11	10
July 2009	4	13
August 2009	6	6
September 2009	9	8
October 2009	6	10
November 2009	7	8
December 2009	10	3
January 2010	1	5
February 2010	10	9
March 2010	6	7

The Housing Executive collates this information quarterly and therefore the figures for April and May 2010 are not yet available.

Fuel Poverty

Mr I McCrea asked the Minister for Social Development how many people are currently living in fuel poverty in the (i) Cookstown; and (ii) Magherafelt Council areas.

(AQW 7689/10)

Minister for Social Development: Fuel poverty is affected by three factors: income, fuel prices and energy efficiency. Government has little control over the cost of fuel prices and has limited control over increasing household income. Fuel poverty is an issue that cuts across a number of Government departments and to date improving energy efficiency has been at the heart of Government's Fuel Poverty Strategy in Northern Ireland. According to the Northern Ireland House Condition Survey 2006 the levels of fuel poverty in the council areas are as shown in the table below.

District Council Area	In Fuel Poverty 2006
Cookstown	41.2 %
Magherafelt	34.2 %

Figures for fuel poverty are derived from a model contracted by Building Research Establishment (BRE). The fuel poverty model calculates a fuel poverty ratio for each dwelling surveyed. The calculation has three components: energy prices, fuel consumption and income. The fuel poverty figures will be updated in the new House Condition Survey which will report later in the year.

Flats at West Green, Hollywood

Mr P Weir asked the Minister for Social Development for an update on his Department's plans for the future of the flats at West Green, Hollywood.

(AQW 7753/10)

Minister for Social Development: I plan to make an announcement on the future of the flats at West Green shortly.

Monkstown Community Association, Resource Group and Forum

Mr A Ross asked the Minister for Social Development to detail the level of funding that his Department has provided to the Monkstown Community Association, Resource Group and Forum in each of the last three years.

(AQW 7796/10)

Minister for Social Development: Between April 2007 and March 2010, the Department for Social Development provided funding as detailed in the tables below for Monkstown Community Association, Monkstown Resource Group and Monkstown Forum:

MONKSTOWN COMMUNITY ASSOCIATION

Programme	2007/08 award	2008/09 award	2009/10 award
Local Community Fund	4989.95	0.00	0.00
VBI Small Grants	0.00	0.00	1100.00

MONKSTOWN COMMUNITY RESOURCE GROUP

Programme	2007/08	2008/09	2009/10
Modernisation Fund Revenue	78924.00	0.00	0.00

MONKSTOWN COMMUNITY FORUM

Programme	2007/08	2008/09	2009/10
Local Community Fund	7000.00	9780.00	0.00

Village Renewal Area of South Belfast

Ms A Lo asked the Minister for Social Development, pursuant to AQW 6216/10, whether the grant aided work outlined was taken into consideration when valuing the homes which were bought under advanced purchase, or will it be considered when these homes are vested.

(AQW 7831/10)

Minister for Social Development: All valuations used to acquire properties either as an advance purchase or once the vesting order is operative, are carried out independently by Land and Property Services in DFP. That valuation is based on a market valuation of the home in question and reflects the condition of the property at that time.

Winter Fuel Payment

Mr P Weir asked the Minister for Social Development how many people in each constituency have been in receipt of the winter fuel payment in each of the last three years.

(AQW 7836/10)

Minister for Social Development: The information requested is set out in the table below. Comparative information in the form requested for 2009/10 will not be available until August 2010.

Parliamentary Constituency	2006/07	2007/08	2008/09
Belfast East	17,040	16,963	16,922
Belfast North	15,799	15,862	15,815
Belfast South	15,234	15,375	15,432
Belfast West	12,396	12,535	12,642
East Antrim	15,942	16,380	16,770
East Londonderry	15,187	15,605	16,068
Fermanagh And South Tyrone	15,119	15,590	16,172
Foyle	13,975	14,399	14,790
Lagan Valley	18,964	19,536	20,038
Mid Ulster	13,039	13,432	13,735
Newry And Armagh	16,270	16,795	17,233
North Antrim	20,033	20,622	21,109
North Down	19,078	19,693	20,206
South Antrim	17,309	17,876	18,332
South Down	17,556	18,120	18,744
Strangford	18,940	19,537	20,206
Upper Bann	17,580	18,158	18,550
West Tyrone	13,164	13,533	13,891
Unallocated Recipients*	642	604	568
Total	293,267	300,615	307,223

* claimants are allocated to a constituency by postcode. In some cases this is not possible, for example, a postcode may be missing, incomplete or incorrectly recorded.

Jobseeker's Allowance

Ms A Lo asked the Minister for Social Development what steps his Department is taking to ensure that people who are registered as self-employed and find themselves out of work are entitled to receive Jobseeker's Allowance, given the current system, in which Class 2 National Insurance Contributions do not count in an assessment for contribution-based Jobseeker's Allowance, penalises people who are self-employed.

(AQW 7851/10)

Minister for Social Development: Jobseeker's Allowance has a contribution-based and an income-based element. Contribution-based Jobseeker's Allowance is intended to help people who have paid enough Class 1 National Insurance Contributions and experience short spells of unemployment between jobs. Class 2 is a flat rate contribution paid by self-employed people. The rate for a Class 1 contribution is higher than the Class 2 flat rate contribution.

Those unemployed people, including the self employed, who do not qualify for contribution-based Jobseeker's Allowance and are in financial need will be eligible to claim income-based Jobseeker's

Allowance but any other income a person may have will normally be taken into account when calculating the amount payable.

Income Support is also available for people who are not required to be available for work and whose resources are insufficient to meet their day-to-day living expenses.

For those not entitled to social security benefits, other financial assistance may be available from the Social Security Agency under the Social Fund scheme through the award of an interest free payable Crisis Loan. The award of such a loan is dependent on the individual's circumstances and the nature, extent and urgency of the need.

Vandalism of Public Art

Mr T Burns asked the Minister for Social Development to detail (i) the total number of recorded incidents of vandalism of public art, owned fully, or in part, or paid for, by his Department in each of the last five years; and (ii) the total cost of repairing the damage caused.

(AQW 7857/10)

Minister for Social Development: My Department does not maintain records of repairing damage specifically to public art. Any such repairs or other maintenance, for example the removal of graffiti, would be undertaken as part of the overall cost of cleaning up an area. Repairs to individual pieces of art are not detailed separately on work orders and therefore are not individually costed.

Welfare Reform

Mr L Cree asked the Minister for Social Development what discussions he has had with the Secretary of State for Work and Pensions regarding welfare reform.

(AQO 1472/10)

Minister for Social Development: I have written to the Secretary of State for Work and Pensions to make clear my view that the particular social and economic conditions in Northern Ireland merit special consideration. Parts of Northern Ireland continue to suffer high levels of poverty and deprivation and I consider it crucial that, when looking at any changes to the social security or welfare systems, we protect those who are in greatest need.

I share the Secretary of State's aim of improving the quality of life for those who are worst off in society and I look forward to meeting him to discuss in more detail the measures he proposes to achieve this.

I do welcome – and I am sure Members across the House will join me in this – the Government's commitment to uprate the basic State Pension in line with the increase in earnings, prices or 2.5 per cent, whichever is the highest.

Housing Budget 2010-11

Ms C Ní Chuilín asked the Minister for Social Development if all aspects of housing will be fully funded in this financial year including Egan contracts, heating replacement and home repairs.

(AQO 1473/10)

Minister for Social Development: I must say I am somewhat surprised at the question the Member asks. I suspect there is not one Minister in the Executive who has a budget to fully fund all their programmes. My own budget has been perhaps harder hit than others thanks to the collapse of the land and property market given that, unlike their budgets, mine is heavily dependent on receipts from land and property sales.

The shortfall will have an impact on all housing programmes but I have taken the decision to ensure the funding is protected for the most vulnerable and help those in greatest need. I have made £160 million available this year to deliver 2,000 new homes for those in housing stress; £63.9 million is available for Supporting People to help people live independently in the community; and £28.5 million is available this year to tackle fuel poverty through a range of programmes in the public and private sectors.

In order to tackle unfitness across a number of inner city areas such as the Village, Upper Long Streets, Queen Victoria Gardens, Parkside and The Glen, almost £23 million has been allocated to fund commitments in those areas.

The Housing Executive's revenue maintenance budget has been sustained at previous levels and in fact this year has increased to £138 million. In relation to the five Egan contracts for planned maintenance, the Housing Executive plans to release schemes in tranches throughout the year with an estimated in-year spend of £30m.

I have submitted bids to the June Monitoring Round to increase my budget taking into account what can actually be delivered this year, so I can do more to the programmes such as those the Member proposes and I am sure with her Party's support my bid could be successful.

Social Security

Mr A Ross asked the Minister for Social Development what consideration he has given to the impact that the UK Government's proposed changes to the social security system will have on Northern Ireland. **(AQO 1474/10)**

Minister for Social Development: I have written to the Secretary of State for Work and Pensions to make clear my view that the particular social and economic conditions in Northern Ireland merit special consideration. Parts of Northern Ireland continue to suffer high levels of poverty and deprivation and I consider it crucial that, when looking at any changes to the social security or welfare systems, we protect those who are in greatest need.

I share the Secretary of State's aim of improving the quality of life for those who are worst off in society and I look forward to meeting him to discuss in more detail the measures he proposes to achieve this.

I do welcome – and I am sure Members across the House will join me in this – the Government's commitment to uprate the basic State Pension in line with the increase in earnings, prices or 2.5 per cent, whichever is the highest.

Fuel Poverty: Renewable Energy

Mr D Kinahan asked the Minister for Social Development what discussions he has had with the Minister of Enterprise, Trade and Investment in relation to reducing fuel poverty by utilising renewable energy sources. **(AQO 1475/10)**

Minister for Social Development: Fuel poverty is affected by three factors: incomes, energy prices and energy efficiency. It is an issue that cuts across a number of government departments and to date, improving energy efficiency has been at the heart of Government's Fuel Poverty Strategy in Northern Ireland.

Since taking office I have not had any discussions with the Minister for Enterprise, Trade and Investment in relation to reducing fuel poverty by utilising renewable energy sources. However, my officials have been working closely with colleagues in the Department of Enterprise, Trade and Investment through the Inter Departmental Group on Fuel Poverty and the Sustainable Energy Inter Departmental Working Group. Also as part of the review of the Fuel Poverty Strategy, my officials met with colleagues in Department of Enterprise, Trade and Investment and I believe it is crucial that departments continue to work together to tackle fuel poverty.

Social Housing: East Antrim

Mr K Robinson asked the Minister for Social Development how many new build social housing units are planned for East Antrim in the 2010/11 financial year. **(AQO 1476/10)**

Minister for Social Development: I literally intend to build upon my predecessor's legacy by delivering more new homes this year than at any time in the last decade. I have ring fenced £160 million to deliver 2000 new homes this year and the Member will be glad to hear that East Antrim will benefit from that increased provision with 45 new homes already identified in this year's Development Programme.

The Member will also be aware that the Social Housing Development Programme is just one way of meeting housing need in any given location. The re-letting of existing homes also helps alleviate housing stress. In the East Antrim constituency last year alone, almost 800 properties were re-let, providing homes for 800 applicants who would otherwise have remained on the waiting list. [DN this figure is being checked to ensure it is those coming off the list and if there were transfers from existing tenants] Our strategy for the Private Rented Sector Building Solid Foundations will also offer further help and support to those who choose that sector as their tenure of choice.

Budget Cutbacks

Mr T Burns asked the Minister for Social Development how he intends to find savings in his Department's mainstream programme expenditure, given the cutbacks facing his budget in 2010/11 and 2011/12.

(AQO 1477/10)

Minister for Social Development: As part of the £393m efficiency savings required of all Northern Ireland Departments in 2010-11, my Department has already had to find savings of over £30m in budget allocations this year. The savings have been made across a wide range of programmes including reductions in general administrative expenditure such as overtime and travel & subsistence costs in all business areas; all of which is in the context of my Department having to find over £12m a year to cover the ongoing costs of the Equal Pay settlement. In applying these savings my primary aim has been and continues to be, the protection of key frontline services to those most disadvantaged in our society and communities, but there is only so far you can go before service delivery is affected.

Against this backdrop, the new Government has announced that Northern Ireland will have to find further savings of £128m per annum as part of the plan to cut public expenditure throughout the UK by £6.1 billion to tackle the huge financial deficit. There are no details yet as to how much of this will be resource savings and how much will be capital; and the NI Executive has yet to decide on whether to make some or all of the savings this year or defer some until next year.

As for 2011-12, the Block Grant funding for Northern Ireland for this and the following 2 years will be determined as part of the Spending Review 2010 exercise.

Social Housing: Carrickfergus

Mr D Hilditch asked the Minister for Social Development how many social housing units were completed in Carrickfergus in the 2009/10 financial year.

(AQO 1478/10)

Minister for Social Development: Thanks to the work of my predecessor who made the increased provision of housing her first and foremost priority, last year we started more new homes than anytime before in the last decade.

Carrickfergus has already started to see the benefits of that increased provision through two schemes the Member may already be aware of.

Last year Oaklee Housing Association (now called Oaklee Homes) completed an 18 unit scheme for people with learning difficulties at Ellis Street, Carrickfergus. That same year, Fold Housing commenced work on a 12 unit general needs development at Edenvale Avenue which is due to complete in the Autumn of this year.

Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985

Dr S Farry asked the Minister for Social Development for an update on his Department's proposals to amend the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.

(AQO 1479/10)

Minister for Social Development: A paper, containing a proposal to amend the law to permit Sunday opening of bookmaking offices and bingo halls, was submitted to the Executive for consideration almost 2 years ago. If implemented, the proposal would create the equivalent of 160 much needed full-time jobs and help eliminate illegal betting alleged to be taking place on Sundays.

The case for a change in the law has been well made. However, as there is little prospect of the Executive coming to an agreed view on the issue soon, I have, with considerable reluctance decided to withdraw the relevant paper. The issue will be taken forward under the review of gambling policy, practice and law announced by Margaret Richie last Autumn.

Ballymoney Town Centre

Mr M Storey asked the Minister for Social Development what steps his Department is taking to support and enhance businesses in Ballymoney town centre.

(AQO 1480/10)

Minister for Social Development: Over the past number of years my Department has worked with Ballymoney Borough Council and the private sector to support and enhance businesses in Ballymoney town centre. Last year, my Department invested £372,000 in a public realm scheme in Main Street and between 2005 and 2008, over £60,000 was provided towards the costs of the "Experience Ballymoney" project to promote and market the town centre.

My Department also designated Ballymoney as one of five towns to benefit from a pilot Urban Development Grant scheme for towns outside Belfast and Londonderry. One scheme on Main Street is currently being supported with a grant of up to £140,725.

More recently my Department has commenced a process to appoint consultants to carry out a retail capacity study for a number of town centres located in the Northern Area, including Ballymoney, to assist the Department in identifying potential retail and leisure opportunities in the future for businesses in the town centre. This information will form a crucial component of the evidence base to support a development strategy for the town.

Northern Ireland Assembly Commission

Security Staff

Mr P Weir asked the Assembly Commission why an internal trawl was not carried out before the Assembly recently recruited for security staff.

(AQW 7576/10)

The Representative of the Assembly Commission (Mr P Ramsey): There are currently three recruitment competitions ongoing for security staff – Assembly Security Officer; Senior Assembly Security Officer; and Principal Assembly Security Officer.

Assembly Security Officer

As Assembly Security Officers are graded at the entry level to the Assembly Secretariat (Assembly Grade 9), an internal trawl, which affords a promotion opportunity to existing qualified staff at a lower level, would not have been appropriate.

Senior and Principal Assembly Security Officers

As the internal feeder pool for competitions at the Senior and Principal Security Officer levels is imbalanced, it was appropriate to use external recruitment.

Security Staff

Mr P Weir asked the Assembly Commission why a Security Industry Authority licence was not a condition of employment when the Assembly recently recruited security staff

(AQW 7577/10)

The Representative of the Assembly Commission (Mr P Ramsey): There are currently three recruitment competitions ongoing for security staff – Assembly Security Officer; Senior Assembly Security Officer; and Principal Assembly Security Officer. All three Job Specifications contained the following paragraph:-

Security Industry Authority Accreditation

5.2 *Applicants who do not hold this licence should obtain it at the earliest opportunity following taking up a post. The cost of necessary training will be funded by the Northern Ireland Assembly.*

The Northern Ireland Assembly Commission will provide training to all security staff which will enable them to gain accreditation.

Whilst there is no actual requirement in law for Assembly Security staff to obtain an SIA licence, it was concluded at the outset of the recruitment competition that Security staff should undergo the relevant training that would lead to the attainment of an SIA licence, as a matter of good practice.

Flying of Flags on Parliament Buildings

Mr P Butler asked the Assembly Commission to outline the procedures followed in relation to the flying of flags on Parliament Buildings on designated days of the year.

(AQW 7728/10)

The Representative of the Assembly Commission (Mr S Neeson): The Flags Regulations (NI) 2000, as amended by the Flags Regulation (NI) (Amendment) 2002, specify arrangements for the flying of the Union flag from government buildings in Northern Ireland and the Commission follows these Regulations.

The Office of the First Minister and deputy First Minister issue a list of designated days each year, generally 15 in total.

For example on Commonwealth Day (08 Mar 10) the regulations permit the flying of the Commonwealth flag alongside the Union flag on a building with two poles.

On Europe day (09 May 10) the regulations permit the flying of the European Flag alongside the Union Flag.

The flags are raised at 8.00am on the designated day and lowered at 8.00pm. A decision is made each morning prior to raising the flags, as to which of the two sizes of flags to use, i.e. the full size flag (dimensions: 12 ft x 6 ft) or the 'storm' flag (dimension: 7 ½ ft x 3 ¾ ft). The decision is subjective and is based on the weather conditions at the time and what is forecast for the remainder of the day. The decision must also reflect health & safety concerns i.e. the possibility that the full standard may with strong winds and wet weather could break the flagpole and fall to the ground and injure a passer by.

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.

Revised Written Answers

Culture, Arts and Leisure

Agencies and Bodies Funded by the Department

In Bound Volume 52, page WA214, replace the answer to the question (AQW 7147/10) asked by Mr Craig with:

All of the agencies and bodies directly funded by the Department during the last 5 years are listed below.

The audited financial statements of these organisations were used to extract details of running costs. No information is available for the 2009/10 year because audits have not been completed. Except where stated, running costs refer to the year ended 31 March.

In some cases audited financial statements are not yet available for previous years. Where possible, draft figures have been used.

The financial statements of the N/S Language Body for 2006 are currently with the Comptroller and Auditor General (CAG) in Dublin and should be available in the near future. Work will not begin on consolidating the results of the constituent agencies (Ulster Scots Agency and Foras na Gaeilge) for 2007, 2008 and 2009 until these earlier accounts have been finalised.

PRONI was an agency until 2006/07 when it was absorbed into the Department. Ordnance Survey NI was an agency of the Department until 2008/09 when it transferred to Land and Property Services (LPS), an agency of DFP. The Fisheries Conservancy Board was dissolved on 31 May 2009; its functions were then transferred into the Department. The Department also provided modest funding in the past to the Ulster Historical Foundation. This ceased after the 2006/07 year. The figures provided in the table relate only to grant paid to the body. No further information is available at this time.

The phrase “running costs” has been interpreted to mean total spend in a given year, reported on an accruals basis.

The Department provides funding for only the library element of the Education and Library Boards running costs.

SPEND DETAILS

	2008/09 £	2007/08 £	2006/07 £	2005/06 £	2004/05 £
Armagh Observatory & Planetarium	1,195,977	1,183,210	1,063,597	1,018,138	1,176,860
Arts Council NI	20,502,641	19,860,233	12,000,906	13,243,986	12,143,116
Education and Library Boards - Western Board	348,822,000	345,011,000	315,114,000	318,395,000	303,549,000
Southern Board	363,961,000	353,838,000	322,451,000	316,448,000	294,093,000
South Eastern Board	305,765,000	315,438,000	272,092,000	281,455,000	255,998,000

	2008/09 £	2007/08 £	2006/07 £	2005/06 £	2004/05 £
North Eastern Board	343,118,000	333,194,000	312,486,000	307,714,000	285,396,000
Belfast Board	305,401,000	257,496,000	235,958,000	244,401,000	230,342,000
National Museums NI ***	16,172,537	14,280,037	15,124,752	15,310,215	15,802,067
NI Screen	9,709,589	10,048,221	10,470,707	8,458,222	3,282,205
NI Museums Council	437,879	414,040	391,869	548,167	356,587
Sport NI	** 24,785,826	** 17,606,226	** 12,913,518	9,093,300	7,493,375
Waterways Ireland*	** 34,711,000	30,788,840	24,342,320	21,988,355	19,938,941
North/South Language Body*	not finalised	not Finalised	not finalised	not finalised	15,315,611
Centre For Migration Studies	140,647	135,866	132,768	128,982	139,468
Somme Heritage	185,673	185,216	165,031	135,175	121,902
Library Information Services Council	84,145	88,335	82,799	67,959	66,929
Cardinal O’Fiaich Memorial Library and Archive (COFLA)	126,601	83,933	136,710	57,342	53,645
Linenhall Library*	** 1,134,930	1,407,330	1,189,949	1,217,691	1,221,762
Public Record Office NI	n/a	n/a	n/a	4,456,756	3,868,119
Ordnance Survey NI	n/a	9,062,000	8,867,000	8,867,244	7,877,000
Northern Ireland Events Company	** 166,484	2,250,594	3,138,458	3,923,638	1,920,603
Fisheries Conservancy Board*	n/a	** 893,535	** 941,138	1,108,164	1,194,234
Ulster Historical Foundation	Nil	Nil	38,000	38,000	38,000

Notes

* Values are for calendar Year

** Based on unaudited Financial Statements

*** Includes the costs of W5 which is a subsidiary of NMNI

Environment

Planning Service Staff

In Bound Volume 53, page WA20, replace the answer to the question (AQW 7351/10) asked by Mr McKay with:

The Department currently faces in year pressures of circa £16 million a large proportion of which, circa £6.4million, relates to a projected shortfall in planning receipts. This scale of financial pressure within one year is unprecedented in this Department or any other NI Department and follows a difficult position last year when we had to absorb financial pressures of circa £9 million.

The shortfall in planning receipts arises as a result of a 45% reduction in planning applications received since a high of 36,593 in 2004-05. I estimate that only 20,000 planning applications will be received in 2010-11 much the same as in 2008-09 and 2009-10. However, the actual “live caseload” in the system for 2009-10 is circa 11,000 planning applications, down considerably from 18,479 in 2007-08. Whereas planning application numbers have been declining, staffing resources have remained static and costs have actually risen.

A contingency report has now been prepared and published on how Planning Service can live within its opening budget allocation. This identified 271 posts considered surplus in terms of affordability. In light of the reduced volume of planning applications and associated income, redeployment of Planning Service staff is now necessary to align staffing levels and costs more closely to work demands and revenue. The Planning Service will reorganise to live within its budget and reprioritise resources to ensure key services to customers can be maintained and impact from the reduction in staff is minimised.

I have also initiated a review of the Agency’s funding, fees and structures together with a strategic review of its future priorities in light of the funds available. Together these reviews will provide a strategic focus for Planning Service together with a basis for more stable funding going forward and also to ensure that future structures reflect available resources.

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